Safer Recruitment Policy

Date: From September 2026

This policy sets out the process to enable this school to ensure the safe recruitment of staff in schools as the first step to safeguarding and promoting the welfare of children.

Enquiries

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About this document:

Enquiries: HR Advisory Team Author: Personnel and Training Telephone: 01273 481300	**Version number:** 03 **Related information:** Recruitment and Selection Policy Promoting Diversity and Equality of Opportunity in Employment Policy DBS Policy Pre-employment Checks Policy Reference Policy Whistleblowing Policy On-line resources Intranet and Webshop Recruitment and Selection Toolkit Recruitment and Selection e-learning course Equality and diversity e-learning course Employing Temporary Staff Single Central Record template – Updated July 2023 Guidance on the Single Central Record – Revised July 2023 Guidance on Disqualification under the Childcare Act 2006 **DfE – Statutory Guidance Documents** Keeping Children Safe in Education Disqualification under the Childcare Act 2006 and 2018 Regulations School Staffing Regulations 2009 Staffing and Employment Advice for Schools Governance Handbook – Section 6.5 Staffing and Performance Management Working Together to Safeguard Children **Download these documents** From the resources section of the Services to Schools Webshop and/or the DfE website

Safer recruitment policy for schools

The Governing Body of Willingdon Community School adopted this policy on the 30th September 2026.

Key points

- The recruitment process should be fair, open, and transparent.
- The Safer Recruitment Policy should be read and implemented alongside the Council's Recruitment and Selection Policy.
- The safe recruitment of staff in schools is the first step to the safeguarding and promoting the welfare of children in education.

1. Introduction

1.1. This policy applies to all maintained school based employees where the Governing Body has adopted the policy (subject to such other changes that may have been adopted by the Governing Body of the school). Throughout the policy, where reference is made to the 'County Council' this therefore includes maintained schools.

1.2. The Education and Training (Welfare of Children) Act 2021 extended safeguarding provisions to providers of post-16 education.

1.3. The term "recruiting manager" includes those members of a school Governing Board, who have been nominated for recruitment and selection panels, and headteachers, to whom authority to recruit all employees, except senior teaching staff, should be delegated by the Governing Body.

1.4. This policy should be used for any appointment requiring a selection procedure. For exemptions from the selection procedure, see Section 6 below.

2. Principles

2.1. The school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

2.2. All posts within school are exempt for the Rehabilitation of Offenders Act 1974 and therefore in accordance with KCSIE all short listed applicants will be required to declare spent and unspent convictions, cautions and bind-overs, including those regarded as spent and complete an Enhanced Criminal Records Disclosure via the Disclosure and Barring Service (DBS).

2.3. The school will ensure that appropriate staff who undertake recruitment have received accredited safer recruitment training.

2.4. The school will ensure that every appointment panel includes one member who has received accredited safer recruitment training.

There are a number of accredited providers of on-line and face to face Safer Recruitment training: Safer recruitment | NSPCC Learning is one option available to schools provided by the NSPCC.

2.5. The school will implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that reasonable steps are taken not to appoint a person who is unsuitable to work with children, or who is disqualified from working with children, or does not have the suitable skills and experience for the intended role.

2.6. The school will keep and maintain a single central record of recruitment and vetting checks in line with DfE (Statutory guidance Keeping Children Safe in Education) requirements. A template for a single central record and an ESCC guidance document is available on the Webshop. In July 2023 guidance on the single central record and template was updated to simplify and clarify the process of completing and maintaining the SCR. Nothing has changed in respect of statutory guidance, so where schools are confident with their processes and the existing template, there is no immediate action to be taken. The updated guidance can be also found on czone.

2.7. The school will ensure the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this policy. The school will monitor compliance with these measures.

2.8. Staff who are convicted or cautioned for any offence during their employment are required to notify the school in writing, including both the offence and the penalty.

3. Roles and responsibilities

3.1. It is the responsibility of the governing board to:

- Ensure the school has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements.
- Monitor the school's compliance with them.

