



Safer Recruitment Policy

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Introduction

The Rainbow Multi Academy Trust is dedicated to safeguarding and promoting the welfare of children and young people.

A strategic and professional approach to recruitment processes enables the Trust to attract and appoint staff with the necessary competencies and attributes to support the Trust's values and fulfil its strategic vision. The Trust is dedicated to safeguarding and promoting the welfare of all pupils, supported by a culture of safe recruitment, and it expects all employees, volunteers, and contractors to uphold this commitment.

To foster a culture of safe recruitment, it is imperative to attract, recruit, and retain staff of the highest calibre who are committed to this principle. This policy ensures equality of opportunity for all candidates and aims to appoint the most suitable individuals to meet the Trust's objectives and ensure the safety and welfare of our pupils.

Aims and Objectives

The aims of this policy are as follows:

- To ensure that the best possible staff are recruited based on their merits, abilities, and suitability for the position.
- To ensure the recruitment process enables the Trust to attract and appoint staff who will effectively fulfil its strategic aims and uphold the Trust's vision and values.
- To ensure that all job applicants are considered equally and consistently, in accordance with the principles of the Equality Act.
- To ensure that no job applicant is treated unfairly on any grounds, including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation, in accordance with the principles of the Equality Act.
- To ensure compliance with all relevant legislation, recommendations, and guidance, including the statutory guidance published by the Department for Education (DfE), the latest version of Keeping Children Safe in Education (KCSIE), the Prevent Duty Guidance for England and Wales 2023 (the Prevent Duty Guidance), and any guidance or code of practice published by the Disclosure and Barring Service (DBS).
- To ensure that the Trust meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

The recruitment and selection process should ensure the identification of the person best suited to the vacancy, based on the applicant's abilities, qualification, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance (including the latest version of KCSIE and Prevent Duty Guidance).

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.

The Trust aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies within The Rainbow Multi Academy Trust.

Roles and Responsibilities

It is the responsibility of the Board of Directors to:

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

It is the responsibility of the Executive Leadership Team, Senior Management team and Headteachers to:

- Ensure that the Trust operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work within The Rainbow Multi Academy Trust.
- To monitor contractors' and agencies' compliance with this document.
- Promote the welfare of children and young people at every stage of the procedure.

The Board of Directors has delegated responsibility to the CEO, Senior Management team and Headteachers to lead in all appointments. School governors and Directors may be involved in staff appointments but the final decision will rest with the CEO/ Senior Management team /Headteachers.

Definition of Regulated Activity and Frequency

Any position undertaken at, or on behalf of the Trust will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30-day period; or
- Engaging in intimate or personal care; or
- provides the opportunity for contact with children; and
- Are unsupervised and:
 - Are responsible for teaching, training, instructing, caring for or supervising children
 - Provide advice or guidance to children on physical, emotional or educational wellbeing
 - Drive a vehicle only for children

A person is also in regulated activity if they are:

- Managing or supervising, on a day-to-day basis, someone who is doing an activity that would be 'regulated' if it were unsupervised

Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

The Trust is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Trust is required to carry out an enhanced DBS check for all staff, supply staff and governors/Directors who will be engaging in regulated activity. However, the Trust can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

Recruitment and Selection Procedure

Advertising

To ensure equality of opportunity, the Trust will advertise all vacant posts to encourage as wide a field of applicant as possible, whether this is in an internal or external advertisement. There may be exceptions to this, but this will be at the discretion of the CEO together with the Chair of the Trust Board.

All advertisements will make clear the Trust's commitment to safeguarding and promoting the welfare of children. Advertisements will be listed on The Rainbow Multi Academy Trust website where applicants can obtain a copy of the advert, job description and recruitment pack which contains an application form, an equal opportunities form, candidate safeguarding statement, GDPR notice for applicants and a copy of this policy. Each school's child protection policy is signposted from this web page.

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA18) and the UK GDPR.

