



## **Safer Recruitment Policy**

Mr. Mohammed Farid Ahmed Chowdhury is the Safeguarding Lead governor and Mr. Mohammed Badrul Islam is the Bursar, both are responsible for safer recruitment. Md\_Nazmul Haque is the DSL and is assisting Mr Islam and he did his refresher safer recruitment training on 06/12/2019 by LBTH.

### **Aims**

The staffing process is governed by the Schools' principles of nondiscrimination and is designed to achieve the best match between the individual's knowledge and skills, experience and character, the requirements of the vacant post and recognition of the need for flexibility to respond to changing conditions. Darul Hadis Latifiah relies on the skills, competencies and contribution of all employees to ensure the smooth running of the Schools. The overall aim of this policy therefore, is to recruit and retain high caliber staff. Darul Hadis Latifiah is committed to tackling discrimination and promoting inclusion through equality and diversity. The Equality Act 2010 is stringently adhered to in all our recruitment processes. The Safety and Well Being of all our pupils at Darul Hadis Latifiah is our highest priority. We all share an objective to help keep children and young people safe by contributing to providing a safe environment for children. We therefore take great care in the recruitment and selection process at Darul Hadis Latifiah School to achieve this to the best we can.

### **Scope of the Policy**

The policy applies to all Darul Hadis Latifiah posts.

### **Authorization of Posts**

All posts (both new and replacement) must be authorized by the Principal to ensure consistency of employment practice and that the budget requirements are met.

### **Advertising of Posts**

All agreed appointments of six month's duration or more will be advertised and subject to competitive selection procedure. Advertisements may be internal only or published simultaneously internally and externally. Posts may be advertised internally where it is anticipated that a suitable field of candidates exists and in response to specific needs such as

redeployment. The aim of advertising is to attract a wide range of high quality candidates from diverse backgrounds.

### **Recruitment Documentation**

Prior to advertising, a job description which describes the purpose, duties and responsibilities of the post will be prepared. The qualifications, skills, experience, knowledge, aptitudes and abilities that are essential and desirable for the post will also be identified. They will not include any potentially discriminatory requirements. A draft advertisement will be drawn up by HR administrator and forwarded to the relevant line manager where it will be checked before advertise the role. **All adverts will state that employment is subject to an enhanced Criminal Record check (including Enhanced DBS, Prohibition from teaching, GTCE Sanctions & restrictions check, EEA Check, Management checks and Overseas Check where applicable) and at least two satisfactory references.** The requirements of the Data Protection Act 2018 & GDPR will be strictly adhered to. The incumbent applicant must apply by using schools job application form and is available on request.

### **Short listing**

Short listing will be based on the selection criteria which assess the candidate's qualifications, skills, experience, knowledge, aptitudes and abilities. The capability of the individual to perform in the position will be the major factor and in certain roles the ability to work with others will be taken into account. Rigorous staff recruitment checks are needed for all those with substantial unsupervised access to pupils. They are an essential part of our responsibility under the Children Act and Dfe circular 1568/2005: Safeguarding Children: Safer Recruitment and Selection in Education settings & DfE Keeping Children Safe in Education September 2020. No system will guarantee that no one unsuitable is ever recruited to Darul Hadis Latifah but a high standard of scrutiny should reduce the potential for harm being done to the children in our care.

## **Routine procedure for checks**

1. Two written references from the last two employers (Prior to interview) which are detailed enough to help recruiters make decisions about the candidate's suitability for the post. These are in addition to other reference procedures such as verbal references and follow up telephone calls. The school must take care to obtain references directly from the referees who will always be asked about:
  - the candidate's suitability for working with children and young people ;
  - any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children (these should not include any allegations proven to be false, unsubstantiated or malicious );
  - any extremist view of being radicalization and extremism
  - the candidate's suitability for this post.
2. A personal interview (at least of which should be in front of two interviewers and at least one person has safer recruitment & safeguarding training) with a written record and assessment by the interviewer(s).
3. An explanation of any gaps in the job application form/personal history (recorded in writing by an interviewer). Responses must be kept on file.
4. A verification of relevant qualifications at interview. Originals of all recent and relevant as well as degree or similar professional qualifications must be seen.
5. A verification of identity at interview (passport or driving license with a photo card, Identity checking Guidance GOV.UK).
6. Disclosure and Barring Service (DBS) checks (Enhanced) with barred list information for those engaged in regulated activity. Refer to KCSIE 2020 p36 for types of DBS checks and Annex G. In cases where a person is due to start working before the DBS certificate is obtained, a barred list check & Risks assessment must be made before the person's starts working at the school. 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.