3.2. It is the responsibility of the Headteacher, and other managers involved in the recruitment and selection process to:

- Ensure that the school operates safer recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school
- Monitor contractors' and agencies' compliance with this document.
- Promote safeguarding of children and young people at every stage of the recruitment and selection process.

3.3. It is the responsibility of all potential and existing workers, including volunteers to comply with the terms of this policy.

3.4. It is the responsibility of all contractors and agencies to comply with safer recruitment pre-employment checks.

3.5. It is the responsibility of the Employee Services Team for East Sussex County Council to administer the disclosure system using the Disclosure and Barring Service (DBS) for maintained schools, and where appropriate academies using the Council's services.

3.6. In accordance with the School Staffing Regulations, the governing board has delegated responsibility to the Headteacher to lead in all appointment outside of the leadership group.

3.7. School governors may be involved in staff appointments, but the final decision will rest with the Headteacher. The Headteacher may delegate the selection process of staff outside of the leadership group to other managers in the school, but it is the Headteacher who remains responsible for the final decision to appoint.

3.8. For Head Teacher and Deputy Head Teacher posts, the responsibility for recruitment and selection is delegated to an appointment panel of nominated governors. They are required to shortlist and interview candidates and make a recommendation to the full Governing Body who make the final appointment decision. Under the provisions of the Education Act 2002, the Director of Children's' Services (or nominated representative) has an entitlement to offer advice in Head Teacher appointments, and the panel have a duty to take this advice into consideration. He /she is therefore entitled to attend all selection proceedings. For an Aided School, the Diocesan Director (or nominated representative) should be included. For a Controlled School, consideration should be given for the Diocesan Director (or nominated representative) to attend.

3.9. It is the responsibility of all staff and governors to read and understand Part 1 and Annex B of Keeping children safe in education - GOV.UK (www.gov.uk) and to sign to this effect. A record of signatures should be retained.

4. The recruitment and selection process

4.1. The County Council provides a Recruitment and Selection Toolkit which is available on the Intranet and has guidance notes on each stage of the recruitment process. Recruiting managers are required to have an understanding of their role and responsibilities in each stage. A similar Recruitment and Selection Toolkit is available on the Webshop for use in Schools.

4.2. Recruiting managers in schools need to be aware of the following information in relation to managing the recruitment and selection process in schools, these documents are available from the DfE website:

- Governance Handbook – Maintained schools: governance guide - GOV.UK / Academy trusts: governance guide - GOV.UK
- The School Staffing (England) Regulations 2009: The School Staffing (England) Regulations 2009 (legislation.gov.uk)
- Staffing and Employment Advice for Schools: Staffing and employment advice for schools (publishing.service.gov.uk)For further information see Webshop/Schools Personnel and Training/Recruitment and Retention/Recruitment and Selection/Before You Recruit.

5. Advertising

5.1. To ensure equality of opportunity, the school will advertise all vacant posts to encourage as wide a field of candidates as possible, normally this will entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

5.2. All advertisements will contain the school's safeguarding statement.

6. Application forms

6.1. The school uses the Council's standard application form for teaching and/or support staff vacancies. CV's will not be accepted. The school requires candidates to account for any gaps or discrepancies in employment history on this application form. Where an applicant is shortlisted, these gaps will be discussed at interview.

6.2. Applicants should be aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the application has been *selected*, and where appropriate a referral to the police and other professional bodies.

7. Self-declaration of convictions by shortlisted job applicants

7.1. Working within a school is exempt from the Rehabilitation of Offenders Act and this role is eligible for an enhanced DBS check and access to the barred list.

7.2. Only shortlisted applicants will be asked to complete the **Shortlisting – employment self-declaration and disclosure form** as fully as possible and bring it with them to the interview. A copy of the form is enclosed as part of the application pack for teaching and support staff posts. The self-declaration form meets the requirements of Keeping Children Safe in Education (paragraphs 216 - 219).

7.3. The only people who will see the information will be those directly involved in the recruitment process. All information will be handled in accordance with the Criminal Records Code of Practice. At interview, or in a separate discussion, the school will ensure that an open and measured discussion takes place about any offences or other matter that might be relevant to the position.

