



# **Safer Recruitment Policy**

## **Katherine Warrington School**

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Issue Date: November 2023

Approved By Trust Board - December 2023

Review Date: November 2025

## Contents

1.	Introduction	3
2.	Scope and objectives	3
3.	Roles and responsibilities	3
3.1.	Board of Trustees	3
3.2.	Headteacher/ Senior management team/ recruiting managers	3
4.	Recruitment and selection process	3
4.1.	Recruitment panels	3
4.2.	Adverts and recruitment packs	4
4.3	Application forms	4
4.4	Shortlisting	4
4.5	Employment history and references	4
4.6	Online searches	5
4.7	Selection	5
5.	Pre-employment checks	6
5.1.	Secretary of State Prohibition Orders and Section 128 direction (teaching and management roles)	7
5.2.	Proof of identity, right to work in the UK, verification of qualifications and/or professional status and criminal records self-declaration	8
5.3	Fitness to undertake the role	8
5.4	Individuals who have lived or worked outside the UK	9
5.5	Retention of documents	9
6.	Single central record	10
7.	Induction	10
8.	Contractors and agency workers	10
9.	Volunteers	10
	Appendix 1 – Regulated Activity	12
	Appendix 2 – criminal record self-declaration form	13
	Appendix 3 – online search record (sample)	15

## **1. Introduction**

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children and young people in education. We are committed to safeguarding and promoting the welfare of students in our care and expect all staff and volunteers to share this commitment.

## **2. Scope and objectives**

The scope of this policy is to set out the minimum requirements of a recruitment process that aims to:

- attract the best possible candidates to vacancies on the basis of their merit, abilities and suitability
- deter prospective candidates who are unsuitable for work with children or young people
- identify and reject candidates who are unsuitable for work with children and young people.

The objectives of this policy are as follows:

- to ensure that all candidates are considered equally and consistently
- to ensure that no candidate is treated unfairly on any grounds and specifically any protected characteristics as outlined in the Equality Act 2010
- to ensure compliance with all relevant legislation, recommendations and guidance including statutory guidance published by the Department for Education (DfE), Keeping children safe in education (KCSIE), the Prevent Duty Guidance for England and Wales (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Services (DBS)
- to ensure that we meet our commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

## **3. Roles and responsibilities**

### **3.1. Board of Trustees**

- to ensure we have effective policies and procedures in place for the recruitment of staff and volunteers in accordance with the DfE guidance and legal requirements
- to monitor compliance with the above policies.

### **3.2. Headteacher/ Senior management team/ recruiting managers**

- to ensure safe recruitment practices are followed and make sure appropriate checks are carried out on all staff and volunteers
- to monitor contractor and agency compliance with this document
- to promote the safeguarding of children and young people at every stage of the recruitment process.

## **4. Recruitment and selection process**

### **4.1. Recruitment panels**

In accordance with KCSIE, we will ensure that at least one member of any interview panel has undertaken Safer Recruitment training and has kept this training up to date.

### **4.2. Adverts and recruitment packs**

Advertisements for posts, whether in newspapers, journals or online, will include the statement:

“... is committed to safeguarding children and young people. All post holders are subject to a satisfactory enhanced Disclosure and Barring Service (DBS) check.”

Prospective candidates will be supplied, as a minimum, with the following:

- job description and person specification
- our child protection policy
- our safer recruitment policy (this document)
- the selection procedure for the post.

### **4.3 Application forms**

All prospective candidates must fully complete an application form. CVs will not be accepted in isolation as they do not contain the required information to support safer recruitment.

### **4.4 Shortlisting**

If shortlisted, candidates will be asked to complete a criminal record self-declaration form where they will be required to declare all unspent cautions and convictions; and also, any adult cautions (simple or conditional), and spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2020).

The relevant criminal record self-declaration form is attached at Appendix 2.

Shortlisted candidates will be sent:

- Criminal Record Self-Declaration form.
- Full details of the selection process.

### **4.5 Employment history and references**

A minimum of two references (to be sought directly from the referee) will be taken up, at least one of which will be obtained from the candidate's current or most recent employer.

Any discrepancies or gaps in employment identified through references will be explored during the interview where possible or, at least, before an offer of employment is made. This also applies to references for internal candidates.