7. Barred List Check, obtained separately if an individual will start work in regulated activity before the DBS certificate is available

8. Prohibition from teaching check ( KCSIE 2020).

9. Prohibition from GTCE Sanction & restriction Check (KCSIE 2020)

10. Check Child care disqualification under the child care act 2006. (KCSIE 2020)

11. Prohibition from management check (S. 128 direction, Paragraph 144-147) (KCSIE 2020; DfE letter to schools August 2015)

12. Overseas criminal Check (If required). These further checks should include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the Dfe online Service,Teacher Services-Employer Access-School' system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

13. Criminal Conviction Declaration and must be completed prior to employment.

14. Right to work in the UK (Valid Visa/ Resident Permit)

15. Safeguarding, Prevent, Health & Safety & E Safety training must be provided prior to start/during induction periods.

16. A risks assessment must be carried out to minimize the risks prior to appointment.

### **The Interview Process**

Interviews where possible will be conducted by at least one individual who has attended **Safer Recruitment Training**. Candidates will be asked both technical/ competency based questions as well as questions that attest to the match of the Person Specification in the Job Description. The interview team will ensure that candidates with a disability or special needs are fully provided for an interview, provided notification has been made in advance.

### **Post Interview recruitment checks and medical fitness check**

Offers of appointment are subject to the receipt of satisfactory recruitment checks as listed above in this policy. No employee will be able to work alone and will be supervised until DBS clearance has been received. All appointments are subject to the continued declaration of any charges, arrest or convictions, including serious driving offences, disqualification from child care under the child care act 2006. Failure to disclose as stated could lead to the termination of employment. Once an offer of employment is made, the candidate must complete a self-declaration of medical fitness. No contract of employment will be issued until the successful candidate has provided proof of their ability to work in UK.

### **Agency and third-party staff**

Schools and colleges must obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate that written notification has been received that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the school or college that the school or college would otherwise perform. Where the position requires a barred list check this must be obtained, by the agency or third-party prior to appointing that individual. Agency and third party is responsible for all the relevant safeguarding checks including overseas check (if required) and a written must be obtain from the agency. The school must also check that the person presenting themselves for work is the same person on whom the checks have been made.

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

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

The Home Office has published guidance on criminal record checks for overseas applicants. 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.

## **Trainee/student teachers**

Where applicants for initial teacher training are salaried by the school or college, the school or college must ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including and barred list information) 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, schools should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. There is no requirement for the school to record details of fee-funded trainees on the single central record.

## **Existing staff/referrals**

If a school or college has concerns about an existing staff member's suitability to work with children, the school or college should carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school or college moves from a post that was not regulated activity, into work which is regulated activity, the relevant checks for the regulated activity must be carried out. Apart from these circumstances, the school or college is not required to request a DBS check or barred list check.

Schools and colleges have a **legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult**; where the harm test is satisfied in respect of that

individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence; and that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual. Guidance on referrals can be found on GOV.UK.

Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

### **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.

Refer to KCSIE 2020 p49 and 50 to find out more on what checks are required for volunteers according to their activity.

### **School and sixth form college proprietors and governors**

Governors who are volunteers should be treated on the same basis as other volunteers, that is, an enhanced DBS check (which will include a barred list check) should only be requested if the governor will be engaging in regulated activity. Governing bodies can request an enhanced DBS check without a barred list check on an individual as part of the appointment process for governors not engaged in regulated activity.

For proprietors of independent schools (KCSIE 2020).

### **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.

### **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). The Principal should use his professional judgment about the need to escort or supervise visitors.

### **Visiting Speakers**

The school frequently makes use of external speakers covering both academic and wider curriculum topics. These specialists are sourced from appropriate organisations or have been invited following recommendations from staff contacts at other schools or organisations. The receptionist keeps a log of all visiting speakers and, in addition to the knowledge of the staff who have sourced them, will research the visiting speaker on the internet to gain further comfort to their suitability. Any concerns must be discussed with the Principal. All staff are regularly reminded of the protocols associated with the signing in and supervision of visiting speakers and sign a visiting speaker agreement. A risks assessment also carried out before invite the visiting speaker.

### **Adults who supervise children on work experience**

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

Refer to KCSIE 2020 for further details.

### **Maintenance of the Single Central Register (SCR)**

All the required checks must be recorded in the SCR in the manner prescribed by the Independent School Standards, Part 4, and include:

- an identity check;
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check;
- a section 128 check (for management positions as set out in paragraph 144-147 for independent schools;
- further checks on people who have lived or worked outside the UK Paragraph 172-1173; this would include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions described in paragraph 149;
- a check of professional qualifications; where required and
- a check to establish the person's right to work in the United Kingdom.
- School must record whether the person's position involves 'relevant activity' i.e. regularly caring for, training, supervising or being solely in charge of persons aged under 18.

The single central record must cover all staff (all staff who are employed to work in the school; all staff who are employed on a supply or casual basis, whether employed directly by the school or through an agency; all volunteers who have regular contact with children. This will include proprietors, governors who work as volunteers; people brought into the school to provide additional teaching or instruction for pupils but who are not staff members, for example specialist sports coaches or music teachers; teacher trainees on salaried routes) who work at the school, and 18 plus sixth form students.

