



Children's Services

Safer Recruitment in Schools Policy



This policy is not intended for use by non-maintained schools. If extracts are used they should be attributed.



Foundation and Voluntary Aided Schools can adapt and adopt this policy or use an alternative.



This policy is for use by Community and Voluntary Controlled schools. Governing Bodies are asked to adopt this policy. Should a Governing Body wish to adopt an alternative policy please ensure that a copy is supplied providing assurance that it is legally compliant.

<https://www.milton-keynes.gov.uk/schools-and-lifelong-learning>

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Contents

Section	Title	Page
1.0	Introduction	3
2.0	Recruitment Process Overview	3
3.0	Role Profiles for Staff and Volunteers	4
4.0	Advertising	5
5.0	Candidate Information Packs	6
6.0	Application Form	7
7.0	Scrutinising and Shortlisting	9
8.0	References	10
9.0	Interview and Selection	12
10.0	Pre-Employment and Safeguarding Checks	19
11.0	Induction/Prohibition Check for Teachers	22
12.0	Disclosure and Barring Checks	24
13.0	Appropriate Checks by Role	30
14.0	Single Central Record (SCR)	36
15.0	Induction, Probation and Code of Conduct	38
16.0	Data Protection	40

1.0 Introduction

- 1.1 This Toolkit had been developed using the Department for Education “Keeping Children Safe In Education - Statutory Guidance For Schools And Colleges” which replaced “Safeguarding Children and Safer Recruitment in Education” guidance issued in 2007 and the DfE Statutory guidance: Regulated Activity (Children) – supervision of activity with children which is regulated activity when unsupervised.
- 1.2 Whilst this Toolkit focuses on safer recruitment, following the procedures demonstrated will also ensure recruitment processes are fair and meet equality and employment law requirements.
- 1.3 Further guidance should be sought from the school’s HR Provider on any aspect of the recruitment and selection and clearance process around which any uncertainty, difficulty or concern arises.

2.0 Recruitment Process Overview

- 2.1 For successful recruitment, it is important to plan the whole process from the outset. This will ensure that sufficient time is allowed between each stage so that applicants are given essential and focussed information about the school and the post they are applying for. This is to deter unsuitable people from applying for the role. It is essential to identify the people that will be involved in the recruitment process and what their responsibilities will be. Additionally, timescales will need to be planned to ensure that there is sufficient time to obtain references, give applicants enough time to prepare for the interview and carry out other pre-employment checks before the successful applicant starts with the organisation.

The time and planning spent at this stage can reduce the risk of making an unsuitable appointment.

- 2.2 The recruitment process should consist of:

- Reviewing role profiles and ensuring that they are up to date and that they make reference to the responsibility for safeguarding and promoting the welfare of children
- Ensuring that the person specification includes specific reference to suitability to work with children
- Advertising the vacancy in the appropriate media
- Using application forms to obtain and scrutinise comprehensive information about applicants
- Shortlisting against essential criteria for the role to ensure the best applicants are interviewed
- Ensuring references are obtained that help assess applicants suitability for the post through specific focussed questions
- Conducting face to face interviews that ask appropriately robust questions that ensure their suitability to work with children
- Verification of applicant’s identity
- Verification of qualifications and skills
- Verification of an applicant’s previous employment history and experience.
- Verification of the employees Right to Work in the UK
- Completion of an online search for shortlisted candidates
- Completion of appropriate mandatory employment checks via the Disclosure and Barring Service (DBS)

What is a DBS check? - The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

DBS are responsible for:

- *Processing for criminal records checks (DBS checks)*
 - *Deciding whether it is appropriate for a person to be placed on or removed from a barred list and adults' barred list for England, Wales and Northern Ireland*
-
- Verification that the applicant has the health and capacity to carry out the role by completion of the Occupational Health requirements for all appointed candidates.
 - Induction programmes that ensure a “safeguarding children” culture is adopted and embedded into continuing practice
 - Probationary Period [link to policy and toolkit](#)
 - Teachers Induction ([Induction for Newly Qualified Teachers](#))
 - For teachers – prohibition orders

***What is a Prohibition Order?** - A prohibition order means that the individual concerned is not allowed to undertake unsupervised teaching work in schools, or other set-ups defined under the regulations. Once an individual is prohibited, their details will appear on a Prohibited List, which is administered by the National College for Teaching & Leadership (NCTL) and can be accessed by current and future employers, free of charge.*

3.0 **Role Profiles for Staff and Volunteers**

- 3.1 The role profile for the post should give a clear description of the main purpose or function of the role/volunteer role
- 3.2 For teaching staff, the role profile will need to be built around the duties and responsibilities defined in the School Teachers' Pay and Conditions Document (STPCD). Generic profiles can be drawn up with specialist areas of responsibility defined as a supplement to the main role profile e.g. Curriculum Leader, Year Leader, SENCO etc.
- 3.3 For support staff, schools should use evaluated model role profiles, where available, to adapt as necessary to reflect local needs when duties have changed significantly.
- 3.4 New roles or roles which do not match an already evaluated role should be submitted to the Job Evaluation Team to be evaluated using the job evaluation scheme, this will ensure that the correct grade is allocated to match the responsibilities and duties of the role, therefore, ensuring against equal pay claims.
- 3.5 All role profiles, where the post holder is in contact with children, should detail the individual's responsibility for promoting and safeguarding the welfare of children and young persons and should include the following statement:
- 3.6 **“Milton Keynes City Council (MKCC) is committed to safeguarding and promoting the welfare of children and vulnerable adults. All employees are expected to share this commitment, to follow the Council's safeguarding policies and procedures**

and to behave appropriately towards children and vulnerable adults at all times, both in work and in their personal lives.”

- 3.7 The person specification should detail the qualifications, skills and experience along with any other requirements to undertake the role. This should be based on information within the role profile and the conditions applying to the post.
- 3.8 The person specification is crucial in that it will help shape how the recruitment process is conducted. It is essential to separate these features into essential and desirable categories.
- 3.9 Time spent on the production of a full, carefully prepared and objective person specification will invariably avoid later difficulties in interpreting and applying vague and unclear requirements.
- 3.10 The role profile is the document against which the competence of the applicants is measured. It is, therefore, vital that these documents are accurate and reflect the required competencies, skills and experience that are needed for the role.
- 3.11 If the recruitment decision is challenged it will prove difficult to defend such a challenge without an accurate and comprehensive person specification.

Appendix 1 - Role Profile Template

4.0 Advertising

- 4.1 All vacancies should be advertised to ensure equality of opportunity and a safeguarding commitment. All adverts should include the statement **“This Post is Subject to Safer Recruitment”** and, **“Where Relevant, an Enhanced DBS with Barring Check is required for this Post”**. This may be an internal only advertisement, external of the MKC website or in other media. When the need arises to advertise a post, it is recommended that the following information is included in an advert:
- Role Title, detailing key stage or subject specialism if appropriate
 - Hours per week
 - Salary (clarifying whether actual or FTE) including any additional allowances payable
 - Whether the role is fixed term or permanent (specify duration if fixed term)
 - Whether the post is term time, term time + x weeks, or all year round
 - Likely start date for position
 - Brief description of the school/ department/team
 - Brief description of role
 - Any experience, qualities or qualifications required for the role
 - Interview dates (if known)
 - Closing date for advert
 - Who to contact for an informal discussion/school visit/ more details about the post
 - School website address
 - Full school address including postcode and telephone number
 - Safeguarding statement
- 4.2 Information will not need to be included that is already contained in the role profile and person specification however; the advert content should be consistent with

these documents.

- 4.3 The school must explicitly state its commitment to safeguarding children. The following safeguarding statement (or similar) should be included in all adverts and correspondence to applicants:

***“MKCC is committed to making sure that everyone living in Milton Keynes is safe and protected and that our specific statutory responsibilities to safeguard children and vulnerable adults are effectively met.*”**

- 4.4 Safeguarding children and adults from abuse is everybody’s business. We all share a responsibility, both corporately and individually, to ensure that every person in society is treated with dignity and respect and protected from others who may abuse them. All school employees, elected members and contractors who come into contact with children or vulnerable adults in the course of their work have a duty of care to safeguard and promote their welfare and to work to prevent, detect and report neglect and abuse.”

Appendix 2 - Example Advertisement

Candidate Information Packs

The Candidate Information pack/advert should include:

5.0

5.1

- Application form
- A detailed role profile
- Details about grade and type of post e.g. Is it fixed term, part time etc.
- Details of key terms and conditions of employment e.g. term time only, holiday entitlement
- Information about the recruitment and selection process i.e. interview dates or details of observations, interview tasks etc.
- Safeguarding statement
- Equal opportunities statement – see below
- Positive about people with a disability – see below
- Details about what employment checks will be required

- 5.2 Separate advice is available for Headteacher recruitment

5.3 MKCC – “Equal Opportunities” Statement

- 5.4 “MKCC is an equal opportunities employer. The aim of the Equalities Policy is to ensure that no job applicant or employee receives less favourable treatment on the grounds of race, colour, nationality, gender, sexual orientation, marital status, age, religion or any disability nor is disadvantaged by conditions or requirements which cannot be shown to be justifiable.”

5.5 MKCC - “Positive about People with a Disability” Statement

5.6 “We have made a commitment to improve employment opportunities for people with disabilities and have adopted the Employment Service’s two-tick system symbol – ‘Positive about Disabled People’. This includes an undertaking to interview all applicants with a disability who meet the essential shortlisting criteria for a job vacancy and consider them on their abilities”.

