



Hodge Hill Girls' School

Safer Recruitment Policy

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Model Safer Recruitment Policy

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Introduction

1. The Governing Body of Hodge Hill Girls' School has adopted this Safer Recruitment policy in accordance with the School Staffing (England) Regulations 2009 and Keeping children safe in education statutory guidance, for the safe and legal employment of people to work in the school.
2. The Governing Body is committed to the welfare of children and young people in its care. It recognizes that the legal requirements for recruiting and employing people to work in the school include provisions specifically to protect children from harm and that following these provisions is an essential part of its duty of care. It also recognizes that the legal requirements for checking prospective employees' right to work in the United Kingdom protect those responsible for recruitment from fines for infringing the law.
3. The Governing Body has also adopted the model Child Protection Policy recommended by Birmingham City Council.
4. The Governing Body will ensure that all employees are made aware of this policy, the Child Protection and Data Protection Policy. It will publish them through its scheme of publication in accordance with the Freedom of Information Act.

Guidance on the Law

5. The Governing Body is committed to following the Keeping Children Safe in Education statutory guidance
6. The Head Teacher is required to ensure that checks on the right to work in the United Kingdom comply with the requirements of the Immigration, Asylum and Nationality Act 2006
7. The Governing Body is committed to its legal duties and responsibilities in respect of equality in employment.

Checks and recording

8. The Governing Body commits the school to working in compliance with the legal requirements on schools to undertake pre-employment checks as outlined in the School Staffing Regulations, Keeping Children Safe in Education statutory guidance and other legislative provisions, including the Childcare Disqualification Regulations. The Head Teacher is required to
 - Ensure that all required pre-employment checks on new employees, including casual and short-term employees, are made and completed satisfactorily before a formal offer of employment is made and that these checks are recorded in the required register (known as the 'single central record').
 - Ensure that the single central record is kept of the checks already undertaken on existing employees.
 - Ensure that the required written confirmation of all required checks is obtained and retained on file, from agencies and third party organisations supplying staff to the school, including organisations providing specialist coaches or instructors and centrally managed services., ensuring details of staff supplied by agencies and third party organisations working more than 3 times in 30 days are recorded in

the single central record. Also, that the identity of each and every person supplied by an agency is checked by the school before the person starts work.

- Ensure that self-employed people engaged directly by the school are subject to the same checks as would be the case if they were employed by the school.
- Ensure that the checks involve copying (or electronic scanning) each specified document as required, signing and dating the copy and placing the copy in secure storage in accordance with Data Protection legislation. Photocopies or scanned images of DBS certificates will not be taken or held on file.
- Arrange for all volunteers to undertake an identity check

Ensure a DBS certificate with a barred list check is obtained for volunteers deemed to be working in regulated activity. , ,

- Ensure barred list checks are not carried out on any person, including volunteers, who are not in or seeking to enter regulated activity.

9. The Governing Body will ensure that these requirements are applied to the selection of a head teacher or deputy head teacher.

10. The Governing Body will ensure that it works with the local authority and complies with the requirements of the Safeguarding Vulnerable Groups Act 2006 to refer prescribed information to the Disclosure and Barring Service when required to do so.

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Enhanced disclosure and barring certificate and risk assessment

11. The Governing body has discretion to use a person's previous DBS clearance, subject to carrying out a new barred list check if a requirement of the role, or carry out a check with the Update Service subject to the conditions outlined in the Keeping Children Safe in Education statutory guidance.

12. The Governing Body permits the commencement of employment before an enhanced criminal record certificate has been obtained only in justifiable circumstances approved by the Head Teacher following a risk assessment and provided that an application for such a certificate has been submitted. If a requirement for the role, a new barred list check will be carried out prior to the person starting work while awaiting a certificate. In each case the Head Teacher is required by the Governing Body to record the risk assessment and the decision, monitor the situation every fourteen days until the enhanced certificate from the Disclosure and Barring Service is received and to be accountable for the decision to allow the employee to start work. The Governing Body will ensure that people who have lived/worked outside the UK for three months or more within the last five years or have come from overseas undergo the same checks as for all other appointments and volunteers, including obtaining enhanced disclosure and barring certificates. Where obtaining a DBS certificate is not sufficient to establish that person's suitability to work in a school, because of the time spent abroad, the governing body will make such further checks as they consider appropriate by asking the person to provide a certificate of good conduct or equivalent, and ensuring the person completes the overseas declaration form

Positive disclosures

12. The Governing Body requires the Head Teacher to carry out the appropriate risk assessment in connection with a positive disclosure obtained through a check with the Disclosure and Barring Service.

