



Safer Recruitment – refresher training

The wider context

- The Bichard Inquiry Report
- Legal duties on schools, FE colleges and a wide range of partner organisations to safeguard and promote the welfare of children
- Statutory guidance ‘Keeping children safe in education’ (DfE 2025)
- For boarding & residential schools, the National Minimum Standards (NMS 2022)
- Adopting “safer recruitment” practice is an essential feature of the arrangements organisations need to have in place

What's changed recently?

- Prohibition statistics & lessons learned from research and inquiries, particularly IICSA
- Statutory guidance 'Keeping children safe in education' – changes to parts 3 & 4
 - Identifying changes of name
 - Undertaking online searches
 - Low level concerns
- Changes to the filtering of offences
- Requesting criminal self-disclosures

A safeguarding culture

“It is vital that as part of their whole school or college approach to safeguarding governing bodies and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of this culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities in schools and colleges.”

KCSIE part 3 (DfE 2025)

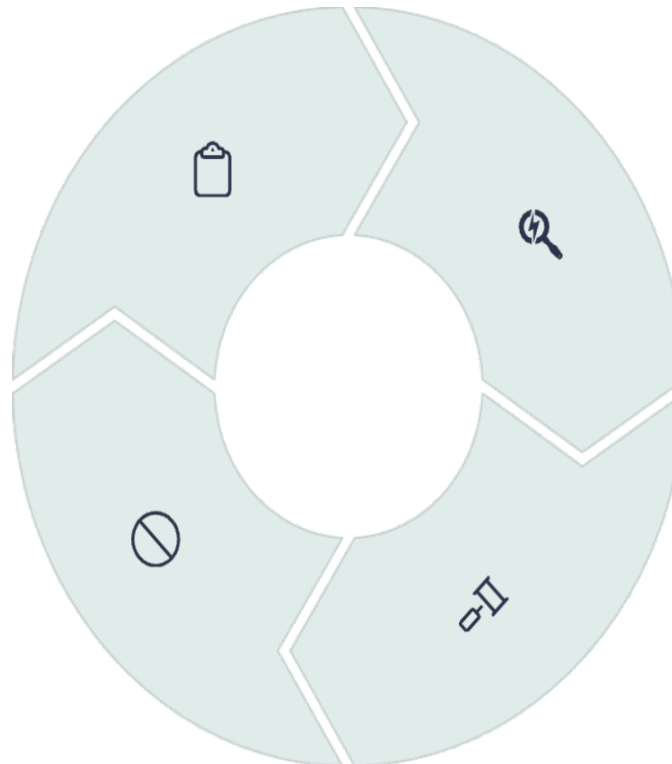
Statistics – teacher misconduct

1854 Referrals

Total misconduct cases reported to TRA in 2024-25

191 Prohibition orders

Teachers barred following professional conduct panels (297 hearings)



826 Investigations

Cases investigated as serious misconduct

454 referred for hearings

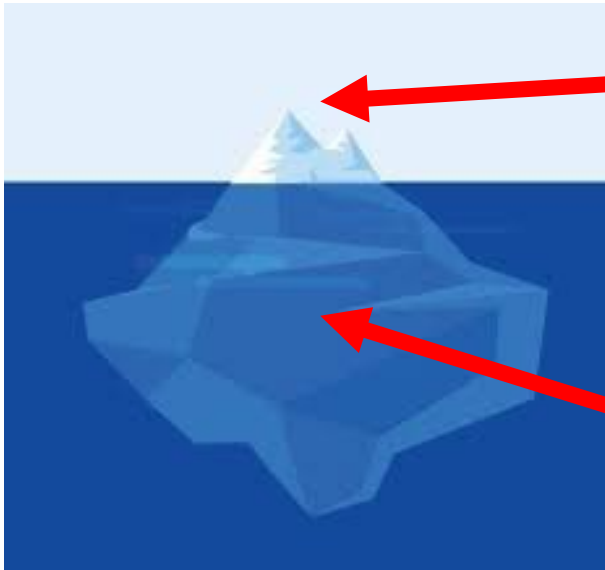
Cases referred for TMP hearing

1028 referrals were NFA – did not meet threshold or were outside jurisdiction

Statistics - DBS

- DBS received over 59,000 referrals for barring in 2023/24 including approx 13,000 referrals for discretionary bar
- 5,792 people were barred (<10%)
- There were 91,015 people on the children's barred list in March 2025 (increase of 10% on previous year)
- There are 104,125 people on one or both lists
- 4.4 million enhanced DBS certificates were processed during the year
- In March 2025, there were 2.9 million people on the update service
- About 5% of standard / enhanced certificates include PNC data after filtering has been applied