If a candidate is moving from another employer, the reference must be from the Headteacher/Principal or another senior colleague (in the absence of a Headteacher) and not from a colleague.

Open references or testimonials provided by the candidate will not be accepted.

Where necessary, referees will be contacted by telephone or email to clarify any anomalies or discrepancies and verify the source of the reference. This contact will then be recorded on our Single Central Record for successful candidates.

Where necessary, previous employers who have not been named as referees will be contacted to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

Referees will always be asked specific questions about:

- the candidate's suitability for working with children and young people
- any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children
- the candidate's suitability for this post.

Candidates are not automatically entitled to see their employment references.

#### **4.6 Online searches**

We may, as part of our recruitment process, undertake online searches regarding candidates. This is intended to identify any incidents or issues that have happened, and are publicly available online, which we might want to explore with a candidate at interview.

Where we do an online search, it is noted that:

- candidates should be notified in advance that online searches will be carried out as part of due diligence during the recruitment process
- the search should be carried out after shortlisting so it cannot be part of the decision to invite to interview
- at the point of being invited to interview, candidates should be advised that this search will be conducted on them
- the search should be based upon an agreed set of criteria (a sample Online Search Record can be found in Appendix 3), using all names associated with the candidate
- The search should concentrate on professional information that sits within the public domain, and should be applied consistently for all candidates
- the parameters of the search should be agreed in advance (by us) and applied consistently for all candidates (which platforms, which search criteria, which dates)
- the searches should all be carried out by the same person, where possible by someone who will not be involved in subsequent interviews/ decision making
- the completed form should be shared with the panel as soon as possible in order for any concerns raised to be properly incorporated into the interview questions, giving the candidate an opportunity to respond.

Searches will be undertaken using school devices and accounts.

## 4.7 Selection

Selection techniques will be determined by the nature and duties of the vacant post and may include a variety of methods. We will conduct interviews in a face-to face manner (which could be via remote methods using video conferencing software, such as Google Meet, Microsoft Teams or similar, if face to face is not practical). Telephone interviews may be used at the short-listing stage.

During the interview process, candidates will be required to:

- give a satisfactory explanation of any gaps in employment
- provide a satisfactory explanation of any anomalies or discrepancies in the information available to recruiters
- declare any information that is likely to appear on a DBS check (via the criminal record self-declaration form)
- demonstrate their capacity to safeguard and protect the welfare of children and young people
- demonstrate how they meet the job description and person specification
- bring original evidence of their identity, address, right to work in the UK, relevant qualifications and a completed Criminal Convictions Self-Declaration form.

## 5. Pre-employment checks

Any offer of appointment made to a successful candidate, including anyone who has lived or worked abroad, must be conditional on the satisfactory completion of the necessary pre-employment checks and we will:

- Verify a candidate's identity to be sure that the person is who they claim to be. This includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Further identification checking guidelines can be found [here](#).
- Obtain (via the candidate) an enhanced Children's Workforce DBS certificate including barred list information as all staff employed by the Trust could potentially be required to work in regulated activity (see Appendix 1)
- Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available. We will also carry out a risk assessment if candidates will be starting work prior to a DBS certificate being available
- Separate barred list checks **must** only be carried out in the following circumstances:
  - For newly appointed staff who are engaging in regulated activity, pending the receipt of an Enhanced Certificate with Barred List information from the Disclosure and Barring Service (DBS) where all other relevant checks have been carried out, or;
  - Where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the organisation where

all other relevant checks have been carried out.

- Ensure all shortlisted candidates have completed a Criminal Record self-declaration form disclosing any relevant convictions (see Appendix 2).
- Verify the candidate's mental and physical fitness to carry out their work responsibilities. A job candidate can be asked relevant questions about disability and health in order to establish that they have the physical and mental capacity for the specific role - see paragraph 5.3.
- Verify the candidate's right to work in the UK. Advice on this can be found on the [Gov.uk website](https://www.gov.uk):
  - Since 1<sup>st</sup> July 2021, candidates from an EEA Country are required to provide evidence of having obtained settled status under the EU Settlement Scheme.
  - Since January 2021, any overseas external candidates must apply for a VISA via the [New Points Based Immigration Scheme](#).
- If the candidate has lived or worked outside the UK, make any further checks we feel are appropriate which would include an overseas police check - see paragraph 5.4
- Verify professional qualifications as appropriate by viewing original certificates. The Teacher Services system should be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation.
- Ensure the candidate is checked against the prohibition from teaching orders (see paragraph 5.1)
- Ensure the candidate is checked against Section 128 (prohibition from management roles) where applicable (part of barred list check for those in regulated activity) - see paragraph 5.1.

