

Keeping children safe in education (KCSIE) 2022 paragraph 220:

*“In addition, as part of the shortlisting process schools and colleges 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.*

### **Commentary**

- ‘should’ in statutory guidance means that you should do it unless you have a good reason not to; if you have a good reason not to, it is wise to have a written rationale for this.
- ‘should consider’ is not the same as ‘should undertake’ – in other words, you could consider doing online checks and decide they are not appropriate. However, it is difficult to think of many (if any) circumstances in which you might decide not to undertake the checks.
- ‘online search’ is not the same as a search of candidates’ social media activity. It is true that the consultation draft of KCSIE 2022 included reference to social media searches but the DfE withdrew this from the final version, based on consultation responses regarding employment law and the potential for discrimination and bias.

### **Rationale for the change**

Some of you will be aware of the case reported in the national media in 2019 where an Oxford primary school employed a Spanish woman as a teaching assistant, unaware that she had been convicted in Spain for killing a child – I have previously discussed the case at NASS safer recruitment refresher training. The primary school undertook all appropriate vetting checks but the Spanish criminal record disclosure system meant that the conviction was not disclosed to the recruiting school.

[Oxford school hired murderer Iria Suarez-Gonzalez as teaching assistant - BBC News](#)

### **Why did the DfE change their mind about social media checks?**

Searching applicants’ social media activity can introduce discrimination and bias; it can also encourage recruiters to seek information covertly rather than overtly. As an example: there are 5 shortlisted candidates – the office manager finds that 4 candidates use Facebook, although two have the correct privacy settings in place and s/he cannot see their posts. Based on their timeline, one candidate obviously does a lot of fundraising for a local children’s charity. One candidate has shared a few posts that are concerning; a drunken party, a couple of posts which are anti-immigration. This information is shared with the panel who ask the candidate about their understanding of and commitment to equality and diversity but decide not to appoint. In reality, all five candidates may share the same views and behaviours but the panel may be led into positive bias towards the candidate who fundraises for charity and ambivalence towards the 2 candidates with privacy settings on. The candidate who could not be found on Facebook may also do a lot of charitable work, or they may hold and share discriminatory beliefs on another social media platform ... or they may just be clever enough to use a different / hard to find name on Facebook. It would also be essential to ensure that the member of staff undertaking the search has found the correct account for the candidate, particularly when you don’t know what the candidate looks like – check Facebook and see how many Carolyn Eyres exist!

It should also be noted that social media platforms are intended for individuals to share personal information; a slightly different approach may be applied to platforms such as LinkedIn which are intended to be sharing spaces for professionals and which can provide useful verification of employment history.

## Things to consider

1. Will you do online searches for all posts that you recruit to, or just some? If you would not undertake this additional check for an applicant for a cleaning post or headship, why not?
2. Technically, the requirement applies only to schools and colleges but it would be hard to justify not applying the same due diligence to applicants for posts in your children's homes, outreach services or adult services
3. Will an online search also be appropriate when recruiting new governors or trustees? (I would suggest yes)
4. Who will do the check? If internal, the staff member should be given a clear understanding of what they are looking for, how to record it and who to pass the information to. Ideally, the online check should not be completed by a member of the recruitment panel.
5. There is no requirement to add an 'online checks' column to the single central record!
6. There are numerous companies coming out of the woodwork, offering to undertake these checks on behalf of schools. Beware of any company offering social media checks! One well known business is advertising a service that includes people's online behaviour, financial circumstances and also positive indicators such as whether the candidate is involved in community activities, charitable work, fundraising, etc. While this may be an appropriate level of vetting for a Premier League footballer or MP, it would be difficult for a school to defend the use of such information to an employment tribunal
7. If looking for training / briefing / webinar, steer clear of any provider advertising training in how to undertake social media checks :-/

## Actions:

1. Include a statement in your recruitment policy, recruitment materials for applicants and on the application form, explaining that an online search will be completed for shortlisted candidates. If there are any posts that you have decided you would not cover, make this clear in the written materials
2. Add the online check to your safer recruitment check list
3. Agree a format for the checker to notify the panel that the online check has been completed and the detail of what was discovered or that there was no information found
4. If information has been discovered, this should be compared with the candidate's application form, employment history and criminal / suitability self-disclosure and then discussed with the applicant at interview – the questions asked and responses provided by the applicant should be recorded on the interview notes
5. If the information relates to a serious incident or demonstrates that the candidate has been dishonest in their application / self-disclosure, seek advice from the LADO and / or police before discussing with the candidate at interview
6. Ask your preferred supply agencies to confirm that they are now including online checks in their vetting procedures

### Example

1. You have shortlisted Carolyn Eyre
2. You email the criminal history / suitability questionnaire to her, requesting that this is returned at least 1 day prior to interview
3. You Google (or whichever search engine you use) 'Carolyn Eyre' to see what pops up
4. You might also search the following terms:
  - a. Carolyn Eyre safeguarding / Lyn Eyre safeguarding
  - b. Carolyn Eyre Leeds / Lyn Eyre Leeds
  - c. Carolyn Eyre court
5. You might search for Carolyn Eyre on LinkedIn and check who she has identified as her previous employers against the employment history she has provided on the application form, along with a comparison of the employment dates stated

### Case study

School A was undertaking a disciplinary investigation into a member of teaching staff (T) who had allegedly shared extremist materials with pupils. I was asked by the investigating officer to contribute as an expert witness. I put the member of staff's name into a well-known search engine and the first result was the staffing page of school A's website, identifying the individual as a teacher there. The second result on the list was a newspaper report from some years previously, reporting that T had been suspended from the college at which he was employed for sharing political material.

I asked school A to check T's application form – had he included this college in his employment history and had school A sought a reference from the college? The investigating officer confirmed that the college had been included in the employment history but had not been contacted for a reference as they were not the most recent employer; T stated on the application form that the college role had been a fixed term contract. I advised school A to contact the college to confirm T's reason for leaving and, if there was a discrepancy, to add this to the ongoing disciplinary investigation.

If online searches had been part of safer recruitment 5 years ago when T was appointed by school A, the school may have picked up the previous issue at the college and chosen to take up an additional reference. They may then have identified the discrepancy in employment history and could have asked T about this at interview.