7.4. Following a successful interview, the school will require an Enhanced Certificate of Disclosure from the Disclosure and Barring Service (DBS) as part of the pre-employment checks.

7.5. Having a criminal record will not necessarily bar an application from working for the school. This will depend on the nature of the post applied for and the relevance and circumstances of any offences, as set out in our Criminal Records Code of Practice. The school also comply with the Disclosure & Barring Service's Code of Practice, which is available on their website at DBS code of practice - GOV.UK (www.gov.uk).

7.6. The school will ensure that anyone making appointment decisions has the necessary information and support to assess the relevance and circumstances of any offences.

7.7. All information will be treated as confidential and managed in accordance with relevant data protection legislation and guidance.

7.8. All posts in school are exempt from the Rehabilitation of Offenders Act 1974 and therefore applicants are required to declare:

- All unspent convictions and conditional cautions
- All spent convictions and adult cautions that are not protected (i.e. that are not filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2020).

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website.
Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK

The filtering rules were updated on 28th November 2020 as follows:

- Warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate.
- The multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed.

An additional change was made on 28th October 2023 as follows:

- All unspent conditional cautions and convictions (as defined by the Rehabilitation of Offenders Act) will be automatically disclosed

7.9. The information disclosed on this form will not be kept with an application form during the application process.

7.10. Further information on filtering can be found at Nacro Criminal Record Support Service | Nacro

7.11. There is a list of offences that will always be disclosed on a Standard or Enhanced DBS certificate (unless they relate to a youth caution). These are known as 'specified offences' and are usually of a serious violent or sexual nature or are relevant for safeguarding children and vulnerable adults. List of offences that will never be filtered from a DBS certificate - GOV.UK (www.gov.uk)

8. Online recruitment checks

8.1. Keeping Children Safe In Education (Paragraph 299) states *as part of the shortlisting process schools **should consider** carrying out an online search as part of their due diligence on the **shortlisted** candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview.* Schools and colleges should inform shortlisted candidates that online searches may be done as part of due diligence. See Part two – Legislation and the Law for information on data protection and GDPR.

8.2. Any decision to conduct an online search for short listed candidates is the decision of the governing board (there is no compulsion to do so). The governing board may

authorise e.g. a "Google search" of the person's name for any information which is publicly available via news articles etc. (NB: KCSIE makes no mention of searching social media accounts (whether privacy settings are 'open' or 'closed') and to do so should be avoided as it could be construed as intrusive covert investigation which could lead to legal action, (relating to accessing private information and/or discrimination). East Sussex County Council provides advice and guidance to officers regarding the use of social media to check activities, this guidance is summarised in Appendix A. Further information is available from the HR Advisory Service.

8.3. Where a governing board decides to undertake an online search for shortlisted candidates, a responsible employee of the school, who is not a member of the selection panel, e.g., School Business Manager could be asked to undertake the search, only sharing information that is relevant and of concern with the Chair of the recruitment panel. If an online check is undertaken for the successful candidate this should be indicated on the Single Central Record by creating a separate field for the record attached to the newly employed member of staff. An example of the wording a school may wish to include on the SCR is "Online search undertaken as part of recruitment process, search satisfactory".

9. Interviews

9.1. The selection process will always include a face to face interview with at least one selection panel which will include questions relating to safeguarding children (in line with Safer Recruitment Training).

9.2. For some vacancies, it may be appropriate for the selection process to include a panel of young people of an appropriate activity with pupils.

10. Proof of Identity and Right to Work in the UK, and Verification of Qualifications and/or Professional Status

10.1. Shortlisted applicants for all posts will be required to provide proof of identity by producing documents on the day of interview in line with those set out in The Immigration, Asylum and National Act 2006. In accordance with KCSIE (para 213) best practice is checking the name on their birth certificate, where this is available. Similar information is also required to undertake a DBS check on the preferred candidate. Please refer to the DBS policy available on Webshop.