The scale of CSA



- 2,200 children placed on a child protection plan due to CSA
- 10,500 children seen by sexual assault referral centres
- 45,000 assessed as being at risk of CSA
- 101,000 CSA offences recorded by police
- 500,000 children are estimated to be sexually abused every year

www.csacentre.org.uk

In 2023/4:

- 13,098 people were charged with sexual offences against children
- Approx 10,000 accepted a caution
- 7,371 people were convicted

(MoJ 2024)

Reasons children don't report abuse

6 %
The perpetrator threatened me

15%
I was scared of the perpetrator

2%
I was worried about what would happen to the perpetrator?

2%
It was private

12%
no words to explain

3%
I was scared of what the institution would do

9%
I feel guilty

5%
I wanted to forget

14%
I didn't think I would be believed

17%
I didn't know it was not okay

12%
I didn't want to hurt my family

4%
I thought they loved me

12%
I felt ashamed & embarrassed

5%
I thought I was special

7%
I didn't want anyone else to know

8%
I thought I would get into trouble

Advertising the role

The job description or person spec should set out:

- the skills, abilities, experience, attitude, and behaviours required for the post; and
- the safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children.

The advert should include:

- the school's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken;
- the safeguarding responsibilities of the post as per the job description and personal specification; and
- whether the post is exempt from the Rehabilitation of Offenders Act 1974, and info on the amendments to the Exceptions Order 1975, 2013 & 2020.

The application form

“Where a role involves engaging in regulated activity relevant to children, schools and colleges should include a statement in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

Schools and colleges should also provide a copy of the school’s or college’s child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on its website.”

Key information on application forms

- Personal details – current / former names, current address, NI number
- Present employment and reason for leaving
- Full history since leaving school (education and employment or voluntary work) with explanation of any gaps
- Qualifications
- Referees
- Personal statement to meet person specification
- Information for applicants about the legal basis and process for disclosing relevant criminal record
- Clear statement that it is an offence to apply for a role in regulated activity if the applicant is barred from engaging in regulated activity
- Signed declaration by candidate that all information is true

After shortlisting

Once shortlisted candidates have been identified:

- Seek reference(s)
- Ask candidates to complete, sign and return a criminal history / suitability self-disclosure prior to interview
- Advise candidates that online searches may be undertaken
- Undertake an online search for each candidate (if relevant)
- Panel should be advised of any relevant information, issues or concerns provided by the candidate, referees or found online so that the information can be discussed with the candidate at interview

There is more information about undertaking online searches in the delegate workbook p22

References

Important part of process of gathering information before interview:

- Must have a reference from current or most recent employer
- If not working with children but has done so in the past, a reference should be sought from most recent employer where the role involved working with children
- Referee should be a senior person with relevant authority – in a school, the HT / principal should confirm the reference is accurate
- Ask whether aware of any behaviour that might give rise to concern, including any disciplinary action
- Ask specifically about allegations about their behaviour towards children
- Specific confirmation of the details and responsibilities of previous post given by applicant

References

- Always verify information with the person who provided the reference
- Ensure electronic references originate from a legitimate source
- Contact referees to clarify where information is vague or insufficient information is provided
- Compare the information on the application form with that in the reference and take up any discrepancies with the candidate
- Establish reason for leaving their current or most recent post

Providing references

“When asked to provide references schools and colleges should ensure the information confirms whether they are satisfied with the applicant’s suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations that meet the harm threshold. They should not include information about concerns / allegations which are unsubstantiated, unfounded, false, or malicious.

References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings.”

Shortlisted candidates - declaration

- whether they have a relevant criminal history;
- whether they are included on the barred list;
- whether they are prohibited from teaching;
- whether they are prohibited from taking part in the management of an independent school;
- information about any criminal offences committed in any other country;
- if they are known to the police and children's social care;
- have they been disqualified from providing childcare; and,
- any relevant overseas information.