5.7 **Pre–Employment Health Check Statement**

5.8 Interviewees may be asked about their physical ability to perform the role during interview. As a condition of the offer of employment, the successful applicant will be asked to complete an Occupational Health questionnaire from which the school’s Occupational Health Advisor will assess their medical suitability to carry out the role. The successful applicant may be required to attend a medical examination.

5.9 Point to note, the position will not be confirmed until the time where health clearance is received, irrespective of whether the person has actually commenced working.

5.10 **References**

5.11 On the application form the applicant will be asked to provide names and addresses of two people who will provide a reference. At least one should be from the applicant’s current/most recent employer. If they are not currently working with children, but have done so in the past, it is important that a reference is obtained from the employer by whom they were most recently employed working with children.

5.12 Employment references **will not** be accepted from relatives or people writing solely in the capacity of friends. However, in the absence of employment/professional references, the applicant’s referees may include someone that they know with standing in the community i.e. a teacher, vicar etc.

5.13 References will be taken up for all shortlisted candidates and wherever possible these will be applied for prior to interview. All references should be related to working with children, and, if possible, should be for a minimum of 5 year. If the candidate has not worked with children in their current or previous employment, references should go back to a time when they last worked with a child.

5.14 Please note, where a follow up discussion is required following receipt of a written reference, the details of this conversation should be documented and retained. The applicant is able to request a copy of this information and, where appropriate, challenge for accuracy.

Appendix 3 – Reference Request

5.15 **Right to Work in the UK**

5.16 Applicants must be entitled to work in the UK before they can start work in the school. If the Appointing Manager has any doubts on their ability to work in the UK, they should access the following website: <https://www.gov.uk/browse/visas-immigration>

6.0 **Application Form**

6.1 All applicants must complete a standard school application form. It is not acceptable practice to accept a CV produced by a potential employee. By using these forms, schools will ensure all necessary information is gathered and that they adhere to the

DfE Statutory guidance for schools: 'Keeping Children Safe in Education'.

- 6.2 A completed application form provides schools with the information that is required in order to shortlist a person for interview and acts as an applicant's signed and dated declaration of the qualifications, skills and experience that they possess. Where candidates complete electronically online they should be asked to sign a printed copy of their application at interview.
- 6.3 Where an applicant can download an application form to complete, the school should ensure no sections or questions have been deleted. For this reason it is recommended that hard copy applications are encouraged or to only make a PDF version available to download, although a Word version is more desirable to applicants as they can complete it electronically, it is much easier to delete sections or questions.
- 6.4 The use of the correct application form also ensures that applicants declare any criminal convictions as it includes the following paragraph:
- 6.5 "Do you have any convictions, cautions, reprimands or final warnings that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2014)".
- 6.6 Although word of mouth recommendations and speculative enquiries about vacancies are useful tools in recruitment, applicants making speculative contact should be asked to apply for a specific post and complete the relevant school application form.
- 6.7 Requiring candidates to complete an application form ensures a common set of core data is gathered from all applicants and will make certain that all the necessary information recommended by the DFE is collected. It is also easy to judge against the person specification. MKC Application Forms include the following information:
- Contact details including name, address, date of birth, telephone number and email address
 - Previous work experience including dates of employment
 - Academic and Vocational qualifications, including Awarding Body and date of study
 - Referee details and a declaration that the employer can contact any referee when the post involves working with children
 - Supplementary information (to include how the person specification is met)
 - An explanation that the post is exempt from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2014)" and, therefore, all non-protected cautions, convictions and bind-over's.
 - For Teachers, the application will include Teacher reference number, QTS Status, Date of Birth, Induction and Prohibition
- 6.8 The application form will also include the following statements which contribute to safer recruitment:
- Please detail full employment history in chronological order since leaving secondary education
 - Please include periods of any post-secondary education/training, part time and voluntary work as well as full time employment, with start and end dates
 - Please provide explanations for periods not in employment or education/training

- and reasons for leaving employment
- If you are not currently working with children/young people but have done so in the past, it is important that a reference is obtained from the employer by whom you were most recently employed working with children/young people. Please provide contact details
- Employment references will not be accepted from relatives or people writing solely in the capacity of friends

7.0 Scrutinising and Shortlisting

- 7.1 All applications should be carefully scrutinised to ensure they are fully and properly completed.
- 7.2 All applicants should be assessed equally against the criteria in the person specification without exception or variation. This should be recorded on a short listing matrix.
- 7.3 Any anomalies, discrepancies or gaps in employment should be accounted for and clarified at interview. Repeated and regular changes in employment should also be noted and reasons explored at interview. Unusual leaving dates for teachers should be investigated.

Note: - For the purpose of resignations and notice periods, the dates of the three school terms are:

- Autumn term – from 1 September – 31 December inclusive
- Spring term – from 1 January – 30 April inclusive
- Summer term – from 1 May – 31 August inclusive

Therefore, teachers wishing to leave their jobs must observe the following deadlines when giving notice:

- to leave at 31 December, give notice by no later than 31 October
- to leave at 30 April, give notice by no later than 28 February
- to leave at 31 August, give notice by no later than 31 May

Appendix 4 – Example Shortlisting Grid

- 7.4 The panel should **not** have access to equal opportunities monitoring data whilst shortlisting. This protects the school should an individual raise a claim of discrimination.
- 7.5 A minimum of two people should carry out the short listing process, one of which should have completed appropriate safer recruitment training.
- 7.6 Interview candidates who meet the essential criteria for the post should normally only be interviewed. If there are a large number of applications, it is recommended that scores are based on desirable as well as essential criteria, to ensure that the best applicants are selected for interview.
- 7.7 Where a candidate is known, scores should be based on the information provided on the application form only.
- 7.8 If applicants have declared a disability on their application form, it is Milton Keynes

Council policy to offer an interview, provided they meet the essential requirements as detailed on the person specification.

- 7.9 Shortlisting information/grids should be retained for 6 months by the school, as they provide evidence should any applicant raise an issue about the fairness of the recruitment process

8.0 References

- 8.1 Written references should be sought for all shortlisted applicants, including internal applicants, prior to interview (where their consent has been given), so that any issues of concern they raise including past capability/disciplinary action, allegations or discrepancies, can be explored further with the referee, and taken up with the candidate at interview.
- 8.2 The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should always be obtained, scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed. Two references are requested on the application form, but it should be noted that this is a minimum requirement.
- 8.3 Employment references should usually be provided by the current or most recent line manager. References from relatives or people writing solely in the capacity of friends must not be accepted.
- 8.4 They should always be requested directly from the referee and employers should not rely on open references, for example in the form of 'to whom it may concern' testimonials.
- 8.5 If the applicant is not currently in a role which involves working with children, but has previously been in such a role, a reference which relates to that work should be sought.
- 8.6 Schools should scrutinise the referees given to determine whether they are sufficient and the most appropriate.
- 8.7 If it is felt that referees provided are not the most appropriate, contact should be made with the applicant and a more suitable reference requested. If, after requesting and following up several times a reference is not obtained from either of the referees provided, the applicant should be asked to contact their referee and encourage them to supply the reference.
- 8.8 Sometimes referees will only provide a factual reference confirming dates of employment, particularly where employment does not involve working with children and young people.
- 8.9 Additional references may be asked for where appropriate, as appointments should not be made on the basis of two factual references.
- 8.10 For further advice, schools should speak to their HR provider.
- 8.11 **What to Include In a Reference Request**

- 8.12 Reference requests should contain details of the post on offer and should be structured to ask a referee to comment on specific areas relating to the post. Schools should always ask a referee to comment on the prospective employee's suitability to undertake the post on offer, to work with children and should specifically request any information on criminal convictions, capability/disciplinary offences/safeguarding incidents
- 8.13 Employers should always ask for written information about previous employment history and check that information is not contradictory or incomplete.
- 8.14 Under the Equalities Act, levels of sickness absence **cannot** be requested prior to interview, but these can be requested for the successful candidate after the job offer stage. Any offer will be conditional on satisfactory health clearance and pre-employment checks.
- 8.15 The purpose of collecting references is to obtain objective and factual information to support the appointment decision. The use of a pro forma, tailored to the specific needs of the school, will help achieve this. Role profiles should always be provided so that the referees can comment on the individual's suitability for the specific post in question.
- 8.16 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. 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.
- 8.17 If, for whatever reason, references are not obtained before the interview, the candidate should also be asked at interview if there is anything s/he wishes to declare or discuss in light of the questions that have been (or will be) put to his or her referees.
- 8.18 Any information about past capability/disciplinary action or allegations should be considered carefully when assessing the applicant's suitability for the post
- 8.19 Schools should contact HR if they have concerns about references obtained either prior to interview or after they have offered the position to the successful candidate.
- 8.20 It should be noted, where a follow up discussion is required following receipt of a written reference, the details of this conversation should be documented and retained. The applicant is able to request a copy of this information and, where appropriate, challenge for accuracy.
- 8.21 Any offer of employment must be made subject to the receipt of satisfactory references. It is vital that the references are obtained and scrutinised before a person's appointment is confirmed and before s/he starts work.

Appendix 3 - Template Reference Request

9.0 Interview and Selection

9.1 Purpose of Interview

9.2 It is essential that a face to face interview takes place prior to any appointment. The interviews should assess the merits of each candidate against the requirements in the role profile. Interviews must also explore an individual's suitability to work with children by assessing values and behaviours.