### **5.1. Secretary of State Prohibition Orders and Section 128 direction (teaching and management roles)**

In all cases, where a candidate is to undertake a teaching role of any kind (this may include non-teaching staff if they plan, prepare and deliver lessons and assess and report on pupils without supervision of a qualified teacher) a Prohibition Order check will be made. It is anticipated that this will be performed at the shortlisting stage, but it will, in any case, be carried out before any unconditional offer of employment is made.

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher. If in any doubt or if the candidate has taught previously, or may teach in the future, the check will be undertaken.

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency (TRA). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to

be in the public interest to do so.

A Section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. An individual who is subject to a section 128 direction is unable to:

- take up a management position in an independent school, academy, or in a free school as an employee
- be a trustee of an academy or free school trust; a governor or member of a proprietor body of an independent school
- be a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a school as stated in Keeping children safe in education and the DfE [Governance Handbook](#).

We will use the TRA's Employer Access service to make prohibition, direction, restriction, and children's barred list checks ([Teaching Regulation Agency \(education.gov.uk\)](https://www.teaching.gov.uk)).

Further information about obtaining a DfE Sign-in account and using the Employer Access service to carry out a range of 'teacher status checks' including verification of qualified teacher status (QTS) and the completion of teacher induction or teacher probation can be found [here](#).

Where the candidate will be engaging in regulated activity, a DBS barred list check will also identify any section 128 directions.

Since 1<sup>st</sup> January 2021, TRA checks have been for UK Citizens only. We may therefore need to arrange for these checks to be carried out in the relevant country for overseas candidates (including those from the EEA).

## **5.2. Proof of identity, right to work in the UK, verification of qualifications and/or professional status and criminal records self-declaration**

All shortlisted candidates invited to attend an interview 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 the UK, in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS Code of Practice Regulations (including evidence of settled status as required) and to complete a Criminal Records Self Declaration form (See Appendix 2).

Good quality photocopies of all documents will be taken. These will then be signed and dated by the person who has evidenced the originals and the copy should state "originals seen, and identity confirmed":

- Successful Candidates: all documents will be stored securely on the employee file for audit and inspection purposes, including any relevant risk assessments.
- Unsuccessful Candidates: all documents will be kept securely for no later than 6 months after the recruitment process has been concluded. After which they will be destroyed securely.



Please note that the legislation surrounding what information is disclosed in an Enhanced and Standard DBS certificate changed on 28<sup>th</sup> November 2020 as a result of which an employer may not receive full details of a candidate's criminal history due to changes to filtering.

In accordance with safeguarding, an employer is still legally entitled to ask shortlisted candidates to disclose their criminal history. However, this no longer includes final warnings, cautions, and reprimands. Further guidance on this can be found in the NACRO guidance

In addition, candidates must be able to demonstrate that they have obtained any academic or vocational qualification required for the position and claimed in their application form.

### **5.3 Fitness to undertake the role**

A confidential pre-employment health questionnaire must be completed to verify the candidate's mental and physical fitness to carry out their work responsibilities. A successful candidate 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 once an offer of employment has been made. Confidential pre-employment checks will be carried out by our Occupational Health provider.

### **5.4 Individuals who have lived or worked outside the UK**

Candidates who have lived or worked outside the UK must undergo the same checks as all other staff. In addition, we must make any further checks so that any relevant events that occurred outside the UK can be considered as per Home Office guidance on criminal records checks for overseas candidates.

Following the UK's exit from the EU, we are expected to apply the same approach for any individuals who have lived or worked outside the UK regardless of whether it was in an EEA country or the rest of the world.

These checks could include, where available:

- Criminal records check for overseas candidates (Home Office guidance can be found on GOV.UK) and, for teaching positions, obtaining a letter (via the candidate) from the professional regulating authority in the country (or countries) in which the candidate has worked, confirming that no sanctions or restrictions have been imposed, and they are not aware of any reason why they may be unsuitable to teach.

Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess a candidate's suitability.