13. The Governing Body expects the Head Teacher, where appropriate, to take advice from the Authority's LADO Team on a positive disclosure from the Disclosure and Barring Service, or appropriate other persons such as the Authority's Employee Relations Team as necessary and refer the matter to the relevant committee of the Governing Body if advised to do so.

General recruitment procedures

14. Where the Governing Body has delegated its power of recruitment and selection to the head teacher it requires the head teacher to ensure, as far as reasonably practicable, that

- all vacancies, whether permanent or temporary, are advertised externally, unless this would result in displacement of existing staff or there is an urgent need to recruit temporary cover for absent staff, in which cases the head teacher is required to invite applications or expressions of interest from all staff in the school, including existing temporary employees and agency workers. The Governing Body notes that there is a legal requirement to make all such vacancies known to employees on maternity leave and parental leave and to agency workers. It expects details supplied to applicants to include a job description and person specification.
- All advertisements include a statement to the effect that the school "is committed to safeguarding and promoting the welfare of children and young people and expects all employees and volunteers to share this commitment" and a statement that the successful applicant will require an enhanced disclosure from the Disclosure and Barring Service
- every job description includes a statement that the employee is responsible for promoting and safeguarding the welfare of children for whom he or she is responsible or comes into contact
- every person specification includes a clear statement about the requirements for any applicants to demonstrate their suitability to work with children and that this will include motivation, ability to maintain appropriate relationships with children, emotional resilience to challenging behaviour, and attitudes to the use of authority and maintenance of discipline
- unless the Governing Body has adopted another application form complying with the statutory guidance, the school uses the current standard application forms prepared by the local authority or by the relevant faith authorities
- any gaps in education or employment, or discrepancies between information on the application form and references are explored
- at least two job-related written references, including one from the current employer or most recent employer (or training establishment in the case of a newly qualified teacher or school for a young person with no previous employment experience) or most recent employer in respect of employment with children, are always obtained before interviews take place and preferably before short-listing, that relevant questions are asked of the referee and employee in accordance with statutory guidance and any discrepancies are investigated that the assessment of candidates during selection process is properly recorded against the person specification and criteria set for the assessment
- a job is never offered subject to references and that if written references are not available before an interview selection of a candidate is deferred, with the panel adjourning and reconvening when the written references are available

- all persons invited for interview are informed in writing of the required pre-employment checks and asked to bring relevant documentation with them on the day of the interview
- choose suitable people, one of whom must have completed the required training in safer recruitment, to interview candidates with the head teacher or on the head teacher's behalf and that the interviews are supplemented by other tasks and assessment as appropriate
- the recruitment and selection process is monitored in accordance with the Governing Body's policy on the various equality duties required of schools
- all documentation about the recruitment and selection is retained securely for six months in accordance with data protection legislation, after which papers are destroyed, except for the items relating to the successful applicant
- all necessary relevant documentation for the successful applicant is held within a person's personal file, including:
 - recruitment paperwork;
 - two written references;
 - evidence of right to work signed and dated;
 - where applicable, the Childcare (Disqualification) Regulations 2009 declaration form;
 - evidence of a completed DBS check (including barred list where appropriate) via a 'snapshot' taken from the eBulk or equivalent system. Photocopies or scanned images of original certificates should not be taken or held on file.
 - evidence taken from Teacher Services of prohibition, EEA and section 128 checks where applicable;
 - evidence of pre-employment medical clearance;
 - completed overseas declaration
 - evidence of qualifications essential to the role,
 - written confirmation from agencies supplying staff;
 - and risk assessments pending the outcome of a DBS check to remain on file for the lifetime of the employee.

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15. The Governing Body will also require selection panels for head teachers and deputies and any interviewing panel including governors to follow these requirements.

Safer Recruitment Training

16. The Governing Body will arrange as necessary for some or all governors to undertake the training in safer recruitment specified in the School Staffing Regulations.