10.2. Shortlisted candidates will also be required to provide original proof of their qualifications and professional status by producing documentation on the day of the interview. The school will verify that candidates have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application by asking to see the relevant certificate. If the original documents are not available, the school will require sight of a properly certified copy. Where candidates have obtained qualifications abroad, a certified comparability check by UK ECCTIS will also be required. UK ECCTIS is the UK's National Agency responsible for providing information and opinion on academic, vocational and professional qualifications from across the world: Home Page (ecctis.com)

10.3. Proof of identity and other documentation will be verified by the chair of the panel/Headteacher.

11. Commencement of employment prior to DBS check being received

11.1. In exceptional circumstances it is permitted to commence employment prior to receiving a DBS check. However, a Barred List check and risk assessment must be carried out by the Headteacher. The risk assessment should include that the employee must not be unsupervised or left alone with pupils until a DBS check has been received and the decision is taken that the DBS check meets the requirements of the post. Please see the Pre-Employment Checks Policy for more details.

12. Volunteers in regulated activity

12.1. The Crime and Policing Act 2026 made changes to regulated activity, meaning that any person volunteering in a school or college in a role that involves teaching, training, instructing or supervising children frequently or on more than 3 days in a 30-day period or overnight is now in regulated activity (para 383). Where this applies, schools should obtain an enhanced DBS check with children's barred list information (para 383).

13. Employment offer

13.1. When the offer of employment is made (verbally and in writing) this should only be made subject to the successful completion of all pre-employment checks.

13.2. It may be possible to agree a provisional start date with the preferred candidate, however, with the exception of DBS disclosures, all pre-employment checks (see below) must be completed **before** a person's appointment is confirmed. In the case of DBS disclosures, the certificate must be obtained before or as soon as practicable after appointment. All employees and volunteers working in a relevant setting (see the Disqualification under the Childcare Act Policy) are required to complete a Childcare Disqualification Self -Declaration Form a Statutory guidance published by DfE provides further information: Disqualification under the Childcare Act 2006 - GOV.UK (www.gov.uk)

13.3. Once all pre-employment checks have been satisfactorily completed, an offer of employment will be made, and the contract of employment issued in accordance with employment legislation.

14. References

14.1. It is the decision of the school if they wish to take up references on all shortlisted candidates immediately after shortlisting, prior to interview. This is normal practice for headteacher vacancies. In accordance with KCSIE (para 300), this allows for any concerns raised to be explored further with the referee and taken up with the candidate at interview. References are part of the pre-employment checks and if not requested before interview, should be requested immediately once an offer of employment has been made. Any discrepancies in a reference should be discussed with the referee, and where appropriate, the offer of employment may be withdrawn. See the Council's Reference Policy available on Webshop for further information.

14.2. Where an employee has indicated on the application form that they do not wish their current employer to be contacted prior to interview, in such cases, the reference will be taken up immediately after interview and prior to any offer of employment being substantiated.

14.3. References must be in writing and on school or business letterhead and be specific to the job for which the candidate has applied – open reference or testimonials are not acceptable. The school will not accept references from relatives or people writing solely in the capacity of a friend. Wherever possible, only references from a trusted authoritative source will be acceptable. Reference requests may specifically ask:

- About the referee's relationship with the candidate.
- Whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, for specific details of the concern and the reasons why the referee believes that the person might be unsuitable.

14.4. Referees will also be asked to confirm:

- The applicant's current post and salary
- Performance history and conduct including details on any situation where any formal action has been taken using capability procedures within the last 2 years.
- Any disciplinary procedures in which the sanction is current.
- Any disciplinary procedures involving issues relating to the safety and welfare of children, including any in which the sanction has expired and the outcome of those.

14.5. KCSIE provides further statutory guidance employment history and references (paragraphs – 300 – 302, 492, 499 and 521)

14.6. References will be compared to the application form to ensure that the information provided is consistent. Any discrepancies will be taken up with the applicant.

15. Pre-employment checks

15.1. The following pre-employment checks will be undertaken:

- Receipt of at least two satisfactory references, one of which will be from the current, former or most recent employer, as described above.
- Verification of the candidate's identity in line with the requirements of government advice: How to prove and verify someone's identity - GOV.UK (www.gov.uk)
- Verification of right to work in the UK see the GOV.UK website: Checking a job applicant's right to work - GOV.UK (www.gov.uk)
- A satisfactory enhanced DBS clearance with a barred list information check where the person will be engaging in regulated activity.
- A health assessment carried out by the Council's Occupational Health provider.
- Verification of (professional) qualifications as appropriate.

