

## Safer Recruitment and the Single Central Record Questions and Answers – March 2021

### References

#### **Ofsted asked me to show the interview questions used for a role and said they should be kept?**

We would advise that you retain all documents relating to the selection decision on the confidential personal file following appointment. This would include the interview record (including the questions asked and the answers given) and any other assessment records e.g. lesson observation record, copy of presentation given, in-tray exercise completed, etc. We would also advise you to keep the documents relating to the selection decision for unsuccessful applicants for 6 months in case there are any queries, questions or legal challenge regarding why someone was not selected for a role.

#### **To clarify with references - we send out first ref request without the attendance/ sickness absence info and then send after interview once job offered to get attendance info?**

#### **Can a prospective employer ask the current employer for sickness absence at the interview stage of recruitment?**

Section 60 of the Equality Act 2010 restricts the circumstances in which an employer can ask an applicant about their health before making an offer of employment. Asking about the number of days' sickness absence (not including absence reasons) does not, in itself, amount to unlawful action under the Act. However, if the candidate then brings a direct disability discrimination claim relating to the failure of the employer to offer them employment, the fact that the question was asked will shift the burden of proof to the employer who will then have to show that it had a non-discriminatory reason for rejecting the applicant. We, therefore, advise that you only request sickness absence information when an offer of employment has been made

#### **Re; 2nd reference with absence on, do you need 2 or just the last employer?**

Generally, you only need one reference from the last employer confirming recent absence. However, if the applicant has been with this employer for less than 1 year, you may wish to seek additional information from the previous employer to ensure the correct calculation of sick pay (sick pay is calculated over a rolling year for support staff and across the sick pay year – 1 April to 31 March – for teaching staff).

#### **Shouldn't all references be on an NYCC pro forma?**

Yes, maintained schools should use the NYCC reference request pro forma. Academy Trusts may agree their own referencing process but we would strongly recommend the use of a pro forma.

**What is considered best practise if candidates don't want references requested before interview?**

Ultimately, it is necessary to get individual consent to request references and candidates may have valid reasons for not wishing these to be taken up prior to interview. In such cases, it must be made clear to the candidate that any offer of employment is conditional on the provision of satisfactory references.

**Is an electronic signature on a reference acceptable or not?**

Where references are obtained through email it is likely that you will receive an electronic signature. Such a signature is acceptable provided that the school has checked that the reference has originated from a legitimate source. We would also recommend that you contact referees, usually by phone, to confirm their legitimacy and to check any information which is incomplete or unclear.

**What should we do if members of staff have worked at our school for 20 years plus and we don't have references?**

In such situations, we would not advise it necessary for you to go back and get references. It is unlikely that the old employer will have any records relating to your employee and they may no longer employ anyone who remembers them. In such cases, we would recommend that you note that references are not available and the reason why.

**Is it OK to only request references following offer of employment?**

Keeping Children Safe in Education (KCSIE) recommends that references are sought on shortlisted candidates so that any issues or inconsistencies can be discussed at interview. There may be reasons why references are not available at interview e.g. not received, no applicant consent, etc. in which case it must be made clear to the applicant that any offer of employment is conditional on receipt of satisfactory references. It is vitally important that references are sought after the interview (if you are not able to obtain them before) to identify and deter unsuitable people from working with children.

**Should we keep copies of references in the member of staff's HR file?**

Yes. We recommend that you retain all recruitment documentation on the employee's confidential personal file following appointment.

**Is it still correct that you shouldn't look at references before interview**

We would advise that references are checked for completeness and consistency on receipt. As a result, any missing information can be checked with referees and any inconsistencies or issues can be discussed with the applicant at interview.

## **Overseas checks**

**Would it be likely that someone has evidence of overseas travel from 15 years ago? What if they don't - how could we follow this up?**

**What about staff who have been employed 10 years+ but have a period of time working and living abroad but no certificate of good conduct, do we need to ask them to complete one?**

It may not always be possible to undertake overseas checks for a number of reasons including the time which has passed and how long they spent in a particular country. However, for maintained schools we would recommend that attempts are made to obtain the relevant checks. Where this is not possible, schools should record why a check is not available and undertake an assessment of risk based on the other information known about the individual. Further information about overseas criminal record checks is available on the Gov.uk website: [Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/criminal-records-checks-for-overseas-applicants).