Application Forms

The Rainbow Multi Academy Trust uses its own application form, and all applicants will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history). **Applicants submitting an incomplete application form will not be shortlisted. CVs will not be accepted.**

It is unlawful for the Trust to employ anyone who is barred from working with children in a role that includes regulated activity. It is a criminal offence for any person who is barred from working with children to apply for such a position within the Trust. All applicants will be made aware that providing false information is an offence and could result in the application being rejected, or dismissal if the applicant has been selected, and referral to the police and/or the DBS.

Job Descriptions and Person Specifications

A job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the process. It will clearly and accurately set out the duties and responsibilities of the job role.

The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job.

Shortlisting

At shortlisting stage, the application will include a separate declaration regarding convictions and working with children and will make it clear that the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain

spent convictions and cautions are 'protected', so they do not need to be disclosed, and if they are disclosed, we cannot take them into account.

A panel of at least two will shortlist the candidates for the interview stage of the recruitment process.

All shortlisted applicants will be asked to complete a self-declaration form before the interview stage. Applicants must complete these forms accurately, and reveal all relevant convictions, as well as any other information that would make them unsuitable to work with children. Failure to reveal any relevant information could lead to the withdrawal of an offer of employment.

All our job applications and self-declaration forms go through an anonymising process to promote equality of opportunity. Applicants are shortlisted against specifics detailed in the role's person specification.

At least one member of any shortlisting panel will have undertaken safer recruitment training or refresher training as applicable.

References

The Trust follows guidance set out in the KCSIE document which requires the Trust to, seek references on all short-listed candidates, including internal candidates, after short-listing and prior to interview. The references will be scrutinised and any concerns resolved before confirming appointments. The references requested will ask specific questions about the suitability of the candidate to work with children.

All offers of employment will be subject to the receipt of a minimum of two references that are considered satisfactory by the Trust. One of the references must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. References will always be sought and obtained directly from the referee. Their purpose is to provide objective and factual information to support appointment decisions.

All referees will be asked whether they believe the candidate is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children.

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

Any discrepancies or anomalies will be followed up by direct contact by phone and recorded on the candidate's application.

The Trust does not accept open references, testimonials or references from relatives.

Online searches

The Trust will perform an online search of shortlisted candidates to seek information which is publicly available, this information may be explored with the candidate at interview if deemed necessary.

Interviews

There will be a face-to-face interview wherever possible, and a minimum of two interviewers from the shortlisting panel will see the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. Interviews provide an opportunity for the panel to explore any anomalies or gaps that have been identified during shortlisting in order to satisfy themselves that the chosen candidate meets the safeguarding criteria outlined in this policy.

Any information in regard to relevant past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process, if it has been disclosed on the declaration form.

At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable.

All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Only original documents will be accepted and photocopies will be taken.

Unsuccessful applicant documents will be destroyed immediately after the recruitment process concludes and unsuccessful applications will be destroyed six months after the recruitment process concludes.

Offer of Appointment and New Employee Process

In accordance with the recommendations set out in KCSIE and the requirements of the Education (Independent School Standards) Regulations 2014 the Trust carries out a number of pre-employment checks in respect of all prospective employees.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- verification of the applicant's identity (if not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which the Trust considers to be satisfactory;
- the agreement of a mutually acceptable start date;
- for positions which involve "teaching work":
 - I. the Trust being satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency, or any predecessor or successor body, or by a regulator of the teaching profession in any other country which prevents the applicant working for the Trust or which, in the Trust's opinion, renders the applicant unsuitable to work for the Trust; and
 - II. the Trust being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working for the Trust or which, in the Trust's opinion, renders the applicant unsuitable to work for the Trust;
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the Trust considers to be satisfactory;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List;
- confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school/ academy or working in a position which involves regular contact with children;
- confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school/ academy;
- verification of the applicant's medical fitness for the role;
- verification of the applicant's right to work in the UK;

- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK; and
- verification of professional qualifications that the Trust deems a requirement for the post, or which the applicant otherwise cites in support of their application (where not previously verified).
- confirmation that, for required roles, the applicant is not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where it is decided that an individual falls outside of the scope of these regulations and such checks are not carried out, an assessment will be made and retained on the individual's personnel file. This will include an evaluation of any risks and control measures put in place, and any advice sought.