- Verifications of qualified teacher status, successful completion of induction year and confirmation that the teacher is not subject to any prohibition orders (all accessed from the school via the DfE Employer Access or Teacher Services online check) as required by law for teachers – see: Teacher status checks: information for employers - GOV.UK (www.gov.uk)
- A check for a section 128 direction (for management positions in independent schools including academies and free schools) and governors in maintained schools. Checks can be carried out by logging onto the Secure Access Portal via the Teacher Services' webpage: Teaching Regulation Agency (education.gov.uk) and Individuals prohibited from managing or governing schools – GOV.UK

16. Record retention and data protection

16.1. The school will retain all interview notes on all applicants for a 6 month period, after which time notes for unsuccessful candidates will confidentially destroyed (shredded). The 6 month retention period will allow the school to deal with any data access requests, recruitment complaints or to respond to any complaints made to the Employment Tribunal. For successful candidates, interview notes will normally be held as part of their personnel file, as described on the council's HR retention schedule.

16.2. Under data protection law, applicants have a right to request access to notes written about them during a recruitment process. Applicants who wish to access their interview notes must make a written subject access request in writing to the school at any point while the record is still held by the school.

16.3. In gathering information to make recruitment decisions schools must ensure that they act proportionately and minimise wherever possible the intrusion into the private lives of their staff. Accordingly, schools must ensure that they handle information fairly and lawfully and take care not to breach:

- The Data Protection Act
- The General Data Protection Regulations
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) ("the Exceptions Order")
- The Human Rights Act 1988.

17. Personnel file records

17.1. The school will retain the following information which will make up part of the personnel file, for the successful candidate, in line with the Council's HR retention schedule:

- Application form
- References
- Disclosure of convictions form
- Proof of identification
- Eligibility to work in the UK, (see the GOV.UK website for more information)
- Evidence of qualifications

- Evidence that the Employer Access online checks have been made – teaching qualification, successful completion of induction year and no prohibition orders in place (and section 128 checks for academies).
- Proof of professional qualifications (e.g. QTS, NPQH etc.).
- Evidence of health assessment from the provider of occupational health services to the school
- Evidence of the DBS clearance the actual DBS form or certificate should not be retained.
- Certificate of Good Conduct (where applicable to DBS checks).
- Copy of any risk assessment for any positive disclosure made
- Copy of self-declaration form – Disqualification under the Childcare Act (for relevant positions).
- Section 128 checks for Governors

18. Single Central Record of Barring and Recruitment Pre-employment checks

18.1. In line with DfE requirements, the school will keep and maintain a single central record of recruitment and pre-employment checks. The central list will record all staff who are employed at the school including casual staff, supply agency staff whether employed directly or through an agency, volunteers, governors, and those who provide additional teaching or instruction for pupils but who are not staff members, e.g., peripatetic music teachers, sports coach or artist etc.

18.2. The single central record will indicate that the following have been completed:

Staff worksheet:

- Name, job title and start date
- Identity
- Right to work
- CRB/Enhanced DBS
- Children's barred list
- Qualification checks for any qualification legally required for the job (e.g. QTS)
- Prohibition from teaching checks
- Overseas checks
- References
- Childcare disqualification
- Section 128 checks for governors
- Online recruitment check for new employees with effect from 1st September 2022 (undertaken in accordance with KCSIE para 225 (if the governing board for the school has chosen to include an online recruitment check for shortlisted candidates in relation to safeguarding suitability (see paragraph 8 of this Policy)
- Staff completing the check (see SCR guidance)

Governor worksheet:

- Name, job title and start date
- Identity
- CRB/Enhanced DBS
- Children's barred list
- Overseas check
- References – see guidance
- Childcare disqualification
- Section 128

Volunteer worksheet:

- Name, job title and start date
- Identity
- CRB/Enhanced DBS
- Children's barred list
- Overseas check
- References
- Childcare disqualification
- Staff completing checks

Third party worksheet:

- Name, company, start date
- Identity
- Written confirmation obtained
- CRB/Enhance DBS
- Children's barred list
- Staff completing checks

18.3. There is no requirement to record the name of the person who has completed the checks. It is good practice to do so, and the new single central record template support this, but given that for the majority of schools it will be one person (Business Manager, Bursar, Secretary etc.) who completes the check the view is that it seems excessive to record this name multiple times, so this has been reduced to a single column at the end of each sheet.

