

Our Ref:
Date: 4 October 2016
Enquiries to: Schools' HR Casework Team
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To: All Headteachers and Chairs of Governors
of maintained schools and PRUs

**LMS Document
No. 2016/18**

Dear Colleague

Re: Safer recruitment pre-employment checks

Following the publication of the new edition of Keeping Children Safe in Education in September, it is timely to remind you about the requirements enshrined within it. A copy of KCSiE can be found [here](#), or by copying this address into your browser:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550511/Keeping_children_safe_in_education.pdf

A summary of the pre-employment checks that must be carried out for all new appointments is set out in paragraph 102, page 27 of KCSiE and reproduced in Appendix One of this letter. Please note however, that the appendix does not contain links to footnotes, so it is vital that you read the full requirements as set out in the statutory guidance.

In particular, I would draw your attention to a range of key issues:

A. Copying and retaining documents

Paragraph 113 of KCSiE says:

“..... Schools and colleges do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. To help schools and colleges comply with the requirement of the Data Protection Act, when a school or college chooses to retain a copy, it should not be retained for longer than six months. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept for the personnel file. Further information on handling DBS certificate information can be found on [Gov.uk](#)

B. Single Central Record

Paragraphs 112 and 113 of KCSiE look specifically at the requirement to keep a single central record (SCR), referred to in the regulations as the 'register'. Further information about what must be on the SCR is set out in Appendix One of this letter. A template for the SCR is available on the Ask Schools' Choice website [here](#), or by copying the following into your browser

<https://ask.schoolschoice.org/schools/help/human-resources/Single-Central-Record>

C. Employment history and references

The requirements relating to employment history and references has not changed in the new edition of KCSiE and can be found in paragraphs 108 and 109. References should be sought on all short-listed candidates, including internal ones, before interview, so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview. References should be scrutinised carefully to ensure that all specific questions have been answered satisfactorily. They should also be compared for consistency with the information provided by the candidate on the application form.

From time-to-time, the Schools' Choice HR Casework Team is asked for advice about '**missing employment references**', ie when a check is made of an employee's personnel file at the school, and the school finds that there aren't satisfactory references held on it. Further guidance is set out at Appendix Two.

D. Health checks

Like other pre-employment checks, the check to verify the successful candidate's mental and physical fitness to carry out their work responsibilities should ideally be completed before he or she starts the new job.

Health Management Limited, in addition to providing occupational health advice about existing employees, also undertakes secure, on-line pre-employment health checks for new employees. These are called Health Assessment Questionnaires (HAQs). Schools need to log on to the Health Management Ltd website to provide details about the job and the email address for the new employee. The school then submits the partially completed HAQ and it goes to the new employee who provides responses to a number of questions. Where no medical issues are identified, HML will provide medical advice in the form an electronic 'fit certificate' to the school. Where further information or clarification is required, HML will advise accordingly.

Schools should retain the outcome of health check from HML on the employee's personnel file and include the date that the check was received on the school's single central record.

E. Prohibition from teaching checks

Schools are required to check that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State. This check will be undertaken by the Schools' HR Team when receiving any teaching appointment instructions and the school will be notified of the outcome of the check by email.

Alternatively, schools can check for any Prohibition Order using the [Employer Access \(EA\) online service](https://www.gov.uk/teacher-status-checks-information-for-employers), <https://www.gov.uk/teacher-status-checks-information-for-employers>. The Prohibition Order check will also identify any 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.

From 18 January 2016, schools can also use the [Employer Access \(EA\) online service](https://www.gov.uk/teacher-status-checks-information-for-employers) to identify restrictions imposed by all authorities in the European Economic Area (EEA).

The [National College for Teaching and Leadership's](http://www.nationalcollege.org.uk) website also has a link to the EA service.

It is vital that all schools follow excellent recruitment practices and that the SCR is constantly kept up to date. This process is central to ensuring that children and the wider school community are kept safe. Inspections have for many years included scrutiny of schools' processes for managing the behaviour and ensuring the safety of children, which includes the maintenance of the SCR. Any discrepancies will raise questions and could impact on the judgement for the leadership and management of the school.

All pre-employment checks should be conducted in 'real time' as part of the recruitment and selection process, with the ideal being that all checks have been completed and recorded on the SCR before the new employee starts.

Where this isn't possible, robust systems must be in place to chase up any missing information so that the SCR is always a full and complete record.

Further advice and information is available from your school's named HR Caseworker who will also be happy to help you. Further general advice is available from the Duty HR Casework Service on 03456 066 046, option 3.

I hope this information is helpful to you in ensuring that statutory duties are met in a timely and efficient manner.

Yours sincerely



Adrian Orr
Interim Assistant Director: Education and Learning

Extract from 'Keeping Children Safe in Education 2016'

Pre-employment checks

All new appointments

101. Any offer of appointment made to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of the necessary pre-employment checks.

102. When appointing new staff, schools and colleges must (subject to paragraph 105):

- Verify a candidate's identity. Identification checking guidelines can be found on the [Gov.uk website](#);
- Obtain (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity);
- Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
- Verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capability for the specific role;
- Verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the [GOV.UK website](#);
- If the person has lived or worked outside the UK, make any further checks the school or college consider appropriate (see paragraph 114);
- Verify professional qualifications, as appropriate; and
- Independent schools, including academies and free schools, check that a person taking up a management position as described at paragraph 99 is not subject to a section 128 direction made by the Secretary of State.

Single Central Record

112. Schools and colleges 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 teacher trainees on salaries routes) who work at the school.....

The information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- An identity check;
- A barred list check;
- An enhanced DBS check/certificate;
- A prohibition from teaching check;
- A section 128 check (for management position a set out in paragraph 99 for independent schools (including academies and free schools));

- Further checks on people who have lived or worked outside the UK; this would include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions described in paragraph 114;
- A check of professional qualifications; and
- A check to establish the person's right to work in the United Kingdom.

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

Where checks are carried out on volunteers, schools should record this on the single central record.

'Missing' employment references

From time-to-time, a school may find that it doesn't hold copies of satisfactory references for a member of staff who has been employed for a long period of time. Sometimes this comes to light as a result of a specific question about his or her employment, or following an audit of the SCR.

We looked at The Key for school leaders to identify a common sense, practical approach. Rather than trying to get the 'missing' references from a previous employer, or undertaking a risk assessment, which may worry an employee, schools could check that:

- A DBS check was done when the employee was hired;
- The employee's qualifications were checked;
- Performance has been effective;
- Attendance has been satisfactory;
- There have been no concerns about a member of staff's suitability to work with children.

Schools could then make a note that they have checked these points on the employee's file.

It's also useful to remember that the purpose of references is to check someone's professionalism and competence, and also that there is nothing that would make them unsuitable to work with children. For longstanding employees, schools will have accrued their own records about these issues for their staff over time, so there is no requirement, or benefit, to be gained by contacting previous employers.