Academy Trusts may determine their own policy on obtaining overseas checks taking into account the statutory guidance at paragraph 156 of Keeping Children Safe in Education (2020 updated Jan 2021).

**What was the site called where you can see examples of other countries passports please?**  
[Council of the European Union - PRADO - Home \(europa.eu\)](https://europa.eu/prado/)

**For long serving members of staff who have gone through the British citizenship process, do school's need to obtain evidence of this?**

There is no need to recheck immigration status once the initial right to work check has been undertaken. The only exception to this would be where the individual did not have an indefinite right to remain when they started with the school e.g. a temporary work visa. In such cases we would recommend that the individual is appointed to a temporary contract for the duration of the visa and this may be extended should their right to remain be extended or made permanent. At the point of extension, the school would need to obtain evidence that the right to stay has been extended or made permanent.

**What is the guidance around certificates of good conduct for governors who have lived abroad. A new governor is struggling to obtain one without paying quite a lot of money for it?**

A certificate of good conduct is not required for Governors.

**Do staff from overseas need to provide proof of their EU settled status?**

**Please can you clarify right to work in the UK documents that are acceptable?**

Where staff from the EEA (EU, Norway, Lichtenstein and Switzerland) were employed prior to 31 December 2020 there is no requirement to recheck their right to work in the UK and the original check undertaken when they started can be relied upon. Usually this will be a passport/national identity card or a Birth Certificate **plus** evidence of their National Insurance number.

Employers are not legally entitled to require new EEA employees to evidence their settled or pre-settled status until after 30 June 2021. Until this time they can rely upon the usual evidences, as above.

Full guidance on acceptable documents can be found here:

[An employer's guide to right to work checks \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/94424/employers-guide-to-right-to-work-checks.pdf)

## **Undertaking checks and document retention**

**I didn't think you were allowed to keep ID anymore due to GDPR? Only passport to prove RTW in UK?**

**I was told not to keep photocopy of passport or driving licence?**

Keeping Children Safe in Education requires that documents used to confirm identity are retained on the confidential personnel file (paragraph 171). This provides the statutory basis on which you may retain copies of ID documents. The information which will be retained and the reasons for this should be detailed within the employer's Privacy Notice.

**What is a TRA check?**

TRA stands for Teaching Regulation Agency and is the body responsible for regulating the teaching profession within the UK. A TRA check will show whether a Teacher has been banned from teaching for inappropriate or unprofessional conduct.

**If you have someone on the SCR who doesn't necessarily need to be there, will you get pulled up for GDPR?**

Even for those who do not statutorily need to be on the SCR, you are statutorily required to collect and hold information on them for the purposes of ensuring the safeguarding and protection of pupils within the school. Provided that this information is kept in a manner which is compliant with Data Protection principles e.g. confidentially, securely, for the reason requested, etc. it is acceptable to retain information about them on your Single Central Record.

**If a member of staff leaves, are they just deleted from the SCR?**

**Do we need to keep any record of what was on the SCR for them or is this covered by archiving their staff file?**

**How long should you retain people on the SCR after they have stopped working/volunteering at the school?**

**How long do you retain DBS information of staff no longer at your school? Thanks**

Your SCR should be a live document which is accurate and up-to-date. Therefore, you should remove those who have left or no longer work with the school. For employees, you should retain personnel records for 6 years after their employment has terminated, and the information on the SCR should also be on the personal file. Therefore, it will be available if required once an individual has left. Please note, there are some situations where the retention of information beyond 6 years is required and schools should refer to their document retention guidance regarding this.

**I'm never clear on why we are supposed to take copies of certificates and references but we're not supposed to take a copy of the DBS. I know it's GDPR related, just not sure why?**

The sharing and retention of criminal conviction information is expressly covered by the Police Act 1997. It is a requirement for any organisation receiving criminal conviction information to comply with the Code of Practice and one of the requirements is not to retain conviction information once an appointment decision has been made, or for six months, whichever is shorter.