18.4. In order to record supply staff provided through an agency on the single central record, the school will require written confirmation for the supply agency that it has satisfactorily completed the checks described above. However, identity checks must be carried out by the school to check the person arriving is the person the agency intends to refer to them.

18.5. School management staff will be given a copy of the DfE guidance on Working Together to Safeguard Children: Working together to safeguard children - GOV.UK (www.gov.uk) and asked to sign a declaration that they have read and understood

the document and will follow the guidelines required to maintain professional boundaries at all times.

19. Whistleblowing

19.1. All staff in maintained schools are subject to the Council's Whistleblowing Policy – Raising Concerns.

20. Safeguarding culture and vigilance

20.1. The school adopts a culture of vigilance where all concerns are listened to and taken seriously.

21. Allegations

21.1. The school will follow DfE and East Sussex County Council Safeguarding Children Board allegations procedures and refer any allegation for initial consultation to the Local Authority Designated Officer (LADO).

22. Section 128 checks for Governors

22.1. Governors in maintained schools are only required to have an Enhanced DBS Check without the barred list check (unless in addition to their governance duties they also engage in regulated activity). It is the responsibility of the governing body to apply for a certificate for any of their members who do not already have one. (Paras 312 KCSIE)

22.2. A section 128 direction will also be disclosed where an enhanced DBS check with barred list information is requested, provided that 'child workforce independent schools' is specified in the parameters for the barred list check.

22.3. A section 128 direction disqualifies a person from holding or continuing to hold office as a governor of a maintained school.

22.4. This school undertakes DBS checks for governors and has undertaken retrospective section 128 checks for all existing governors. Section 128 checks will be undertaken for all prospective governors as part of the application process for joining the governing body.

22.5. KCSIE para 319 sets out the information on how schools should undertake the section 128 check using the free Government web page on Individuals prohibited from managing or governing schools.

23. Designated Safeguarding Lead

23.1. In this school the role of the Designated Safeguarding Lead (DSL) and Deputy Safeguarding Lead (DDSL), is referred to explicitly in the job description of the relevant staff.

23.2. This is a statutory requirement as set out in Annex C of Keeping Children Safe in Education.

24. Individuals who have lived or worked outside the UK

23.1. Individuals who have lived or worked outside of the UK must undergo the same checks as all other staff in the school. This includes obtaining (via the applicant)

an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, the school must make any further checks that is considered appropriate so that any relevant events that occurred outside the UK can be considered. Most schools ask for these checks if a person has been abroad for 3 months or more in the last 5 years. However, this decision should be risk-based. For example, in a special school with a lot of vulnerable pupils, a school might go back 10 years rather than 5.

23.2 Following the UK's exit from the EU, schools should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was an EEA country or the rest of the world.

23.3. These checks could include, where available:

- Criminal records checks for overseas applicants – Home Office guidance can be found on Criminal records checks for overseas applicants - GOV.UK (www.gov.uk), and for teaching positions:
- Obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restriction, and or that they are aware of any reason why they may be unsuitable to teach (this is often the Department/Ministry of Education but varies across the world. Whilst the safeguarding and qualified teacher status (QTS) processes are different it is likely this information will be obtained from the same place).
- Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated professions database - European Commission (europa.eu)
- Applicants can also contact the UK Centre for Professional Qualifications: Home Page (ecctis.com) who will signpost the appropriate EEA regulatory body.