Whether a position amounts to "regulated activity" must therefore be considered by the Trust in order to decide which checks are appropriate. It is however, likely that in nearly all cases the Trust will be able to carry out an enhanced DBS check and a Children's Barred List check.

A personnel file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personnel files.

The Rehabilitation of Offenders Act 1974

All positions within the Trust are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those that would be considered "spent". However, the amendments to the Exceptions Order 1975 (2013 and 2020) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers. In accordance with the Exceptions Order and DBS filtering rules, the Trust will not request disclosure of such convictions.

DBS (Disclosure and Barring Service) Check

The Trust applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions within the Trust which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.

It is the Trust's policy that the DBS disclosure must be obtained before the commencement of employment of any new employee. Where there is a delay in acquiring the DBS, a Barred List Check must be obtained separately before commencement of employment.

Members of staff in The Rainbow Multi Academy Trust are aware, through the Trust's professional conduct policies, of their obligation to inform their Headteacher or CEO of any cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

Portability of DBS Certificates Checks

Often, applicants, volunteers, governors and Directors have joined the DBS Update Service, which allows portability across different employers, with each employer able to check the status of their current DBS.

The Trust will:

- Obtain consent from the applicant to carry out an update search.
- Confirm the Certificate matches the individual's identity.

- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, ie enhanced certificate/enhanced including barred list information.

This check would identify and advise whether there has been any change to the information recorded, since the initial certificate was issued. Applicants will be able to see a full list of those organisations that have carried out a status check on their account.

DBS Certificate

The DBS does not issue Disclosure Certificates to employers. Employees/applicants should bring their original certificate to the central office or by prior agreement with the HR team to the school in which they will be based; for employees within 7 days of issue; or applicants before they commence work or any project involving regulated activity).

Dealing with convictions

The Trust operates a formal procedure if a DBS certificate is returned with details of convictions. Please see 'Recruitment of Ex-offenders' section at the end of this policy.

Secretary of State Prohibition Orders (Teaching & Management Roles)

In all cases where an applicant is to undertake a teaching role of any kind, a Prohibition Order check will be made using the DfE Teacher Services website. It is anticipated that this will be performed at offer stage. A person who is prohibited from teaching will not be appointed to work as a teacher within The Rainbow Multi Academy Trust.

A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, academy or free school. A check for a section 128 direction will be carried out using the DfE Teacher Services website. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

A person who is prohibited is unable to participate in any management of any such establishment, whether as a staff school leader, governor or Director, if the individual would be in a management position that retains or has been delegated any management responsibilities.

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

All applicants invited to attend an interview with the Trust will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines.

Where an applicant claims to have changed their name by deed poll or any other means (eg marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form.

Medical Fitness

The Trust is legally required to verify the medical fitness of anyone to be appointed to a post within the Trust, after an offer of employment has been made but before the appointment can be confirmed.

All applicants are requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role.

The Trust is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

Overseas checks

Applicants who have lived/travelled abroad for more than 3 months will need to obtain a criminal records check/certificate of good conduct from the relevant country. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the Trust. In exceptional circumstances where the certificate or check from the relevant country cannot be obtained a risk assessment must be completed and be kept on file.