9.3 A robust selection process should not rely solely on the interview. A range of selection activities should be designed in order to help assess who is the most suitable candidate for the role. For teachers and support staff roles, it may be legitimate to involve pupils in the process. Pupils should not take part in assessing candidate suitability but may contribute to the panel's assessment of the ability to interact with children.

9.4 Invitation to Interview

9.5 Invitations to interview should:

- Detail all the arrangements such as date, time, length of the selection process, selection activities, panel members
- Remind candidates that the interview is assessing their suitability to work with children
- Remind them to bring all relevant documents, proof of qualifications, proof of identity, evidence of right to work. Copies should not be accepted; it is originals only that can be presented. Copies should be taken and kept on the school file, then signed and dated by the individual who has seen the original documentation
- Ask applicants if they have any special requirements to enable them to attend or participate fully in the interview.
- Provide details of any recruitment activities that applicants will need to prepare, for example, lesson, assembly or presentation. Give details of length and nature of task, year groups, equipment available etc. Be prepared to answer additional questions relating to this

Appendix 5 – Invite To Interview Letter.

9.6 Checks to Be Carried Out At Interview

9.7 The following checks on applicants should be carried out at the interview stage.

- Establish that the person attending the interview is who they say they are (Identity check)
- Establish that the person, if appointed, will have the right to work in the UK
- Ensure that the copy of the application has been signed. If the individual has applied on line, the applicant should be asked to sign a printed copy of their form at interview
- See evidence of the qualifications essential for the role including proof of Qualified Teacher Status and completed induction for teachers.

9.8 Selection and Interview Panel

9.9 The School Staffing Regulations require that the Governing Body must ensure that at least one member of the interview panel or group has completed Safer Recruitment training. Safer Recruitment Training courses are provided by recognised trainers via

Governor Services (for Governors only), MKC's HR Service to Schools Team, and MKSCB.

9.10 Panels of at least two people should be involved in interviews, written notes should be taken.

9.11 The panel members should meet beforehand to agree a relevant set of questions that will enable the candidate's suitability against the selection criteria and suitability to work with children to be assessed. They will also need to have identified any issues they want to explore further from the candidate's application form and pre-employment checks.

9.12 Schools should ensure that sufficient numbers of staff and governors are trained in advance of recruitment activities to form interview panels when necessary.

9.13 **Interviewing Good Practice**

- Avoid telephone interviews
- Have an agreed set of questions but additional questions can be asked to explore a specific and relevant issue relating to individual candidates
- Probe to find out about any issues around attendance (not sickness), capability and employment history
- Identify which essential criteria each recruitment task is designed to evaluate
- Make notes on candidates responses/performance and record judgements and the evidence to support them
- Ask questions that enable a candidate to demonstrate strengths based on actual experiences and behaviour
- Ensure all questions are relevant to the role and justifiable
- Use a matrix to standardise this information
- Avoid any question or statement that may indicate the potential for unlawful discrimination
- Conduct the interview in a relaxed and non-threatening way
- Base final selection decision on criteria previously defined and evidence collated through the recruitment process

9.14 **Scope of Interview**

9.15 To further assess the suitability of the candidate for the particular post the interview panel should also examine:

- The candidate's attitude toward children
- This may be assessed through their personal statement and through interview questions that probe their values, belief and ethics
- The candidates motivation to work with children - questions on their vision for education and learning and development of the child and young person and what their role is in contributing towards achieving this vision, can help assess their motivation
- Their ability to form relationships and respect professional boundaries - this should be assessed through focused questions and complementary activities
- Their emotional resilience in working with challenging behaviours and their attitudes in managing discipline and towards authority - questions asking them to draw on previously difficult situations and how they managed these will help assess this

- Their ability to support the school's agenda for safeguarding and promoting the welfare of children - clarification of their understanding of the school's approach towards child protection policies and procedures
- Gaps in the candidate's employment history and explanation of repeated changes in career must be discussed and clarified
- Concerns or discrepancies arising from the information provided by the candidate and or referees
- If for any reason, references have not been provided before the interview the candidate should be given the opportunity to declare/discuss anything that may come to light on the collection of references
- Whether the candidate wishes to declare anything in the light of the requirement for a DBS check to be made

9.16 **Questioning Technique**

9.17 The ability to ask questions that probe deeper and get beneath superficial answers is a skill that takes time to develop and practice. Those who wish to deceive are practiced in the art of deception. They may rehearse model answers to questions about safeguarding or areas of their past and it is essential that the questions asked unpick these responses so that there can be confidence in the validity of the answers.

9.18 **Example Questions Designed to Examine an Interviewee's Attitudes toward Safeguarding Children**

9.19 The following example questions are from the public version of the National College for Teaching & Leadership online training:

- What attracted you to teaching/ this post/ at this school/working with children?
- How do you think your own childhood may have influenced your own practice?
- What motivates young people?
- Tell us about your interests outside work?
- What do you think are the professional challenges facing teachers today?
- Give an example of where you have had to deal with bullying behaviour between pupils?
What did you do? What made it successful? How could you have dealt with it differently?
- Young people can develop 'crushes'. How would you deal with this if a pupil developed a crush on you?
- What would you do if you were concerned about a colleague's behaviour towards children?
- Give an example of how you have managed poor pupil behaviour?
- Give an example of how you have responded to challenging behaviour? How did it affect you emotionally? How did you cope with the aftermath?
- When do you think it is appropriate to physically intervene in a situation involving young people? Have you ever had to do this?
- What makes a school a safe and caring place?
- What policies are important to support a safe environment?
- What are staff's responsibilities in protecting children?
- How do you define an appropriate teacher (or business support/TA) pupil relationship?
- Give examples of what you would consider to be appropriate and inappropriate behaviour between/toward staff and pupils.
- Have allegations ever been made about you at work? What were the

circumstances?

9.20 Other questions that could be asked are:

- Tell us what you have done in the last 12 months to actually improve child protection in the workplace. How did this action arise? Who did you talk to? What were the results?
- Give me an example of when you have had safeguarding concerns about a child? What did you do? Who did you involve? What was the outcome?
- Tell us about a situation which you felt, fell short of safeguarding standards. How did it arise? Who did you speak to? What actions did you take?
- Tell us about how you have dealt with a child with 'difficulties'?
- What are your feelings about children who make allegations against teachers or staff?

9.21 Some of these questions will need following up, for example:

- How do you define an appropriate teacher (or business support/TA etc.) pupil relationship?

9.22 Could be followed up by:

- So can you explain how you have ensured in your previous role that you have modelled this relationship? Were there times when boundaries were blurred? How did you manage this? What have you learnt from this?

9.23 By asking a follow up question you start to unpick the initial answer and investigate the validity of the answers. By using other tests and assessments activities you can increase the level of confidence you have when making the final selection decision.

9.24 **Group Exercises and other Selection Activities**

- Classroom observation
- Group activities – discussions on relevant topics
- Written work i.e. in-tray exercise or data analysis
- Presentations
- Occupational Personality Questionnaire/psychometric testing
- Assembly observation
- Playground duty
- Meeting the Pupil Council

9.25 Above are some examples of the activities that can provide evidence that may help a panel in assessing an individual's suitability for a particular post. All activities are required to be aimed at seeking evidence that candidates fulfil specific parts of the role profile and the assessment of each candidate should be recorded in a way that captures this. The more information that is collected and in as many different contexts, the better the ultimate selection decision will be.

9.26 It should be noted that all the assessment activities must be about seeking evidence about the candidate's suitability for the post as detailed in the application pack, role profile.

- 9.27 It is not as easy to ensure consistency and equality when managing group activities, particularly when classes of children are involved. It is important to be mindful of the equality implications when planning and arranging other assessment activities and ensure that the criteria which are being assessed are the same and that all measures are put in place to make the foundations of the assessment as similar and equal as possible. By recording the activities on matrices that collect evidence and link to the role profile these complimentary activities remain more objective.
- 9.28 **Topics for Group Discussion/ Written Work/ Presentations Could Be:**
- What does safeguarding mean to you/group? Present/discuss/write your ideas along with suggestions for monitoring and measuring effectiveness.
 - Where does the responsibility for safeguarding children lie? Discuss the interrelationships and present your conclusions.
 - Present a topical article on child protection and ask them to discuss.
 - Present them with the 5 key aims of the Children's Act and ask them to present how they can contribute towards ensuring that they are achieved.
 - Present them with a case study of a child with 'difficult behaviour'/or based on cause for concerns - discuss.
 - What is abuse? How do you recognise it and how do you manage it? Discuss/present?
- 9.29 With any assessments it needs to be clear why the applicant will be asked to undertake the assessment. What skills, knowledge and experience are being looked at? What would a model answer look like? What would cause concern? This should be documented in advance to help the panel avoid bias.
- 9.30 The assessment of such activities should be collected on a structured assessment sheet. This should be kept with a record of the interview sheets and application forms.
- 9.31 **After the Interview**
- 9.32 The applicants should be informed at interview stage when a decision will be reached. Once the decision is made, usually the head teacher or another appropriate person will contact the successful candidate and verbally offer the position to them. See the next section for details of what to include in the verbal offer. A verbal offer is contractually binding and conditional on satisfactory pre-employment checks. The successful candidate should be spoken to first.
- 9.33 If permission wasn't obtained prior to interview to request references for the successful candidate, permission should be sought during this conversation, and references requested as a matter of urgency. Candidates may request a short while to speak to their existing employer before contact is made for a reference.
- 9.34 If, as part of the reference process, sickness absence levels are required to be discussed, referees can be asked once the successful applicant has been offered the position.
- 9.35 It is good practice to provide unsuccessful applicants with feedback and giving them the opportunity to ask further questions. This may be done when verbal acceptance has been received from the successful applicant, but it is recommended to do this as promptly as possible after interviews via a telephone call and thank them for their interest in your vacancy/school.