**What if the DBS had no convictions on it, would it still be prohibited to keep a copy?**

Yes, you are still not able to hold these DBS certificates, the fact that there are no conviction information is still sensitive information and should be treated as such.

**Please can you provide more information about medical clearances?**

All new NYCC employees, including those within maintained schools, are asked to undergo pre-employment medical screening prior to commencement. This is done through the occupational health service and is intended to identify any relevant health issues which may require adjustments to be made to the individuals workplace or arrangements.

KCSIE states schools must, when appointing new staff (paragraph 154):

- verify the candidate's mental and physical fitness to carry out their work responsibilities (Education (Health Standards) (England) Regulations 2003). A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role

Medical clearances can be obtained via the occupational health portal, further information on to register and complete this check can be found [here](#). You will need to be logged into CYPInfo to access this link.

**When rechecking a DBS - do we have to keep the old DBS certificate number and dates or just update with new?**

You are advised to update your SCR with the new DBS certificate number and issue date. However, this will mean that the DBS date is after the employee's commencement date which may be questioned during an inspection. Therefore, we would recommend you retain the details of the previous check on the personnel file so that it can be confirmed when the original check was undertaken.

**Safer recruitment training**

**Is there guidance on whether staff need to refresh safer recruitment training after a certain time period? Is it only valid for a certain number of years?**

There is no statutory requirement to update safer recruitment training, however, it is recommended good practice to refresh it every 2 to 3 years. Between updates, it is also important to keep up to date with any changes in legislation and government guidance.

**Checks for those who are not employees**

**Do we need to see DBS details for speech and language therapists that visit school?**

You do not need to see the DBS for speech and language therapists that visit the school but you must get written confirmation from their employer that the appropriate checks, including an enhanced DBS for work with children, have been undertaken and are satisfactory.

**If self employed, such as an electrician, do references/RTW too?**

**Self employed - what checks are required by school please?**

Those who are self-employed are not able to apply for a DBS themselves, therefore, the school may consider obtaining a DBS if they feel this is necessary for the role in which the individual is working. Whether this is with or without a barred list check will depend on whether they are working in regulated activity. The identity of self-employed contractors should be checked on their arrival in school.

More generally, schools should take reasonable steps to satisfy themselves about the quality of service being provided and the individual's suitability to work with children. The extent of these steps will depend on the nature of the work and the frequency with which it is undertaken e.g. a tradesperson coming in to undertake a repair on a one-off basis will be very different from a self-employed counsellor working one-on-one with pupils under a long-term contract. These steps could include undertaking checks with regulatory bodies or asking the contractor for the details of previous customers who could provide testimonials regarding their work and suitability. It is not a legal requirement to check right to work in the UK for self-employed contractors, though we would recommend that you do so to ensure the school is not engaging an illegal worker.

**With NHS staff, do we need to obtain the specific names. The NHS like to give us a standard letter, which demonstrates their safer recruitment, as their staff change quite frequently.**

Ideally, you should obtain written confirmation of the names of the individuals who will be attending your school and that all safer recruitment checks have been carried for them. ID badges should so be checked when these staff attend the school.

**Previously advised that only staff on payroll should have checks carried to avoid holding personal info on file unnecessarily?**

The school is responsible for undertaking the checks on directly employed staff. However, to ensure that safeguarding requirements are met, it will be necessary to collect and hold some information for other groups. Generally, this will be written confirmation from that person's employer that the necessary checks have been undertaken but in some situations e.g. for volunteers and governors, etc. it will be necessary to hold more information.

**Presumably a peripatetic music teacher would be similar to a SALT?**

A SALT may automatically be in regulated activity if they are providing healthcare. It is very likely that a peripatetic music teacher will be in regulated activity based on the frequency they are within schools and the work they do. However, it should be reviewed on a case by case basis.

**Supply Staff if they are only in for 3 days do they need including on SCR?**

Yes, paragraph 164. of KCSIE states that the SCR must include agency and third party supply staff.

**Supply staff might have been mentioned but please would you confirm requirements?**

If the supply staff are working through an agency, then they should be included on your SCR and you should obtain confirmations from the agency that all applicable checks have been carried out and update the SCR with this information.