Induction Programme

All new employees will be given an induction programme which will clearly identify Trust policies and procedures, including the Child Protection Policy, the Code of Conduct and KCSIE, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

Single Central Record (SCR)

In addition to the various staff records kept within the schools and on individual personnel files, a SCR of recruitment and vetting checks is kept in accordance with the Education (Independent School Standards) Regulations 2014 requirements. This is an up-to-date, working document. The SCR for the Trust is held within SCR Tracker online and each school maintains their own database. The full SCR for the Trust can be accessed centrally by the HR team. The SCR contains details of the following:-

- all employees who are employed to work at the school;
- all employees who are employed as supply staff to the school whether employed directly or through an agency;
- all others who have been chosen by the school to work in regular contact with children. This will cover volunteers, governors, Directors, peripatetic staff and people brought into the Trust to provide additional teaching or instruction for pupils but who are not staff members, e.g. sports coaches etc.

A designated Governor will be responsible for auditing the SCR at school level during the autumn term. Ideally, this will be done in the first half of the term and his/her findings will be reported to the Local Governing Board at the Spring term meeting.

Record Retention/Data Protection

The Trust is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Trust will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify right to work in the UK, medical fitness and qualifications. Medical information may be used to help the Trust to discharge its obligations as an employer, e.g. so that the Trust may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the Trust for the duration of the successful applicant's employment with the School. All information retained on employees is kept in each individual personnel file. Staff files will be securely destroyed following the timeline outlined in the IRMS Data Retention Toolkit for Schools.

The same policy applies to any suitability information obtained about volunteers involved with the Trust.

The Rainbow Multi Academy Trust will retain all interview notes on all unsuccessful applicants for a period of six months, after which time the notes will be confidentially destroyed (ie shredded). The six month retention period is in accordance with the IRMS Data Retention Toolkit for Schools.

Ongoing Employment

The Rainbow Multi Academy Trust recognises that safer recruitment and selection is not just about the start of employment, but should be part of a larger policy framework for all staff. The Trust will therefore

provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

Existing Staff Suitability

Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against children and young people are raised. If we have concerns about an existing member of staff's suitability to work with children, we will carry out all the relevant checks as if the individual was a new member of staff. We will also do this if an individual moves from a post that is not regulated activity to one that is.

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- we believe the individual has engaged in [relevant conduct](#); or
- the individual has received a caution or conviction for a relevant offence, or there is reason to believe the individual has committed a listed relevant offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#); or
- the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- the individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

If the individual referred to the DBS is a teacher, the Trust may also decide to make a referral to the Teaching Regulation Agency.

Third Party Companies- Including Contractors and Agency Staff

All third party companies engaged by the Trust must complete the same checks for their employees that the Trust is required to complete for its staff. The Trust requires written confirmation (known as a 'letter of assurance') that these checks have been completed, before employees of the company can commence work within the Trust.

Each school site will independently verify the identity of staff supplied by third party companies and ensure there is a letter of assurance before staff can commence work.

No employee of a third party will be allowed to work unsupervised or engage in regulated activity under any circumstances if they have not undergone these checks.

Each school will check the identity of all third party staff upon first arrival at each site.

For self-employed individuals such as music teachers or sports coaches, the Trust will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where it is decided that an individual falls outside of the scope of these regulations and such checks are not carried out, a record of the assessment will be retained. This will include an evaluation of any risks and control measures put in place, and any advice sought.

Trainee/student teachers

Where applicants for initial teacher training are salaried by the Trust, we will ensure that all necessary checks are carried out.

Where trainee teachers are undertaking a student placement, we will obtain written confirmation from the training provider that the necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

In both cases, this includes checks to ensure that individuals are not, were appropriate, disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

Visiting Speakers (and Prevent Duty)

The Prevent Duty Guidance requires the Trust to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

All visiting speakers will be subject to the Trust's usual visitors signing in protocol. This will include signing in and out at Reception, the wearing of a visitor's badge at all times and being escorted by a fully vetted member of staff between appointments.

The Trust will always have regard to the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

“Extremism is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces.”

In fulfilling its Prevent Duty obligations the Trust does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

Volunteers

The Trust will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the Trust (the definition of regulated activity set out above will be applied to all volunteers).