9.36 **Offers of Employment**

9.37 It is essential that every appointment is made subject to satisfactory completion of all the relevant pre-employment checks, and candidates should be made aware of this.

9.38 If the candidate does not meet one or more of the conditions applied to a conditional job offer, the school can withdraw the offer of employment. It is good practice for the recruiting manager to telephone the candidate to explain that a condition of the offer has not been met and that the offer of employment is being withdrawn. This conversation should be followed up in writing. It is important that the candidate is treated fairly at this potentially difficult time so that he or she leaves the recruitment process with a positive view of the school. The school should make a record of the reasons for withdrawing the offer and the main points of the conversation. Schools can seek advice from their HR provider on any issues surrounding withdrawing offers of employment.

9.39 **Conditions of Offer**

An offer of employment should be conditional upon:

- Receipt of at least two written references which are satisfactory to the Headteacher
- Proof of the candidates identity (preferably photographic evidence)
- A satisfactory enhanced DBS check
- A check against the Children's Barred List, if required (Regulated Activity Only)
- Overseas checks (where applicable)
- Satisfactory pre-employment health clearance (for employees)
- Proof of qualifications; where the qualification is an essential requirement of the role
- For teachers - no prohibition orders
- For teachers - successful completion of an induction period (unless joining as an NQT)
- Evidence of Right to Work for all employees
- Headteacher appointments are also subject to agreement by the full governing body

9.40 **Verbal Offer**

9.41 It is recommended that applicants are informed of the outcome by telephone. Successful applicants should be made aware that the offer is still subject to certain checks and conditions which are detailed above. Verbal offers are contractually binding.

9.42 In many cases, the checks are a formality and the individual will be aware if there is likely to be a problem with one or more of their checks, but if the offer has to be withdrawn or the contract has to be terminated later because of problems in these areas, it helps that it was mentioned at the verbal offer stage as well as in the offer letter and contract.

9.43 The individual may choose not to give in their notice until some or all of these pre-employment checks have been completed, so the checks should be completed as soon as possible. It is also easier to withdraw an offer of employment prior to the individual starting work so pre-employment checks should be carried out promptly.

- 9.44 However, a DBS check should not be completed more than 3 months prior to the person taking up the post.
- 9.45 It is recommended that the main salary and benefits are quoted in the verbal offer, but do be prepared to answer the successful candidate's other questions.
- 9.46 These may include the:
- current salary value
 - additional allowances
 - details of incremental progression/salary review in the grade
 - the cash value of other benefits
 - details of relocation assistance to be offered where applicable
 - specific details of the hours of work
 - annual leave, which may be increased by continuous local government service
 - pension scheme.
- 9.47 All the above information will be in the written offer, but the answers you give may be relevant as to whether or not they accept the offer.

9.48 **Offer Letter**

If schools wish to send an offer letter, it should clearly state the appointment is subject to the checks detailed above. It should contain enough information for an individual to make the decision as to whether resign from their current position, without having to wait for the formal contract to be issued.

Appendix 6 - Example Offer Letter **Appendix 7 – Pre-Appointment Checklist**

9.48 **Contract/Written Offer**

- 9.49 Once the school informs MKC the employer, of all the necessary details of the successful candidate, they will prepare a contract which states terms and condition of employment. All contracts should state that the offer is subject to DBS (and Barred list checks, where applicable) pre-employment health clearance and written references if they have not yet been obtained.
- 9.50 Schools should ensure that they have checked the following, prior to the issue of the contract to the employee
- Proof of the candidate's identity (preferably photographic)
 - Proof of qualifications, where the qualification is an essential requirement of the role
 - Evidence of Right to Work
 - For teachers, a check to ensure no prohibitions or sanctions prevent them working as a qualified teacher
 - Receipt of at least two written references which are satisfactory to the Headteacher
 - A satisfactory enhanced DBS check

- A check against the Children’s Barred List if required (Regulated Activity Only)
- Overseas checks (where applicable)
- Satisfactory pre-employment health clearance (for employees)
- For teachers a check to ensure no prohibition orders
- For teachers - successful completion of an induction period (unless joining as an NQT)
- Headteacher appointments are also subject to agreement by the full governing body

9.51 If a teacher is being employed as a salaried trainee, or as a ECT, it is important to inform MKC in order that additional clauses are inserted into their contract that requires them to participate in formal training or statutory induction.

10.0 Pre-Employment and Safeguarding Checks

10.1 It is vital that schools create a culture of safer recruitment and, as part of that; they are required to adopt recruitment procedures that help deter, reject or identify people who might abuse children.

10.2 School should ensure appropriate checks to safeguard children have been carried out for all employees, agency staff and volunteers working in the school, as well as ensuring others visiting/working in the school have appropriate checks in place.

10.3 This section details which checks should be carried out dependent on the role/employment status of the individual. The following checks should be carried out for all employees of the school.

10.4 At interview stage:

- Receipt of a signed application form
- Proof of the candidate’s identity.
- Evidence of Right to Work in the UK

10.5 After the offer of an appointment:

- Receipt of at least two written references which are satisfactory to the Headteacher if not received prior to interview
- Satisfactory pre-employment health clearance
- Proof of qualifications; where the qualification is an essential requirement of the role
- For teachers, a check that there are no prohibition orders and they have successfully completed an induction period, or will do so in this position
- Checking of driving licence and insurance for any employee who is required to drive on school business i.e. school mini-bus drivers
- A satisfactory enhanced DBS check
- A check against the Children’s Barred List if required
- Overseas checks (where applicable)

10.6 Further information of these checks for employees is detailed below.

10.7 Schools may find it helpful to use a pre-employment checklist for all new employees to ensure all checks are completed in a timely manner and the necessary information recorded and retained. An example checklist is in **Appendix 7**.

10.8 **Identity Check**

10.9 Headteachers and governing bodies should make certain that the person they intend to employ or work in the school is the person that they claim to be and they must see sufficient evidence to satisfy themselves of this.

10.10 Proof of identity is preferably checked via current photographic ID such as a passport or driving licence (a driving licence would not prove your right to work in the UK), combined with evidence of address. Some form of photographic identity should be seen except where, for exceptional reasons, none is available.

10.11 Photocopies of identity checks should be taken and retained at the school. The copies should be signed and dated to confirm that the original has been seen.

10.12 **Right to Work in the UK**

10.13 It is a criminal offence to employ a person who does not have the right to work in the UK or the right to undertake the type of work that they are being offered. The law on preventing illegal working is set out in the Immigration, Asylum and Nationality Act 2006 (updated in May, July and December 2014 and July 2016) and requires that employers make basic document checks on every person that they intend to employ. Schools will have a statutory defence against a conviction for employing an illegal worker if they check and retain copies of acceptable documentation in accordance with the aforementioned act.

10.14 It is important that employers do not directly, indirectly or inadvertently discriminate against people on grounds of their race or ethnic origin by refusing to accept any documents from the list, by failing to carry out checks on every new employee or by making assumptions about a person's nationality or right to work in the UK.

Appendix 8 - Right to Work Checklist – List of Documents that Determine the Right to Work

10.15 It should be noted that changes made in the Immigration, Asylum and Nationality Act 2014 (updated in May, July and December 2014 and July 2016) resulted in a reduced list of acceptable documents for right to work checks – and removed travel documents, work permits and general Home Office letters from the lists and in July 2016 altered the penalties for employing illegal workers.

10.16 The Home Office have specified that all documents which contain an expiry date must now be current (except those showing that the holder is a British citizen or, a national of a European Economic Area (EEA) country).

10.17 Copies must be made of the documents seen and should be signed and dated to confirm that the original has been seen and kept on the employees file. If the school has a UK Visas and Immigration inspection, these documents will be requested

10.18 If a passport is presented for Right to Work (RTW) purposes, a copy of the photograph pages and any visas/stamps in the passport relating to the employee's right to work or residency in the UK must be retained.

10.19 Where RTW is restricted in some way, usually via a visa/residence permit, a copy of the documents seen should be forwarded to HR Service Desk, MKC with the new

starter form. In these circumstances, the school is required to carry out repeat checks as detailed in the **Appendix 8** document.

10.20 For advice on Right to Work queries, the school should contact their HR provider.

Schools must follow the Right to Work guidance at the following link before allowing an employee to commence work. Failure to do so could mean that the School will be in breach of law and liable to a fine.

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

10.21 **Academic and Professional Qualifications**

10.22 Schools must verify that a potential employee has actually achieved the qualifications that are essential to the role or were used to make the decision to employ, by viewing each original qualification certificate or diploma or a properly certified copy of those documents. If the school is in any doubt about the authenticity of a qualification, they can check by contacting the relevant awarding institution.

10.23 Copies of the certificates should be signed and dated stating the original has been seen and should be kept on the individuals file.

10.24 The equivalence of overseas qualifications can be checked by the school at UK NARIC, they will provide Statement of Comparability, which should be checked by the school along with original overseas certificates.