If the supply staff are directly employed by you, then you will need to complete all applicable recruitment checks and update the SCR accordingly.

**Schools ICT we have a person in twice a week do they need to be on SCR?**

Whilst it is not a statutory requirement, we would advise you to include in your SCR individuals who are working in regulated activity due to the frequency of their work within school (on more than 3 days in 30 day period) and the opportunity for contact with children whilst on site. In this case, as they are not an employee of the school, you should seek written confirmation from the service provider that the necessary checks have been undertaken.

**If a self-employed music teacher has not been into school since before the lockdown in 2020 do they need to have new DBS and references taken.**

**Can I ask what we do about regular volunteers who have had a DBS check but due to the pandemic haven't been in school for over a year, do they now need a recheck?**

This will be a decision for individual schools to take based on an assessment of risk. If the teacher/volunteer has been maintaining contact throughout the lockdown period e.g. the music teacher may have continued to provide online music lessons throughout, the school may not feel a new check is required. However, if there has been no or limited contact during the lockdown period, the school may wish to ask the individual what they have been doing during the lockdown and may require a new DBS. If the individual has taken on alternative work with a new employer, the school may wish to take up a written reference from that employer.

**What about breakfast club and after school club staff - Not employed by the school but using our premises and employed by a different company - what checks recommended??**

This would depend on the basis of the relationship between the school and the provider. For a breakfast club and afterschool club on site, it is likely that pupils are moving between these clubs and the school provision and staff from these clubs have some access to the school building at the start and end of the day. In this case, we would recommend that written confirmation is obtained from the service provider that all necessary checks have been undertaken for the individuals and these individual are added to the SCR.

A different approach may be appropriate, for example, where a room or part of the school site is being let out to an external provider e.g. for a sports club. However, where the club is for children and/or young people the school is advised to ensure that they are a reputable provider and build the requirement for that provider to properly vet their employees within their contract with that organisation.

**Where do taxi drivers fit? We use a NYCC chosen taxi provider.**

**Do Transport people like taxi drivers escorts etc. need to be on our SCR?**

**Further to the taxi driver question, we have about 20 vehicles bringing pupils to and from school at the beginning and the end of the day. They are either employed or contracted by NYCC. Do we need to keep SCR information for all the drivers and passenger assistants?**

If an escort or driver is employed by the school then they would need to be on the SCR. The more usual situation would be where the taxi driver/escort are provided through a contract for services from another organisation in which case they would not need to be on your SCR.

*Information received from the Contract Compliance Manager – NYCC Integrated Passenger Transport – 25.3.21.*

The transport provision for Home to School, SEND and HAS is Regulated Activity and all drivers, whether bus or taxi, as well as any passenger assistants utilised on transport must undergo an Enhanced DBS check through NYCC. The DBS check is for both the Child and Adult Workforce and includes a Barred List check for both. If, after sight of the DBS, the driver/passenger assistant is authorised to work on NYCC transport contracts they are issued with a “NYCC DBS Badge”. This badge contains a photograph of the individual, the company that they work for and whether they are a driver or a passenger assistant. This “vetting process” forms part of the Terms & Conditions of Contract.

If a school wishes to procure a bus or taxi service outside of the usual Council provision e.g. for school trips, etc. then they are able to ask IPT for a list of transport providers who are authorised to work on NYCC transport contracts. We will then issue the list to schools filtered for their area and the size of vehicle required. As the providers work on NYCC contracts they will have drivers who hold the DBS Badge and schools can request that one of these drivers operates the service.

**Can you confirm the Section 128 requirements for Governors?**

**LA School Governors do they need a section 128 completing?**

It is a statutory requirement to undertake a Section 128 check for all Governors in maintained schools (paragraph 138 Keeping Children Safe in Education).

**Can you please confirm where we find section 128 information?**

A section 128 check may be undertaken through the online Teacher Services provided by the Department for Education. The list of all the people who have been given a Section 128 direction is available there and it is in alphabetical order to make looking for your staff easier. Please note only Governors require the check if you are in a maintained school or anyone in a management position if you are in an academy, independent or free school.