17. The Governing Body will follow the requirement in the School Staffing Regulations that at least one member of selection panels for head teachers and deputies and any other interviewing panel including governors has completed the required training in safer recruitment and that if selection has been delegated to the head teacher both the head teacher and any other employee assisting the head teacher with the interviews have completed the required training in safer recruitment.

Induction

18. The Head Teacher is required to ensure that arrangements are made for induction to include in the first week all relevant aspects of the school's child protection policy, including the identity of the school's

Designated Senior Leader/s19. This is in addition to statutory induction for newly qualified teachers and probation for new support staff.

20. The Head Teacher is expected to ensure that arrangements are made for suitable induction and training for all other employees new to the school.

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Safer Recruitment, including Enhanced Disclosure and Barring Certificates – Disclosure and Barring Service (DBS) Guidance

This Content is applicable to both Teachers and Support Staff

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Recruitment, selection and pre-employment vetting

It is vital that schools create a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children. This guidance is taken from the '**Keeping children safe in Education**' statutory guidance produced by the DfE . It describes in detail those checks that are, or may be, required for any individual working in any capacity at, or visiting, the school. Governing bodies and proprietors must act reasonably in making decisions about the suitability of the prospective employee based on checks and evidence including: criminal record checks (DBS checks), barred list checks and prohibition checks, together with references and interview information. The **Model Safer Recruitment Policy** has recently been revised in consultation with the unions and Teacher Associations.

The latest template and advice in relation to the Single Central Record (SCR) can be found **here**, or to book compliance audit of your current SCR, please contact Schools HR on 0121 303 4524.

Schools HR run termly Recruitment, selection and pre-employment training. For further details please contact the team on 0121 675 3781/303 4524.

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1. Essential checks before a person starts work

• The Barred List

The check against the barred list will be done as part of the normal Disclosure check, but there are occasional cases when a person starts work before that procedure is complete. In these cases, schools should contact the DBS Team on 0121 303 4974 / 675 9299 and they will be able to check the barred list over the phone. This

should form part of a risk assessment. Please note, the Government has announced that in due course this will apply to new and unsupervised volunteers.

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Permanent and temporary Prohibition Orders

Prohibition orders prevent a person from carrying out teaching work in schools in England.

A person who is prohibited from teaching must not be appointed to work as a teacher and schools must check the teacher is not subject to a Prohibition Order prior to appointing them.

The DfE advise that it is good practice to check other categories of staff. For example, a person is not prohibited to work as a Teaching Assistant, but a check will provide additional intelligence along with other pre-employment checks, that can be used to inform the final recruitment decision. Examples include: if a person is prohibited for inappropriate relations, a school would want to ensure the person is suitable to work in the age group applied for; if prohibited for financial irregularities it would be important to ensure they don't have any dealings with finance until a level of trust had been established.

The NCTL publication **Teacher misconduct: the prohibition of teachers**, provides further details.

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EEA Sanctions

Schools are also required to check teacher restrictions imposed by regulators of the teaching profession in other EEA member states.

Restrictions imposed by another EEA authority do not prevent an individual from taking up teaching positions in England. However, schools should consider the circumstances leading to the restriction when considering a candidate's suitability. The EA online service explains how to get further information about EEA restrictions.

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Section 128 direction (only applicable to independent, academy and free schools)

A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited, is unable to participate in any management of an independent school such as: a management position in an independent school, academy or free school as an employee; a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

A check for a section 128 direction can be carried out using the **Employer Access Online Service**. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

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Carrying out checks:

- use **Employer Access Online Service** to carry out each check and ensure the person is not subject to a Prohibition Order, EEA sanction or Section 128 Direction. For prohibition, schools can check a specific teacher using the individual's Teacher Reference Number or scroll through the complete list of prohibited teachers. There is a separate list to check for EEA sanctions and Section 128 Directions;

- take a screen print to keep on the personal file as evidence; and
- record details on the **Single Central Record**.

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Childcare (Disqualification) Regulations

People working in relevant settings (effectively nurseries and primary schools, and any secondary school providing childcare for children under eight) must also undertake checks required by the Childcare Disqualification Regulations. See **guidance** attached below.

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2. Other Pre-appointment Checks

For guidance in relation to identity, right to work, references, medical fitness and single central record, please refer to the relevant sections **here** on the Schools HR Portal. Advice about professional qualifications can be found **here**. A **checklist for candidates / new starters** can be found attached to this page.