10.25 **Qualified Teacher Status**

10.26 The National College for Teaching and Leadership (NCTL) is the current awarding body for QTS. Schools must see original certificates/letters from the awarding body confirming that the individual has been awarded QTS. Copies of the certificates should be signed and dated stating that the original has been seen and should be kept on the individuals file.

10.27 Having a teacher reference number is **not** proof of QTS. A teacher reference number is a unique identifier for all individuals who are eligible for the Teachers' Pension Scheme and are, therefore, also issued to unqualified teachers and Youth Workers.

10.28 The certificates awarding academic qualifications such as PGCE or BAEd are **not** proof of QTS. The school must see the letter from the awarding body confirming Qualified Teacher Status.

10.29 **Overseas Trained Teachers**

10.30 Overseas trained teachers can work in a maintained school or non-maintained special school in England for a maximum of four years without qualified teacher status but must obtain QTS after a four year period or before, before they can be appointed to a permanent role.

10.31 Schools must check that this four year rule has not been exceeded by examining employment history on the application form. For details of exemptions, contact the School's HR Provider.

10.32 Application for QTS - Teachers Not Trained In England

10.33 Teachers who trained in either Scotland or Northern Ireland must obtain QTS to take up a teaching post in a maintained school or non-maintained special school in England.

10.34 If an EEA member state recognises an individual as a qualified school teacher they can apply for QTS in England. Swiss nationals are also eligible to apply for QTS in England.

10.35 If a teacher qualified in Australia, Canada, New Zealand or the United States of America (USA), they may be recognised as a qualified teacher and can apply for QTS in England. Usually they will have to complete any statutory induction in their home country before UK QTS is awarded. They will still be required to satisfy any UK Visas and Immigration requirements that may apply for the purposes of entering or remaining in the UK to work as a teacher.

10.36 If a teacher trained in a country outside of the EEA, other than Australia, Canada, New Zealand or the USA, the teacher will need to complete an accredited training programme in England to obtain QTS and take up a permanent teaching post or fixed term lasting beyond one term and complete a statutory induction.

10.37 Teachers Qualified To Teach In Further Education

10.38 If a teacher has qualifications to teach in the further education sector they can work in maintained schools in England as a qualified teacher if they have the full professional status of qualified teacher learning and skills (QTLS) with the Education and Learning Foundation

10.39 If they have QTLS status and membership of the Education and Learning Foundation , a teacher will automatically be recognised as a qualified teacher in schools in England. They do not need to apply for QTS. The school should retain evidence of both QTLS and membership of the Education and Learning Foundation

10.40 There are a number of FE teaching qualifications, but only in the above circumstances should the individual be employed as a qualified teacher. If a school is in any doubt as to whether a teacher has QTS, or what options are available to the teacher to obtain QTS they should contact their HR provider.

11.0 Induction/Prohibition Check for Teachers

11.1 Secretary of State - Prohibition Orders

11.2 Prohibition orders prevent a person from carrying out teaching work in schools. A person who is prohibited from teaching must not be appointed to work as a teacher. A check of any prohibition can be carried out using the Employer Access Online Service.

11.3 The Employer Access Online Service will also identify any existing prohibitions and sanctions made by the General Teaching Council for England (GTCE) before its abolition at the end of March 2012, and provide information about any teacher qualifications held and whether induction has been passed.

11.4 Carrying out this check for the successful candidate in a teaching post is mandatory. This check should be carried out prior to interview for shortlisted candidates, this will identify any issues relating to induction that could be discussed at interview. Qualified teachers employed in a maintained school in England must, by law, have completed an induction period after their initial training. The check will confirm whether a teacher has:

- qualified teacher status (QTS)
- completed their induction
- a mandatory qualification for teachers of hearing impaired or visually impaired pupils
- an active teaching restriction
- been the subject of a decision by the Secretary of State to impose a prohibition order for unacceptable professional conduct, conduct that may bring the teaching profession into disrepute or conviction of a relevant offence
- been prohibited from teaching
- a suspension or conditional order imposed by the General Teaching Council for England that is still current
- failed an induction
- an individual's teacher reference number and date of birth

11.5 Copies of the check should be kept on the employees file

11.6 **Statutory Induction for Early Career Teachers**

11.7 Statutory induction is the bridge between initial teacher training and a career in teaching. It combines a personalised programme of development, support and professional dialogue with monitoring and an assessment of performance against the relevant standards. The programme should support the newly qualified Early Career Teacher (ECT) in demonstrating that their performance against the relevant standards is satisfactory by the end of the period and equip them with the tools to be an effective and successful teacher.

11.8 Anybody appointed or engaged to teach in a maintained School or non-maintained special School in England must have satisfactorily completed their induction year and met the induction standards, in accordance with the Department for Education Statutory Guidance on the Induction for Early Career Teachers 2021.

11.9 There is no limit to the time taken to start or complete induction. However, if a teacher who has not completed an induction period chooses to undertake short term supply work of less than one term, they can only do so for a maximum of 5 years from the date they were awarded Qualified Teacher Status. After 5 years, the only supply work that a teacher who has not completed induction could undertake would be positions where they are employed for a minimum of one term AND they must be working towards completing induction in these posts.

11.10 If a teacher fails their induction they are no longer permitted to work as a teacher in a maintained school.

11.11 If a teacher is employed for a period of a term or more and has not yet completed induction, they must undertake induction as part of that role and the school should have regard to the statutory regulations for induction.

11.12 Where an ECT has already completed part of their period in another institution, the Headteacher should contact the ECT's previous appropriate body (usually the Local Authority) to obtain copies of any assessment forms (including any interim assessments). They should establish how much induction time remains to be served and alert the new appropriate body to any concerns that have been raised about the ECT's progress by previous employers.

11.13 The school should inform MKC via the new starter form that the teacher needs to complete an induction period, so that a clause can be added to their contract.

11.14 **Health**

11.15 Anybody appointed to a post that involves regular contact with children should have the health and physical capacity to undertake the duties of that post, in accordance with The Education (Health Standards) (England) Regulations 2003.

11.16 Schools must ensure that candidates complete an Occupational Health pre-employment questionnaire which is assessed by the school's Occupational Health advisers.

11.17 Sufficient time should be allowed for this process, which may involve writing to the employee's doctor for more information, or the employee attending an appointment with the occupational health nurse/physician to discuss their medical condition. The occupational health advice may recommend adjustments to enable the individual to carry out their role. Schools should contact their HR provider if they have concerns over implementing the adjustments.

11.18 Where possible, the successful applicant should not take up post until the Headteacher or governing body is notified by Occupational Health or their HR provider that they are fit for work.

11.19 If they start work before the medical clearance is obtained, the Headteacher should carry out a risk assessment which should be kept on the personal file.

11.20 **Driving Licence/Insurance**

11.21 If an employee is required to drive on School business or may be required to escort children in their own transport in an emergency, Schools should ask for evidence that the employee holds the appropriate and valid driving licence to do so and is insured to undertake business journeys. Copies of the licence and insurance documents must be retained on the employees file held within the School.

12.0 **Disclosure and Barring Checks**

12.1 Governing bodies must act reasonably in making decisions about the suitability of the prospective employee based on checks and evidence including: Disclosure and Barring checks and barred list checks (together with prohibition checks, references and interview).

12.2 **Disclosure and Barring Service (DBS Checks)**

12.3 The DBS is responsible for administering two types of checks:

- **Enhanced:** a check of the PNC records, plus other information held by the police

that is considered relevant by the police

- **Enhanced with barred list information:** for people working in **regulated activity** with children. This adds checks of the DBS Children's Barred List to the enhanced check. (Formerly known as a List 99 check)

12.4 When DBS has completed its check of an applicant's PNC record and, if appropriate, whether or not they are on the barred list, the relevant information will be recorded on a certificate (the DBS certificate) that is sent to the applicant.

12.5 DBS checks only cover criminal convictions in the UK. In addition, schools must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

12.6 The level of DBS check required will depend on the role and duties of an applicant to work in a school, as outlined in this guidance.

12.7 To determine whether it is appropriate to request a DBS check and level of check required for an individual, it should first be determined whether the individual's role is considered to be regulated activity and whether or not they are supervised in their role.

12.8 **Definition of Regulated Activity**

The full legal definition of regulated activity is set out in Keeping Children Safe In Education document. The Government have produced a factual note on *Regulated Activity in relation to Children: scope*

12.9 **Regulated activity includes:**

a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,

b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

c) Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

- relevant personal care, or health care provided by or provided under the supervision of a health care professional.
- personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

12.10 Definition of Supervision

12.11 In order for a person to be considered as supervised, the law makes three main

points:

- There must be supervision by a person who is in regulated activity:
- The supervision must be regular and day to day; and
- The supervision must be “reasonable in all the circumstances to ensure the protection of children”

12.12 The school must have regard to this guidance. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows:

- Supervision by a person in regulated activity (regular and day to day) - supervisors must be in regulated activity themselves.
- The duty that supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.
- Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Schools should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:
 - ages of the children, including whether their ages differ widely
 - number of children that the individual is working with
 - whether or not other workers are helping to look after the children
 - the nature of the individual’s work (or, in a specified place such as a school, the individual’s opportunity for contact with children)
 - how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity)
 - how many workers would be supervised by each supervising worker

12.13 **Requesting a DBS Check for an Individual**

12.14 A DBS check must be obtained for the individual before appointment.

12.15 The school is responsible for ensuring that the applicant brings the documents to the school to complete the DBS check. This should be done face to face using original documents. If one of these documents is being used to evidence ID checks and Right to Work, copies of relevant documents should be taken and kept on file.