This information should only be requested from applicants who have been shortlisted.

Pre-appointment checks

A *conditional* offer of employment can be made pending the following:

- Verification of identity – including original birth certificate (where possible) to identify whether the person has changed their name
- Eligibility to work in the UK
- DBS Barred List (if regulated activity)
- Enhanced DBS check
- That those in ‘teaching work’ are not subject to a prohibition order, interim prohibition order or GTCE restriction
- S128 Prohibition from management (independent / free schools / academies and governors of maintained schools)
- Qualifications
- Status: QTS, HCPC, disqualified from EY / later years childcare, etc
- Overseas checks (may include overseas criminal certificates / overseas references / info from overseas teaching regulators)

Verifying identity



Employer checklist:

- ☐ Check current identity documents
- ☐ Check reference history and name match
- ☐ Education credentials - name check
- ☐ Professional registration / TRA record
- ☐ Check additional identity documents; e.g. marriage licence / divorce record
- ☐ Cross reference the above with DBS application form and declaration

Ref: Better Hiring Institute 2022



Stand-alone barred list checks

- The law requires that schools & colleges must undertake a stand-alone children's barred list if allowing someone to start in regulated activity prior to receipt of the enhanced DBS certificate (or where accepting portability between schools)
- Umbrella bodies / agencies are no longer able to process stand-alone barred list checks
- Since 2021, the DfE facilitates these checks via the TRA – schools can access via DfE Sign-in
- If you get a name match, you must not let the person commence in post until you have received the paper certificate or put in a 'legitimate interest' request
- Children's homes, 16-19 academies, Special post-16 institutions & independent training providers must always wait for the paper certificate

Stand-alone barred list checks – from April 2024

My services

Here you can access services associated with your account. Need a new service, form, role, or census? Request a service under the related actions menu.

Related actions

[View and edit services on my account](#)

[Request access to a service](#)

[See approvers at an organisation](#)

[Help with services \(opens in new tab\)](#)

Service

Description

[Check a teacher's record](#)

A teacher's record includes their qualifications and whether they have restrictions, for example if they've been found guilty of serious misconduct.

[Check the Children's barred list](#)

People on the children's barred list are not allowed to work with children. The list is usually checked as part of an enhanced Disclosure and Barring Service (DBS) check but can sometimes be checked separately, for example when waiting for DBS check results.

[Teacher Services - Employer Access - Schools](#)

See teacher records, carry out teacher status checks, update a teacher's employment status, and see those no longer allowed to teach for nurseries, schools, academies, free and independent schools, and colleges.

Stand-alone barred list checks – from April 2024

[Check the Children's barred list](#)

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Check the Children's Barred List

Last name

Date of birth

For example, 31 3 1984

Day Month Year

Search

**No record found on the Children's
Barred List**

DBS certificate

“The applicant **must** show the original paper DBS certificate to their potential employer before they take up post, or as soon as practicable afterwards. Schools and colleges will be able to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process.”

Regulated activity & DBS checks

- Individuals employed to work regularly in a school or children's home are in *regulated* activity (RA) with children
- It is a legal requirement to check people working in RA are not barred from that work *before* they commence in post
- People not in RA can still be asked to undertake an enhanced DBS disclosure (without Barred list check)
- It is unlawful to check the Barred list if the person is not in RA
- Employer must see the original certificate and record on the SCR the date it was seen
- Under the DBS code of practice, employers should only retain a copy in certain circumstances

Regulated activity - children

1. Unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice / guidance on wellbeing, moderate an online service or drive a vehicle only for children
2. Work in a limited range of establishments, (specified places) e.g school, children's home, childcare premises ... *but not by supervised volunteers*
3. Relevant personal care, such as washing, dressing, feeding, healthcare by or supervised by a health-care professional
4. Registered child-minding / fostering

Work under (1) or (2) is Regulated only if done regularly (by same person once per week or more, 4 or more days in a 30 day period or overnight)

Volunteer risk assessment

The risk assessment should consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability; and
- whether the role is eligible for a DBS check and if it is, what level is appropriate.

The risk assessment should be recorded.

Criminal background / suitability

- Applicants should not be asked to disclose criminal history at application stage
- Application form should not include blanket 'yes / no' box
- Applicants should be advised where they can get impartial advice
- MoJ recommends that the wording below is used in recruitment materials / application forms

The amendments to the Exceptions Order 1975 (2013 & 2020) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers , and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Ministry of Justice website.