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3. Disclosure and Barring Certificates

Full guidance is available in the latest **Keeping children safe in education document** or at **www.gov.uk**

Schools HR process DBS checks via the online Ebulk system. User guides for applicants and schools can be found below, or for further information please contact the team on: Tel: 0121 675 9299 or email **dbb@birmingham.gov.uk** with the applicant's full name and DOB.

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What level of check is required?

The level of DBS check required will depend on the role and duties of the person, but for most roles, an enhanced DBS **with barred list check** will be appropriate as the majority of staff will be engaging in **regulated activity**.

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Definition of regulated activity

A person will be considered to be in 'regulated activity' if as a result of their work they:

- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

Under no circumstances should anyone in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

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Starting work before a certificate has been obtained

Where an individual starts work in regulated activity before the DBS certificate is available to be seen, the school should ensure:

- all other appropriate pre-employment checks have been completed;
- a risk assessment is carried out and kept on the person's personal file and noted on the SCR. (The risk assessment should remain on file for the duration of the employment to demonstrate one was carried out.);
- the risk assessment is reviewed regularly (at least monthly) until the DBS certificate is available to be viewed;
- the individual is appropriately supervised;
- a separate barred list check has been completed and recorded on the Single Central Record. Please contact the Schools HR DBS team who will carry out a barred list check for you. Tel: 0121 675 9299 or email **dbb@birmingham.gov.uk** with the applicant's full name and DOB.

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What should I see and record?

- Once the checks are complete, the DBS will send the DBS certificate to the applicant. Schools should ask to see the original paper certificate and the applicant **must** show the original to their potential employer before they take up post or as soon as practicable afterwards
- Details from the certificate should be recorded on the Single Central Record, but a copy of the certificate must not be taken

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Volunteers

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

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Unsupervised volunteers

Volunteers who on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in schools and colleges will be in regulated activity. An enhanced DBS certificate (which should include barred list information) should be obtained for all volunteers who are new to working in regulated activity.

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Supervised volunteers

Schools and colleges may obtain an enhanced DBS certificate (not including barred list information), for volunteers who have the opportunity to come into contact with children on a regular basis, but are not deemed to be in regular activity because they are being appropriately supervised. Employers are not legally permitted to request barred list information on a volunteer who, because they are supervised, is not classed as being in regulated activity.

If deemed that a volunteer is not engaging in regulated activity, the school should undertake a **risk assessment** (see template below) 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.

If the volunteer is to be supervised while undertaking an activity which would be regulated activity if it was unsupervised, the statutory guidance must be followed. The guidance requires that:

- there must be supervision by a person who is in regulated activity;
- the supervision must be regular and day to day; and
- the supervision must be "reasonable in all the circumstances to ensure the protection of children".

The 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. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.

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Governors

Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS. It is the responsibility of the governing body to apply for the certificate for any of their governors who does not already have one. Governance is not a regulated activity and so they do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

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Agency and third-party staff

Schools are required to:

- obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks on an individual, that the school would otherwise perform;
- receive confirmation that the agency or third-party has obtained a barred list check where the position requires this, prior to appointing that individual;
- check that the person presenting themselves for work is the same person on whom the checks have been made;

- ensure the employment business has stated whether that certificate made any disclosure and, if so, provide a copy of the certificate, which should have been obtained within the previous three months; and
- enter the details onto the Single Central Record for any person working frequently in the school (3 times or more in 30 days).

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Contractors

- Schools and colleges should ensure that any contractor, or any employee of the contractor, who is to work at the school or college has been subject to the appropriate level of DBS check.
- Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information).
- For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.
- Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. Schools and colleges are responsible for determining the appropriate level of supervision depending on the circumstances.
- If a contractor working at a school or college is self-employed, the school or college 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.
- Schools and colleges should always check the identity of contractors and their staff on arrival at the school or college.
- Enter the details onto the Single Central Record for any person working frequently in the school (3 times or more in 30 days).

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Visitors

Schools and colleges do not have the power 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). Headteachers and principals should use their professional judgment about the need to escort or supervise visitors.

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Portability / The Update Service

The guidance states there is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or young persons in any post in a school since 12 May 2006; or
- in an institution within the further education sector in England or in a 16-19 Academy, in a post which involved the provision of education which brought the person regularly into contact with children or young

persons.