23.4. Where available such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.

23.5. Where this information is not available schools should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

23.6. Although sanctions and restrictions imposed by another regulatory authority do not prevent a person from taking up teaching positions in England, schools should consider the circumstances that led to a restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE guidance: Criminal records checks for overseas applicants - GOV.UK (www.gov.uk)

23.7. Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from county to country. Schools should also be mindful that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. The Home Office provides guidance on criminal records checks for overseas applicants which can be found on Criminal records checks for overseas applicants - GOV.UK (www.gov.uk)

23.8. Some overseas qualified teachers can apply to the TRA for award of qualified teacher status (QTS) in England. More information about this is available: Qualified teacher status (QTS): qualify to teach in England - GOV.UK (www.gov.uk)

23.9. Schools should be aware that holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

Appendix A – Using Social Media to check activities

Do you think your work requires you to use social media to check on someone's activities, or do anything which tracks anyone's actions?

If so, this could be deemed as covert surveillance which is subject to legal control.

You may be able to do this if it is to prevent or detect crime as part of your official duties.

There are legal rules you must follow.

Councils can use surveillance and obtain communications data to detect or stop a criminal offence.

Although not a regular occurrence, you may need to use surveillance as part of your official duties. This can include:

- watching, following or listening to people, either directly or by using any visual or audio recording (including cameras)
- using an informant to obtain information about people, known as a covert human intelligence source (CHIS)
- surveillance on the Internet or social media.

Rules which help ensure that councils undertake these activities appropriately are set out in the Investigatory Powers Act 2016 (IPA) and Regulation of Investigatory Powers Act 2000 (RIPA).

Our Covert Investigative Techniques Policy sets out the rules on authorisation and judicial approval of surveillance and authorising the acquisition of communications data. The government also publish a Covert Surveillance and Property Interference Revised Code of Practice. You must be careful not to carry out surveillance or ask for communications data without first reading these.

Who can authorise surveillance or acquisition of communications data

If you have not used surveillance or asked for someone's communications data before, then it may be appropriate to also discuss this with your direct line manager first. You should then contact the HR Advisory team who can raise this with the Council's Authorising Officers.

Guidance for accessing social media across East Sussex County Council

Not to be confused with creating social media accounts for publishing service information or to provide customer service.

Online communication has grown and developed significantly over recent years presenting new opportunities for public authorities to view or gather information. It is important that the Council does not breach privacy and confidentiality laws. There is potential for confusion around accessing public service users' social media accounts that are "open" (with no privacy settings put in place).

Some current examples of the most popular forms of social media, and therefore the most likely to be accessed, include Facebook, Twitter, Instagram, LinkedIn and YouTube.

Officers should not access people's open social media accounts on a repeated basis without obtaining a RIPA (Regulation of Investigatory Power Act) authorisation. The criteria for obtaining authorisation is that surveillance must be necessary for the purpose of preventing or detecting crime or preventing disorder. It must also be proportionate. The definition of "repeat" is up for debate so in order to safeguard any decisions staff must consult with their manager prior to accessing any "open" accounts.

Officers should not create a dummy account or false account in order to befriend and/or monitor an individual's account. ESCC Trading Standards Service maintains a register of "legends" (false online personalities) for use in investigations if necessary but these should only be used following a discussion with your manager and if a RIPA authorisation has been obtained.

When you can access social media accounts

Officers should take a proportionate approach. Ideally, consent should be obtained from the individual to access their social media accounts.

You should only access social media accounts without consent if all the following are met:

- if there are no privacy settings
- if there are grounds to do so
- manager approval is given.

However, if you need to look at an account on more than a one off occasion, you should discuss with your manager whether or not legal advice should be sought with the view to obtaining approval from the Magistrates' Court.

This means that to access an account regularly with either open or closed privacy settings you either need the service user's permission or you must obtain authority from your manager and potentially an Authorising Officer as described above. If necessary, Authorising Officers will seek advice from Legal Services. Advice from the Authorising Officer may be that to access accounts regularly, without the individual's consent, you need to obtain approval from the Magistrates' Court.

Personal dummy Facebook or other social media accounts should not be set up for the purpose of befriending an individual.

Recording requirements

If you do need to access a social media account, you need to record this decision and provide a summary of pertinent information obtained – clearly sourcing where the information came from and when it was accessed.