12.16 Once the school has seen the necessary documents, they should complete Section Y of the form which determines the level of check, whether or not the person is a volunteer and the nature of the workforce the individual is working with. The school must check that the role title is correct. Schools must examine the address history on the online DBS application to determine whether an overseas check is also required. The form is then sent to the school’s DBS Umbrella Body for countersigning and onward transmission to the DBS.

12.17 Obtaining a DBS can take some time so the school should ask the individual to apply in good time and bring in their original identity documents. However, the

DBS check should not be more than three months old when an employee starts work.

12.18 Sometimes a DBS check can become delayed. The DBS application can be escalated once it has been with the police for sixty days.

12.19 **Applicants Who Have Lived Outside the UK in Last Five Years**

12.20 Individuals who have lived outside the United Kingdom must undergo the same checks as all other staff /volunteers in the school. This also applies to those individuals currently living or working abroad.

12.21 DBS check only covers criminal convictions in the UK, so schools must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

12.22 Applicants requiring a DBS check who have lived outside the UK in the past five years will need to provide Criminal Convictions Clearance from the country/countries they were residing in, because the DBS cannot generally trace individuals abroad. Schools should examine the address history on the DBS application to determine whether an overseas check is necessary and write to the individual to explain what is required.

12.23 The applicant is responsible for contacting the relevant Embassy to obtain a disclosure which should not be dated more than six months ago at time of receipt. This is generally called a 'certificate of good conduct'.

Appendix 9 – Overseas Address Template Letter

12.24 **Dealing with the Outcome of a DBS Check**

12.25 The successful applicant will receive a notification as to whether the DBS certificate contains any information about a criminal record or whether the certificate is clear.

12.26 If a DBS check reveals information, details will be printed on the disclosure, which is only issued to the person applying for the DBS check. The disclosure shows cautions, warnings and/or convictions. It may show spent and unspent convictions and, for Enhanced checks, it will show other information that a police force deems relevant to disclose based on the nature of the role that the individual will be employed to do. If a check against the Children's barred list was requested, it will state whether or not there was a match with the list.

12.27 Whether the DBS certification contains information about a criminal record or whether the certification is clear, the applicant should be asked to bring the disclosure into school. If the certificate is clear, relevant details will be placed on the applicant's personal file.

12.28 Having a criminal record will not necessarily bar someone from working with the school, unless it is considered that the conviction renders them unsuitable for the position. Before a decision is reached on whether to offer or confirm employment to an individual, the individual should be offered the opportunity to discuss the contents of the disclosure with the Headteacher. The Headteacher must ask the individual to bring in their disclosure to discuss the nature of the convictions as soon as possible and they should not start work until they have done so.

12.29 Confidentiality and discretion is of paramount importance and access to criminal record information will be on a need-to-know basis.

12.30 In making the decision the Headteacher should consider:

- The potential risks to MKC, the school, pupils and employees
- The seriousness of the offence and its relevance to the post
- The length of time since the offence occurred
- Whether the offence was a one-off, or part of a history of offending
- Circumstances of the offence (any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties)
- Whether the applicant's circumstances have changed since the offence was committed, making reoffending less likely
- Attitude of applicant (degree of remorse, or otherwise, expressed by the applicant and their motivation to change)

12.31 Where a disclosure relates to a safeguarding issue, this should be discussed with the Local Authority Designated Officer (LADO) and the school's HR provider.

12.32 Headteachers must complete a record summarising their discussion with the individual and the decision they made and keep it in a secure confidential file. This should indicate how risks will be minimised if the decision is taken to proceed with their employment.

12.33 Having carefully considered the above factors a final decision can then be made as to whether the individual should be appointed or whether the conditional offer should be withdrawn. If the decision is not to appoint, the Headteacher will inform the applicant and send out a letter confirming the withdrawal of the conditional offer and details of the DBS appeal process.

12.34 **The Code of Conduct for MKC employees' states:**

"If you are convicted of any criminal offence that you consider may be relevant to your employment while employed by the Council, you must inform your manager. If you are unsure about whether or not an offence should be disclosed, you should discuss this with your manager."

12.35 **Working When a DBS Disclosure is Delayed or Outstanding**

12.36 If a school allows an individual to start work in regulated activity before the DBS certificate is available, then they must ensure that the individual is appropriately supervised and that all other checks, including a separate **barred list check**, have been completed.

12.37 If a school knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

12.38 For roles where a DBS Disclosure is required and an application has been submitted but is delayed or outstanding, the individual **may** be allowed to work in the School, subject to the Headteachers discretion and the following requirements:

- The Headteacher has conducted a risk assessment and does not have any concerns regarding the person's suitability to do the work.
- The risk assessment includes reviewing the individual's employment history and reasons for any broken work history or career changes, checking all references have been received, are satisfactory and have been checked against the work history records and checking whether health clearance has been received. A copy of the risk assessment should be retained on file.
- If the Headteacher has any doubts regarding a person's background, such as broken service, then the risk must be addressed. For example, arrangements may be made for the member of staff to undertake alternative work or to refrain from starting work. It is recommended that the Headteacher contact the school's HR provider for clarification and advice in these circumstances.
- All other pre-employment checks should have been completed. For those in regulated activity, this includes a check against the Children's barred list of people unsuitable or banned from working with children (formally List 99) and written confirmation has been received that no match has been identified.
- The individual should be closely supervised whilst on the school's premises until full DBS clearance has been received. Supervision requires the Headteacher to ensure that individuals are not allocated duties that put them in an unsupervised situation with pupils, that they are accompanied when working by a member of staff with DBS clearance, that their whereabouts are known to a senior member of staff when they are not working (e.g. during break times), that the individual fully understands their personal responsibility not to put themselves in a situation where they are alone with pupils and what to do if this situation arises.

12.39 The availability of information to the Headteacher regarding the other pre-employment checks as detailed in this document is key because it enables the Headteacher to conduct an informed risk assessment.

Appendix 10 - Risk Assessment Form

12.40 A written record should be made and retained when a Headteacher decides it is appropriate to allow an individual to work on the basis of the risk assessment.

12.41 Standalone Checks against the Barred List (Formerly List 99 Checks)

12.42 The Keeping Children Safe in Education Statutory Guidance clarifies who is eligible for a check against the Children's Barred list. An employer can only carry out the check against the Barred list if they are legally entitled to do so.

12.43 In order for a Children's Barred list check to be carried out, the individual must be in regulated activity. If they are supervised by someone else who is in regulated activity then they are not deemed to be in regulated activity.

12.44 Anyone in regulated activity in school would need to have an Enhanced DBS check as well as the check against the Children's Barred lists.

12.45 Therefore, standalone checks against the Barred list will **ONLY** be required if the DBS check has been requested, but the disclosure not yet received.

- 12.46 Currently the school's DBS provider can still request instant online checks against the Barred List in the above circumstance, but only if the individual has given permission.
- 12.47 If they have completed the DBS check application and brought in ID documents to the school, the DBS provider will have access to all the information they need.
- 12.48 The school should email the school's DBS provider requesting the Barred List check, confirming the person's name, date of birth and that the DBS application has been submitted and ID checked. The DBS Provider will carry out the check and confirm the outcome. All necessary information can then be obtained from the DBS application in progress.

13.0 Appropriate Checks by Role

13.1 Employees

- 13.2 For school employees, an Enhanced DBS check with Children's barred list check must be obtained as staff will be engaging in regulated activity which is unsupervised.
- 13.3 **Casual employees paid on timesheets must undergo the same checks as contracted staff**, regardless of how long they will be working in that role. Casual employees who do not work for 3 months or more must undergo new checks.
- 13.4 Where a person is appointed to a different post within the School, consideration should be given as to whether a new DBS disclosure is required. A risk assessment should be undertaken to decide on this. As part of the assessment, consideration will be given as to whether the new role has more access to children.
- 13.5 A new/additional check would be required for an individual who moves to a new position that involves responsibilities not previously checked (e.g. moving from volunteer to employee of a School) or changing their role/level of supervision as a volunteer.
- 13.6 If an agency worker working in a school is subsequently appointed as a Milton Keynes Council employee, then the DBS (and all other pre-employment checks) must be carried out by the school.
- 13.7 Similarly, if a trainee teacher on a tuition fees route to QTS is appointed as an employee all appropriate checks must be carried out by the school.

13.8 Volunteers

- 13.9 A volunteer is a person who performs an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives
- 13.10 DBS checks for volunteers as defined above are not charged for provided that the applicant does not benefit directly from the position the DBS application is being submitted for. The applicant must not:
- receive any payment (except for travel and other approved out-of-pocket expenses)

- be on a work placement
- be on a course that requires them to do this role
- be in a trainee position that will lead to a full time role/qualification

13.11 If the volunteer is deemed to be benefitting from the position the DBS application is being submitted for, the school cannot define the person as a volunteer on the DBS application and the DBS will charge for a check.

13.12 For the purposes of this guidance both groups of people described above will be included in the definition of volunteer.

13.13 Identity checks must be carried out on all volunteers – usually this can be in conjunction with the identity check for the DBS. Photo ID or other ID documents should be kept on file

13.14 It is recommended that volunteers are asked to complete a short application form to ensure that personal details for each volunteer are kept on file.