All other 'pre-appointment checks must still be completed, **including where the individual is engaging in regulated activity, a barred list check.**

If using portability, it is **essential** therefore that schools:

- demonstrate they have seen and checked the applicant's DBS certificate;
- ensure the DBS check presented is appropriate, for example, an enhanced check;
- cross reference the date of the check against employment history, to confirm the applicant has been in continuous employment without a break in service of 3 months or more;
- check the certificate against the list of offences in the **Childcare Disqualification Regulations**, if working with the relevant age group;
- record details of the DBS check onto the Single Central Record; and
- complete the **DBS Portability/Update Service Form** and forwarded to the Schools HR Officer prior to the employee being set up and paid.

On receipt of the DBS Portability/Update Service form, Schools HR will carry out a Barred List check. An email will be sent to you confirming the check has been carried out, this evidence must be placed on the personal file and the Barred List Check column updated within your SCR updated.

Please note that a school **may** request an enhanced DBS check with barred list information should there be concerns and bearing in mind the duty schools are under not to allow a barred person to work in regulated activity. Again, further advice is available from the Schools HR DBS Team.

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The Update Service

Individuals can join the DBS Update Service enabling employers to carry out a free, instant on line check on an existing DBS certificate to confirm that no new information has been added to the certificate since its issue. This allows for portability of a certificate across employers. If there is no change in status a school may then accept the certificate presented by the employee instead of undertaking a new DBS application.

Before using the Update Service schools or colleges must:

- obtain consent from the applicant to do so;
- confirm the certificate matches the individual's identity;
- examine the original certificate to ensure that it is appropriate for the workforce and level of check, e.g. enhanced certificate/enhanced including barred list information;
- demonstrate they have checked the applicant's DBS information using the Update Service, by printing confirmation of the on-line check and retaining on the personal file;
- if necessary, check the certificate against the list of offences in the Childcare Disqualification Regulations; and
- record details of the DBS check onto the Single Central Record.

Individuals will be able to see a full list of those organisations that have carried out a status check on their account. Further information about the update service can be found at GOV.UK.

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People who have lived outside the United Kingdom

People who have **lived/worked** outside the United Kingdom for three months or more within the last five years or have come from overseas must undergo the same checks as for all other appointments and volunteers, including obtaining enhanced disclosure and barring certificates. However, where obtaining such a certificate is not sufficient to establish that person's suitability to work in a school, because of the time spent abroad, the governing body must make such further checks as they consider appropriate. The person should be asked to provide a certificate of good conduct (through an embassy). Ofsted may ask the school to demonstrate that an overseas check has been undertaken in order to complete the relevant part of the Single Central Record. A form for recording this on the personal file '**Overseas Declaration Form**' can be found below.

The Statutory guidance states that advice on the criminal record information which may be obtained from overseas police forces, published by the Home Office, is on **GOV.UK**. The Department for Education has also issued guidance on the **employment of overseas-trained teachers**. This gives information on the requirements for overseas-trained teachers from the European Economic Area to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

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Positive Disclosures containing caution/conviction information

The applicant must show the original DBS certificate to their potential employer before they take up post or as soon as practicable afterwards.

Upon receipt of a 'positive' disclosure, we recommend that the head teacher should meet the applicant and discuss the information disclosed, with particular reference to the circumstances, the nature of the offence(s), any remorse shown, any rehabilitation undertaken to reduce the likelihood of reoffending, and any change of circumstances which reduces the likelihood of reoffending. The applicant should be invited to comment in writing and should be told what will happen to the information.

The head teacher should then assess the risk (see risk assessment form – DBS checks below) of the applicant working in the school. Ultimately, the decision to employ or not employ an applicant lies with the school and they will need to ensure that the steps they have taken in making the recruitment decision will help cover them against any claims or issues arising as a result.

Prior to making any decision, we would recommend that head teachers seek advice from the LADO Team. They can be emailed at ladoteam@birmingham.gov.uk.

If an applicant has disclosed a conviction or caution when completing their original disclosure application, the persons conducting the interview may wish to discuss the circumstances with the applicant during the interview. (Applicants for jobs are asked to disclose certain criminal convictions on their application form for a job with the school, so the two disclosures should match.)

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Safer Recruitment Supporting Documents

Safer Recruitment Guidance

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