Confirmation that these checks have been carried out along with the date the check was undertaken/obtained, and the initials of the checker must be logged on this record for all employees of the school.

For supply staff, schools should also include whether written confirmation that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided in respect of the member of supply staff, and the date that confirmation was received.

It is the responsibility of the governing body that the SCR is kept up to date; that all the documentation relating to pre- and post-recruitment processes is kept on file.

### **Monitoring and evaluation**

In addition to annual reviews of this policy, the governing body will check that correct procedures are followed every time someone is recruited. Deficiencies will be rectified at once.

Date Policy reviewed: 1<sup>st</sup> September 2020

Print Name (Chair of Governors): **Moulana Muhammad Abdul Jalil**

Next Review Date: September 2021, and as frequently as required by subsequent DfE updates within the year

Responsibility for review: Principal / Governors.

## **APPENDIX 1 Prohibition order checks and s.128 checks**

### **1. Secretary of State Prohibition Orders (teaching roles)**

**1.1** In all cases where an applicant is to undertake a teaching role of any kind a Prohibition Order check will be made using the Dfe Employer Access Online Service. It is anticipated that this will be performed at the shortlisting stage but will in any case be made before any offer of employment is made.

**1.2** This check also applies to teaching staff whose appointments have been made since 1 April 2012.

**1.3** Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

**1.4** Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the National College for Teaching and Leadership (NCTL). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

### **2. Secretary of State Prohibition Orders (management roles; S.128 checks)**

**2.1** The Independent School Standards also require that checks be made for the existence of directions made by the Secretary of State under s.128 of the Education and Skills Act 2008 barring individuals from taking part in the management of an independent school. The power to make such directions came into force on 8 September 2014, but a mechanism for carrying out checks was not available until 6 July 2015.

**2.2** Definition of management roles: membership of proprietor bodies (including governors if the governing body is the proprietor body for the school), and all staff positions as follows: head teacher, any teaching positions on the senior leadership team, and any teaching positions which carry a department headship. Other teaching posts with additional responsibilities do not count as 'taking part in management). For non-teaching staff, only

posts which are part of the senior leadership team should be regarded as 'management' for the purposes of checking for the existence of a barring direction. All employed school staff are regarded as being in 'regulated activity' for the purposes of these checks.

**2.3** The DfE has agreed procedures with the DBS and the NCTL so that any s.128 directions made by the Secretary of State will show up on checks made with those bodies. For DBS, the existence of a s.128 direction will show only if a barred list check is made. Since DBS barred list checks can only be made if an individual is in regulated activity, we have also arranged that the existence of a s.128 direction will also show if a check is made through the NCTL (which can be done whether or not the person concerned is a teacher).

**2.4** How checks should be made depends on the nature of the post:

- If a person is occupying a teaching post, including head teacher, both the DBS and NCTL routes should be used. Although the s.128 bar would show on the DBS barred list check, the NCTL check also has to be carried out anyway, because of the possibility that a NCTL teaching prohibition order exists;
- If a person is occupying a non-teaching staff post, or is a member of the proprietor body but is in regulated activity, the DBS route only should be used;
- If a person is a member of the proprietor body and is not in regulated activity, the DBS route cannot be used because a barred list check cannot be carried out for persons not in regulated activity. Therefore, the NCTL route should be used.

**2.5** The DfE states (in a letter addressed to independent schools dated August 2015) that it is not necessary for schools to check existing staff or members of proprietor bodies for the existence of a s.128 direction, even if they are in future promoted internally to a post for which a check is needed. If an individual already at a school is the subject of a direction made from now onwards, because that would be taken up by the department with the school concerned.

**However, as a matter of good practice and precaution, this school will check existing staff and members of the proprietor bodies.**

**2.6 If an individual barred under s.128 occupies a management position at an independent school, then that may be grounds for removal of the school from the register of independent schools (s.119 of the Act), leading to closure.**

**2.7 DBS:** the school will be vigilant, when submitting application for a DBS check for such a role, about clearly indicating that this is the case. The school must see that the DBS checking provider includes on the DBS application form, within box 61, Position Applied for, 'Child Workforce Independent School'. This allows DBS to confirm if an s128 direction has been made.

**2.8 NCTL:** NCTL mandatory pre-employment checks can be undertaken directly by the school using Secure Access. NCTL will upload details of any section 128 barring directions and these will be visible immediately. Three lists will be accessible:

- teachers who have failed to successfully complete their induction or probation period
- teachers who may be the subject of a suspension or conditional order imposed by the General Teaching Council for England (prior to abolition) that is still current
- teachers or others who have been prohibited from teaching
- teachers sanctioned (since 18 January 2016) in other EEA member states by an EEA member state regulator of the teaching profession.

For the purposes of checks for section 128 barring directions – schools will only need to access the 'prohibited' list – the last of the three. Although this list is primarily designed to be of those prohibited from teaching, it will also show s.128 directions including those for non-teachers.