13.15 For volunteers, the Headteacher must carry out an appropriate DBS check on all volunteers who are considered to be in regulated activity or who are unsupervised.

13.16 The level of check required for volunteers is determined by the nature and frequency of the voluntary role they are carrying out and the level of supervision provided.

13.17 **Under no circumstances should a volunteer in respect of whom no DBS checks have been obtained be left unsupervised or allowed to work in regulated activity.**

13.18 For volunteers in regulated activity who will regularly teach or look after children on an unsupervised basis or provide personal care on a one-off basis, schools must obtain an enhanced DBS certificate with barred list check.

13.19 A school **may not** request an enhanced DBS check with a barred list check for anyone working in the school that is not in regulated activity, but may request an enhanced DBS check **without** a barred list check.

Volunteers Summary		
	Role Involves Tasks / Frequency that are Considered Regulated Activity	Role Does Not Involve Tasks / Frequency That are Considered Regulated Activity
Regularly Supervised	Enhanced DBS check only must be obtained in Milton Keynes	No check required – risk assessment and professional judgement only
Not Supervised	Enhanced DBS check with barred list check must be obtained	Enhanced DBS check only must be requested in Milton Keynes

13.20 If a **volunteer is not engaging in regulated activity**, the school should undertake a risk assessment and **use their professional judgement** and experience when

deciding whether to seek an enhanced DBS check. They should consider:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and whether the role is eligible for an enhanced DBS check.

13.21 Schools should document their decision if they decide not to carry out an enhanced DBS by completing a risk assessment (**Appendix 10**).

13.22 **MKC policy is that volunteers who are not in regulated activity but who are left unsupervised must undertake an Enhanced DBS check (without a check against the barred list).**

13.23 **Volunteers Summary**

13.24 If the volunteer is in **regulated activity and unsupervised**, the check must be an **enhanced DBS certificate with barred list check** e.g. helping children to read outside of the classroom without the supervision of a teacher/TA in small groups on a regular basis

13.25 If the volunteer is to be **supervised** while undertaking an activity which would be **regulated activity** if it was unsupervised, the check must be an **Enhanced DBS certificate only** e.g. *helping with art in the classroom always supervised by the teacher on a regular basis*

13.26 If the volunteer is **not undertaking activity that would be considered regulated** and they **are not supervised** and **Enhanced DBS certificate only** should be obtained, e.g. *Occasional helping with cooking outside of the classroom without the supervision of school employees*

13.27 If the volunteer is **not undertaking activity that would be considered regulated** and they **are supervised** no check is required but professional judgement should be used and a risk assessment completed e.g. *Accompanying children on a school trip, where they are supervised by school employees*

13.28 **Employers are not legally allowed to request a barred list check on a volunteer who, because they are supervised, is not in regulated activity.**

13.29 **Supply Teachers**

13.30 Supply teachers fall into the following two categories:

- Those engaged directly by the School
- Those working via an Agency.

13.31 **Supply Teachers Engaged Directly By the School**

Schools who engage Supply Teachers directly are responsible for undertaking and retaining all of the required pre-employment checks required for an employee, including an Enhanced DBS check with a check against the barred list.

13.32 If a supply teacher, who is used occasionally, has not worked in Milton Keynes Council for three months or more, then a new DBS check must be sought.

13.33 Supply Teachers Working Via an Agency

13.34 When engaging a supply teacher through agencies, the Headteacher must ensure that all relevant checks have been completed by the agency. Confirmation of clearance of a specific teacher will usually be included on the booking confirmation emailed by the agency to the school. They must also check that the person presenting themselves for work is the same person on whom the checks have been made using photo ID.

13.35 The individual must not undertake any work until the DBS clearance is confirmed by the agency.

13.36 Supply Teachers and Induction

13.37 A qualified teacher who gained QTS on or after 1 September 2007 and who has not completed an induction period, can undertake short-term supply work of less than one term in a relevant school for a maximum period of 5 years from the point of award of QTS. This is a fixed time limit with no discretion to extend. Short-term supply placements of less than one term, or equivalent, cannot count towards induction, as such posts will not provide an ECT with the breadth of experience, support and assessment necessary to enable them to demonstrate that their performance against the relevant standards is satisfactory.

13.38 The Headteacher or supply agency is responsible for ensuring that a teacher who has not satisfactorily completed an induction period is not eligible to carry out short-term supply work.

13.39 An ECT can work part-time as a short-term supply teacher, while concurrently serving induction in another part-time post after the five-year limit has expired. However, the short-term supply post will not count towards induction.

13.40 Agency and Third Party Staff e.g. Catering and Cleaning Contractors

13.41 Schools must obtain written confirmation from any agency, or third-party organisation they use that the organisation has carried out the checks on an individual who will be working at the school that the school would otherwise perform. This must include a barred list check if working unsupervised. The school must also check that the person presenting themselves for work is the same person on whom the checks have been made using photo ID where at all possible.

13.42 The individual must not undertake any work until the DBS clearance is confirmed by the agency.

13.43 This applies to all agency/third party organisations supplying contracting staff to schools but particularly cleaning and catering staff. If unsure, schools should seek advice from their HR provider.

13.44 Trainee/Student Teachers

13.45 Where applicants for initial teacher training are salaried by the school, the school

must ensure that all necessary checks are carried out. As trainee teachers can undertake regulated activity, sometimes unsupervised, an enhanced DBS certificate and barred list check must be obtained. Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks and the school should receive confirmation of this from the ITT provider.

13.46 School Governors

13.47 All Governors of a School are required to undertake a mandatory DBS Enhanced check following government changes that came into effect on 18th March 2016. Schools should also carry out a section 128 check for school governors, because a person subject to one is disqualified from being a governor. Using the free Employer Secure Access sign-in portal via the Teaching Regulation Agency's (TRA) Teacher Services' web page <https://teacherservices.education.gov.uk>, schools can easily check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 direction.

13.48 Contractors

13.49 Schools should have arrangements in place with contractors to make sure that the contractor, or any employee of the contractor working at the school has been subject to the appropriate level of DBS check, if any such check is required (for example because the contractor is carrying out teaching or providing some type of care for or supervision of children regularly).

13.50 Contractors and contractors' employees for whom an appropriate DBS check has not been undertaken should be supervised if they will have contact with children.

13.51 If a contractor working at a school is self-employed, the school should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

13.52 Schools should always check the identity of contractors and their staff on arrival at the school.

13.53 The tendering arrangements for centrally arranged contracts will include details of the contractor's responsibilities for back ground checks on staff working in Schools.

13.54 For those contracts that the school negotiates directly with the contractor the Headteacher must ensure that the appropriate checks are undertaken and that a risk assessment is carried out.

13.55 The level of check for a contractor should be determined by whether or not they are in regulated activity and whether or not they are supervised on site when the children are there. Schools should follow the guidance for volunteers to determine the level of appropriate check required.

13.56 Tradespersons

13.57 There is no expectation for a person attending the school on a "one-off" basis to be checked e.g. an electrician making repairs on the school. However, they must not be allowed to be in the school unsupervised if the children are on site.

13.58 The school should assess whether they are in regulated activity, whether or not they

are supervised and whether children are on site and follow the guidance for volunteers to determine the level of appropriate check/supervision required.

13.59 Visitors

13.60 Schools do not have the authority to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's relatives or other visitors attending a sports day).

13.61 Headteachers should use their professional judgment about the need to escort or supervise visitors.

13.62 Work Experience for Pupils

13.63 Schools organising work experience placements should ensure that policies and procedures are in place to protect children from harm.

13.64 If the activity undertaken by the child on work experience takes place in a "specified place" such as a school, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases and where the child is 16 years or over, the work experience provider should consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

13.65 Children Staying With Host Families

Schools quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to which they are not related. This might happen, for example, as part of a foreign exchange visit or sports tour. Such arrangements could amount to "private fostering" under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, or both.

13.66 Where the child is under the age of 18 and the person who provides the care and accommodation is paid to provide that arrangement, or the arrangement is not made by the child's family, the private fostering arrangement could amount to regulated activity for the purposes of the Safeguarding Vulnerable Groups Act 2006 regardless of the duration of the arrangement. If the school is responsible for making the arrangement, and has the power to terminate the arrangement, then it could be the regulated activity provider. If the arrangement is made by a third party, and that third party has the power to terminate the arrangement, then the third party is the regulated activity provider. A regulated activity provider will be committing an offence if they knowingly allow a person to carry out a regulated activity whilst barred. Where the school or college is the regulated activity provider, it should request a DBS Certificate with barred list check. However, where the parents make the arrangements or take the responsibility for the selection of the host parents themselves, this will be a private matter between the child's parents and the host parents and in these circumstances the school will not be the regulated activity provider.

13.67 Visiting MKC Staff

13.68 All staff employed by MKC in a role that would be considered regulated activity will have an Enhanced DBS level with a check against the barred list and other

appropriate pre-employment checks will have been completed before they are able to go into school unsupervised. This will include the following groups of staff

- Childrens' Social workers
- Educational Psychologists
- Information, Advice and Guidance Service
- Teaching and Support Service
- Staff visiting from other MKC schools

13.69 Headteachers must not permit any member of staff who does not have full clearances in place visit another school, without sending another cleared employee to supervise or notifying the other school that supervision is required.

13.70 Schools should ask to see a MKC Staff pass/school pass to verify identity of the individual.

13.71 Other groups of MKC staff who visit schools infrequently and, therefore, are not in regulated activity but who have Enhanced DBS checks, without a check against the barred lists, do not need supervision.