Protected offences

- The Rehabilitation of Offenders Act 1974 was amended in 2013 and again in 2020
- The DBS and MoJ issued new guidance on 20/11/20 and the changes came into effect on the 28/11/20
- Employers have no right to ask candidates to disclose *all* spent convictions, even if the post is exempt from the ROA
- Legislation now refers to 'filtered' or 'protected' offences which applicants do not need to disclose
- It is the employer's responsibility to draw applicants' attention to the guidance on filtering
- If an applicant discloses an offence which they did not need to, it is the recruiter's responsibility to know not to discuss / take it into consideration

Protected offences – summary

- All youth cautions will be protected / filtered
- Adult cautions will be protected after 6 years unless they are on the list of specified offences that will never be filtered
- Convictions will be protected after 11 years unless they are on the list of offences that will never be filtered
- This means that you may not be aware of patterns of behaviour – previously a good indicator of suitability
- If it is necessary to copy the DBS certificate, this should be retained for a maximum of 6 months
- Self declarations, interview / discussion notes and risk assessments can be retained for duration of employment – but this needs to be made clear in staff privacy notices, etc

A culture of vigilance - learning lessons

- Safer recruitment procedures not in place
- Lack of safe working practice guidance - staff unclear on boundaries
- Failure to recognise, record and respond to low level concerns
- Standard operating procedures not being followed
- Poor management oversight / issues identified in inspection not actioned
- Voice of parents / pupils not heard
- Voice of staff / whistleblowing – raising concerns / exit interviews
- Human / professional / personal relationships
- Lack of effective supervision
- Ineffective governance and challenge

Disclosing potential issues

KCSIE 2024 says that school leaders should

“Create the right culture and environment so that staff feel comfortable to discuss matters within and, where appropriate, outside the workplace which may have implications for the safeguarding of children.”

These discussions can help schools

- safeguard their employees' welfare and contribute to their duty of care towards their staff
- identify whether arrangements are needed to support these staff
- manage children's safety, providing them with information that will help them consider whether there are measures that need to be put in place to safeguard children

Concerns about staff

- ✗ Previous over-reliance on someone to make an 'allegation', especially children and families
- ✗ Professionals who sexually abuse children tend to test boundaries and display behaviour that is of increasing concern
- ✓ Early identification, prompt response, appropriate management, positive & open culture



Dealing with allegations against staff and volunteers in schools

KCSIE part 4.1 outlines the framework that should be followed in all cases in which it is alleged that a teacher or other staff including supply / agency and volunteers has:

- Behaved in a way that has harmed a child or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children

Low level concerns reporting

KCSIE part 4.2

- Concerns that do not meet the LADO threshold
- “Any niggling doubt, no matter how small”
- Behaviour that breaches the staff code of conduct, including behaviour outside of school
- Governors should set out their low level concerns policy within the staff code of conduct, child protection policy and whistleblowing policy
- Concerns should be reported to the HT
- Should be recorded in writing & reviewed regularly to identify any patterns
- Should not usually be referred to in references



Supply / agency staff and lettings

- Makes clear that part 4 also applies to supply teachers / all contracted staff and organisations letting the school premises
- School would usually lead the investigation
- You should inform agencies / lettings of your policy - e.g.,
 - if the incident / allegation relates to your school, you will make the referral to LADO
 - unless LADO decides otherwise, you will lead the investigation
 - you expect the agency/ organisation to supply any information relevant to the investigation

A culture of vigilance

- Open, no secrets
- Belief that 'it could happen here'
- Clear staff behaviour / safe working practice guidelines
- Clear procedures for reporting concerns / whistleblowing
- Support in raising concerns & commitment to take action
- Commitment to safeguarding & an ongoing culture of vigilance
- Policies and procedures put into practice
- Good use of induction and probationary periods

Remaining vigilant

Never think you have done enough in terms of creating a safer culture

Always believe it could happen here

Keep safeguarding high on everyone's agenda

Never rely on any one process to keep children safe



**THE
LUCY FAITHFULL
FOUNDATION**

Working to protect children



National Association of Special
Schools (NASS)
Education



The Safer Recruitment Consortium

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