Under no circumstances will the Trust permit an unchecked volunteer to have unsupervised contact with pupils.

It is the Trust's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the Trust for three consecutive months or more.

The Trust will ensure that, where appropriate, checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where it is decided that an individual falls outside of the scope of these regulations and such checks are not carried out, a record of the assessment will be retained. This will include an evaluation of any risks and control measures put in place, and any advice sought.

The Trust will carry out a risk assessment for a trip/activity when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. A record of this risk assessment will be retained.

There could be occasions when volunteers are used for only occasion use, for example, a school trip, possibly once a year who will not go through the volunteer recruitment process including an enhanced DBS check as this is not deemed to be regulated activity. There will be a risk assessment carried out to see if this can be managed. If the RA confirms that this can be managed in an appropriate way and in line with safeguarding measures then these individuals will not be left unsupervised. They will be required to see the risk assessment and any other information relating to the activity/trip.

The Trust will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances.

Governors and Directors

All governors and Directors will have an enhanced DBS check without barred list information.

They will have an enhanced DBS check with barred list information if working in regulated activity.

The chair of the trust board will have their DBS check countersigned by the secretary of state.

All local governors and Directors will also have the following checks:

- A section 128 check (to check prohibition on participation in management under [section 128 of the Education and Skills Act 2008](#)).
- Identity
- Right to work in the UK
- Other checks deemed necessary if they have lived or worked outside the UK

Staff Working in Alternative Provision Settings

Where a pupil is placed with an alternative provision provider, written confirmation is obtained from the provider that they have carried out the appropriate safeguarding checks on individuals working there that the Trust would otherwise perform. These checks are carried out by the school in conjunction with the Heads and records are kept on site.

Recruitment of Ex-Offenders

The [code of practice](#) published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), The Rainbow Multi Academy Trust complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.

The Rainbow Multi Academy Trust actively promotes equality of opportunity for all who demonstrate suitability for the role and welcome applications from a wide range of candidates, including those with criminal records. The Trust selects all candidates for interview based on their skills, qualifications and experience.

The Rainbow Multi Academy Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. The Trust undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

The Trust can only ask an individual to provide details of convictions and cautions that are not protected. In accordance with the Exceptions Order 1975 (2013 and 2020) and DBS filtering rules, the Trust will not request disclosure of such convictions.

A DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).

Where a disclosure or the results of a DBS check reveal that an applicant is barred from the role or ineligible to be employed in that role, their recruitment process will not proceed any further, and they will be informed that they legally cannot be considered for the job.

In all other cases, previous convictions will not necessarily prevent applicants from being employed by the Trust. Staff will determine, with support from the HR department and external advisors where appropriate, whether disclosures warrant a discussion between the Trust and the candidate.

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also

amount to a criminal offence. It is unlawful for the Trust to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position within the Trust.

The Rainbow Multi Academy Trust ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The Trust also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Trust will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- and the circumstances surrounding the offence and the explanation(s) offered by the applicant.

A formal meeting will take place face-to-face to establish the facts with the Head/CEO. A decision will be made following this meeting. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Head/CEO will evaluate all of the risk factors above before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Trust may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosed information.

At interview, or in a separate discussion, The Rainbow Multi Academy Trust ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

An application for a criminal record check is only submitted to DBS where an offer of employment has been made. All recruitment documentation eg. application forms and job adverts will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

The Trust undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

The School will make a report to the Police and / or the DBS if:

- it receives an application from a barred person;

- it is provided with false information in, or in support of an applicant's application; or
- it has serious concerns about an applicant's suitability to work with children.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Trust will carry out a risk assessment. The assessment form must be signed by the **Head** before a position is offered or confirmed.

Retention and Security of Disclosure Information

The Trust's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information. In particular, the Trust will:

- store disclosure information and other confidential documents issued by the DBS securely. Access to which will be restricted;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months.
- the Trust will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.