## **Single Central Record format**

**Is it acceptable to use the SCR section on the Scholarpack MIS as your SCR?**

**CPOMS have a SCR section, would it be appropriate to store the SCR here?**

You may hold your SCR in Scholarpack and CPOMS if you wish. However, please check that whatever application you are using has the correct headings and sections on it and is updated in future if there are any new checks or requirements. Additionally, access to the SCR part of the system should be restricted to those who are entitled to view the information held within it.

**Where is the NYCC single central record guidance, just on CYPS can't see it under HR?**

Following the webinar sessions, we wanted to make a few amendments to the SCR guidance. This is now available on the CYPS website under the “Human Resources – Safeguarding” tab. Please ensure you log into the CYPS website to see restricted content such as the SCR guidance.



### **Is there a template for the SCR?**

Yes, there a word document template on the CYPs website and an excel template document will follow shortly.

## **Recruitment documentation**

### **If a candidate is not shortlisted can we destroy the application forms?**

Application forms for all candidates should be kept for 6 months in case the school receives any questions, queries or legal challenges about why a candidate was not shortlisted. After 6 months they can be confidentially destroyed.

## **Further information**

### **Where can I find the document to identify gaps?**

This is available on the CYPs website under the “Human Resources – Recruitment” tab. The document is called “Education and employment gap record form”. Please ensure you log into the CYPs website to see restricted content.

### **Would it possible to have all checks for recruitment in one place on CYPs and a list of what you need to obtain before interview and what you need prior to employment?**

The NYHR Recruitment and Selection policy provides information regarding the full recruitment process and what needs to be obtained when. The list of checks which are required after the interview is under section 8 of this policy. As the SCR is separate to the recruitment and selection process it has its own guidance document which is also available under the “Human Resources – Recruitment” tab. This document provides further information on the checks relevant to the SCR. We also have a “File Checklist” template in the SCR guidance which can be used to record what checks have been carried out for each individual member of staff.

### **I think it may be worth mentioning the need to keep a record of robust monitoring checks on the SCR by leaders (inc governors) this is where you would add any amendments ie taking people off etc.?**

The NY School improvement team recommends that the SCR is checked by senior leaders, on a monthly basis, to ensure all of the relevant boxes are complete and that the document as a whole is up to date.

Governors have a responsibility for monitoring that school leaders are keeping up to date with this requirement. Exceptionally, it would be reasonable for a governor to check the SCR personally where it is identified that safeguarding procedures are not being complied with.

It is also recommended that a record of monitoring checks took place is kept in school and we have added a section to the SCR for this to be recorded.

**Please can you point me in the right direction as to where we can have a SCR check done by HR? I can't find it in SLA.**

A SCR check is a service which is offered by NYHR, however this check is not included in your SLA and costs £299 (April 2021). The service would include checking your SCR to ensure that it meets all the statutory requirements and then a sample of employee files are checked to ensure they contain the correct information. What is in the files is then cross-referenced to what is recorded on the SCR and report is produced outlining any statutory or good practice recommendations. It is an excellent opportunity for staff to ask questions regarding their SCR and particularly useful if you have new administrative staff who will be responsible for updating the SCR. If you would like to book a check or require further information please email – [NYHR@northyorks.gov.uk](mailto:NYHR@northyorks.gov.uk)

**In a recent inspection, the HMI was unhappy that personnel files included documentation about disqualification by association. Does that sound right to you?**

The requirements around disqualification from childcare changed in 2018. Prior to this date, as well as considering whether the employee is disqualified from working in relevant childcare, the check also looked at those people with whom the employee lived and this was known as disqualification by association. As the check was removed in 2018 schools no longer have a legal basis on which to hold this information and it should be removed from any files on which it is held and confidentially destroyed. Further information is available in “Disqualification under the Childcare Act 2006 – Guidance for schools” on the “HR – Safeguarding” tab on CYPInfo.

**What information should we include on SCR in respect of external provision?**

You would not need to include information on your SCR of those working within an external provision provider as they are not working within your school. However, the school remains responsible for the safeguarding of the pupil accessing that provision. School should obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment i.e. those checks that the school would otherwise perform in respect of its own staff (KCSIE 2020 paragraph 201).