13.72 Other staff that visit from MKC who are not on the above lists must be supervised or visit when children are not on site. Headteachers should use their professional judgment about the need to escort or supervise visitors. Having checked the above roles, if schools are unclear as to which level of check a member of MKC staff has, they should contact the relevant Line Manager at MKC.

13.73 **Visiting Staff from Other Organisations**

13.74 Staff, such as trainee teachers, those working in privately run out of school activities, nurses, sports coaches and inspectors should be checked by their 'providing' organisation e.g. the university, primary care trust, local authority, and so on.

13.75 It is sufficient for schools to seek written confirmation that appropriate checks, including DBS, have been done.

13.76 Those whose DBS check does not include a barred list check must be supervised if working in regulated activity.

14.0 **Single Central Record (SCR)**

14.1 Schools must keep a single central record, referred to in the regulations as the register. The single central record must cover the following people:

- all staff (including supply staff and agency/third party staff, including volunteers) who work at the school,; this means those providing education to children;
- People brought into the school to provide regular additional teaching or instruction for pupils but who are not staff members; for example, a specialist sports coach or artist.
- all others who work in **regular contact with children** in the school, including volunteers/contractors / suppliers (i.e. those for whom an enhanced disclosure is required,)

14.2 Generally, the information to be recorded on these individuals is whether or not the following checks have been carried out or certificates obtained, and the date on which

the checks were completed:

- an identity check
- a barred list check
- an enhanced DBS check
- a prohibition from teaching check
- further checks on people living or working outside the UK
- a check of professional qualifications (i.e evidence of QTS)
- a check to establish the person's right to work in the United Kingdom

- 14.3 MKC guidance would also recommend recording pre-employment health checks and evidence that two satisfactory references have been obtained for employees.
- 14.4 If an agency/third party is providing a named individual, details of dates of checks should be sought. However, if the organisation just supplies a person to fill the role (e.g. a sports coach, who is usually the same person, but they will substitute if they are absent) then a letter from the organisation stating they carry out appropriate checks on their employees is sufficient. Documentary evidence of check by the providing organisation should be kept on file.
- 14.5 Individuals who work for the Local Authority who will have one to-one access to children will have an Enhanced DBS with Children's Barred list check. They should be named on the SCR and their organisation/role identified but the detail of checks does not need to be held by the school.

Appendix 11 -Summary Of What Data Needs To Be Recorded For Various Groups Of Staff.

- 14.6 **Single Central Record:**
- 14.7 For all visitors not included on the single central register, schools should require them to sign in. Where unsupervised access to children is likely, e.g. visiting local authority staff, schools should check their proof of identity.
- 14.8 For visiting staff who do have unsupervised regular access to children and young people such as educational psychologists, social workers, supply teachers, trainee teachers, nurses, sports coaches, MOD personnel and inspectors, their 'providing' organisation (for example, the supply agency, the university, primary care trust, local authority) should request the checks.
- 14.9 It is sufficient, for schools to seek written confirmation that appropriate checks, including DBS checks have been carried out and by whom and to confirm the identity of these visitors.
- 14.10 It is not necessary (or practicable) to require a date for such checks unless the providing organisation supplies a list of named individual supply staff. Written confirmation may be in the form of a public statement on the agency website, as is the case with Ofsted." For example the Ofsted website states:
- 14.11 'Ofsted and our inspection partners carry out all the required employment checks for staff who visit nurseries, childminders, schools as part of an inspection. This includes appropriate employment checks and an enhanced Disclosure and Barring Service (DBS) disclosure. All HMI, Regulatory and Additional Inspectors carry official Ofsted photo identification badges so that schools and other providers know they have

passed these rigorous safeguarding checks’.

14.12 **Recording and Retaining Information**

14.13 All recruitment paperwork relating to unsuccessful applicants should be retained for an initial six month period and then confidentially destroyed in accordance with Data Protection Regulations.

1. Details of all pre-employment checks must be recorded onto the ‘Single Central Record’ (SCR) and copies of documents must be signed and dated by person responsible and retained on individual personnel files that are kept within the school. The school must not retain copies of disclosure certificates.
2. The Data Protection Act **DOES** allow sharing of personal information where that is required in order to fulfil a statutory requirement, such as child protection. Contact the school’s HR provider for further guidance on this.
3. A high degree of confidentiality is required and information handled and stored within the best practice principles of the Data Protection Act
4. Information must be retained in a secure locked cabinet with access controlled by the Headteacher.
5. All Managers need to be aware of the issues and have access to the documentation, where appropriate for the purposes of child protection
6. All concerns raised by people outside school must be treated with the same level of seriousness and addressed in accordance with guidelines in the child protection document.

14.14 Schools must not keep copies of DBS certificates in order to fulfil the duty of maintaining the Single Central Record.

15.0 **Induction, Probation and Code of Conduct**

15.1 **Induction**

15.2 All new starters, permanent or temporary, should have an induction programme. Equally, volunteers and contract staff should be appropriately introduced to the school.

15.3 Clearly the content and nature of the induction will vary according to the role and the previous experience of the new member of staff or volunteer. The purpose of an induction programme is to:

- Help the new employee to settle quickly in the job
- Demonstrate the importance the school attaches to the individual’s development
- Provide training and information about policies and procedures
- Support individuals appropriately
- Confirm code of conduct and expectations and provide examples of behaviour that would not be acceptable
- Provide opportunities for new member of staff to raise concerns

- Enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outside and address them immediately
 - Support an ongoing culture of vigilance.
- 15.4 The Induction Programme should include information about:
- Policies and procedures in relation to safeguarding and promoting welfare of children e.g. anti-bullying, racism, internet safety, health and safety etc.
 - Safe practice and standards of conduct and behaviour expected of staff and pupils in their establishment
 - How and with whom any concerns should be raised
 - Other relevant procedures (disciplinary, capability, whistle blowing)
 - Appropriate level of child protection training according to the role
- 15.5 The induction process should support new staff by exploring the issues of child protection so that they do not place themselves or children at risk. It will confirm that the individual fully understands what the school expects of them, leaving no room for any claim that they were unsure of the boundaries of acceptable and unacceptable behaviour or were unaware of established procedures.
- 15.6 All staff must read Part 1 of Keeping Children Safe. For teachers, this familiarisation process is in addition to completing the statutory induction process.
- 15.7 **Probation (For Further Information Refer to [Probationary Policy](#))**
- 15.8 All support staff new to MKC will be required to undertake a probationary period of six months. Appointment onto the permanent staff will be subject to the successful completion of this probationary period
- 15.9 It allows the school and the employee to satisfy themselves that the job is being done satisfactorily and both parties are happy. If, despite your best efforts to assist, the situation is not working out, then with advice from the school's HR provider, you should be able to dismiss the employee with appropriate notice without having to go through a lengthy disciplinary or capability process.
- 15.10 If the appointment is going well, it's a good idea to meet with them and let them know all is well at intervals through the period.
- 15.11 If the employee is not doing well, you should meet with them and explain what they need to do to improve. Towards the end of the probation period, if you have seen some improvement but still need to see more, you can discuss extending the period with your HR provider. If you finally decide to dismiss, a formal meeting will need to be held with the individual and this should be confirmed in writing. The school's HR provider will advise on this process. No probationary period should be extended up to two years.
- 15.12 If the employee is new to the school, but not new to MKC, they will not be subject to a probation period and the school will not be able to simply give notice at the end of the six month period, but it is still a good idea to carefully monitor and discuss progress in the first six months in the new job.

15.13 Code of Conduct

Schools may choose to adopt the MKC Code of Conduct. If they choose not to, the Code of Conduct they use must cover all staff who work in the school on a paid or voluntary basis.

- 15.14 The aim of the Code is to establish guidelines and set professional boundaries for MKC employees which will help maintain and improve standards and protect employees from misunderstanding or criticism. It may be supplemented and clarified by additional guidance where necessary.

15.15 Ongoing Performance Management

- 15.16 Schools may choose to adopt the MKC appraisal policy for teachers.

- 15.17 The overall aim of this scheme is to improve the performance of the school by helping its employees develop their potential and maximise their own contribution.

- 15.18 It is in everyone's interest to ensure that all employees know what is expected from them in their jobs and any performance standards to be met. It is also important that each employee and their manager or supervisor has an opportunity to discuss how work is going on an ongoing basis. The discussion should include any issues that might arise during the year which impact on the employee's ability to get the work done to the standard/timescales required.

- 15.19 The appraisal policy for teachers sets the framework for a clear and consistent assessment of the overall performance of teachers, including the Headteacher, and for supporting their development within the context of the school's plan for improving education provision and performance, and the standards expected of teachers. The appraisal procedure will be used also to address any concerns that are raised about performance. If concerns are such that they cannot be resolved through the appraisal process, there will be consideration of whether to commence the underperformance procedure.

- 15.20 Separate appraisal arrangements exist for Support Staff, for further advice, schools should speak to their HR provider.

16.0 Data Protection

- 16.1 Any data collected and processed as part of employing and managing employees is held securely. It is accessed by, and disclosed to, individuals only for the purposes of completing that specific procedure; process or activity.

- 16.2 Records are retained and destroyed in accordance with the organisations Retention Schedule.

- 16.3 Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under the Disciplinary Procedure.

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<https://www.milton-keynes.gov.uk/schools-and-lifelong-learning>

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