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

Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, we will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE Guidance.

Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. We are aware that the criteria for

disclosing offences in other countries often have a different threshold than those in the UK. The Home Office provides guidance on criminal records checks for overseas candidates which can be found [here](#).

Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. More information about this is available via the following link [Qualified teacher status \(QTS\): qualify to teach in England - GOV.UK \(www.gov.uk\)](#). Please note that holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and/or is suitable to work with children.

## **5.5 Retention of documents**

Where documents have been obtained to verify a successful candidate's identity, right to work and required qualifications, these will be kept on their personnel file.

DBS certificates and records of criminal information disclosed by the candidate are covered by GDPR regulations. Copies of this information will only be retained where there is a valid reason for doing so and will not be kept for longer than six months. After destruction, the school may record the fact the vetting was carried out, the result and the recruitment decision.

## **6. Single central record**

We will keep a single central record of pre-employment checks, which includes the statutory requirement to see the original DBS certificate and record the date seen. In the Keeping Children Safe in Education Regulations, this is referred to as "the register". The single central record will cover the following people:

- all staff (including teacher trainees on salaried routes, agency and third-party supply staff)
- for independent schools, all members of the proprietor body
- for Academy Trusts, the members and Trustees

Confirmation that these checks have been carried out, along with the date the check was undertaken/obtained, must be logged on this record for all employees.

## **7. Induction**

We recognise that safer recruitment and selection is not just about the start of employment, but must be part of a larger policy framework for all staff. We will therefore provide ongoing training and support for all staff.

All staff who are new to us as an employer will receive induction training that will include our safeguarding policies and guidance on safe working practices including Child Protection, PREVENT, FGM awareness and online safety.

Regular meetings will be held during the first 6 months of employment between the new employee(s) and the appropriate manager(s).

## **8. Contractors and agency workers**

We will obtain written notification from any agency, or third-party organisation we use that the organisation has carried out the necessary checks (in respect of the enhanced DBS certificate,

with written notification confirming the certificate has been obtained by either the employment business or another such business), on an individual who will be working for us.

Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

## **9. Volunteers**

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Volunteers who, on an unsupervised basis, teach or look after children regularly, or provide personal care on a one-off basis, will be in regulated activity. We will obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, we may conduct a repeat DBS check (which should include barred list information) on any such volunteer should we have concerns.

There are certain circumstances where we may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity. This is set out in DBS workforce guides, which can be found on [GOV.UK](https://www.gov.uk). Employers are not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.

We will undertake a risk assessment and use our professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. In doing so will consider:

- the nature of the work with children
- 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 suitability
- whether the role is eligible for an enhanced DBS check.

Details of the risk assessment will be recorded.

It is for us to determine whether a volunteer is supervised. In making decisions on appropriate levels of supervision, we consult statutory guidance issued by the Secretary of State, which states that, for a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity;
- regular and day to day; and
- “reasonable in all the circumstances to ensure the protection of children.”

The DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to engage in regulated activity.

## **Appendix 1 – Regulated Activity**

Regulated activity includes:

- Teaching, training, instructing, caring for, or supervising children if the person is unsupervised; providing advice or guidance on physical, emotional or educational well-being; or driving a vehicle only for children.
- Work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

The work described only constitutes regulated activity if undertaken on a regular basis. Some activities are always regulated, regardless of frequency or whether they are supervised or not.

These include:

- relevant personal care, or health care provided by or provided under the supervision of a health care professional
- personal care, including helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

## **Appendix 2 – criminal record self-declaration form**

This form must be completed by all shortlisted candidates where a Disclosure and Barring Certificate (also known as a DBS), is required. The information disclosed on this form will not be kept with a candidate's application form during the application process.

### **Policy statement on recruiting candidates with criminal records**

This post is exempt from the Rehabilitation of Offenders Act 1974. For further information on criminal record self-declaration for roles that are eligible for standard or enhanced DBS checks please refer to [Nacro guidance](#) and the [MoJ website](#).

We recognise the contribution that ex-offenders can make as employees and volunteers and welcome applications from them. A person's criminal record will not in itself, prevent them from being appointed to this post. Any information given will be treated in the strictest confidence. Suitable candidates will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk to the role for which they are applying.

All cases will be examined on an individual basis, and we will take the following into consideration:

- whether the caution or conviction is relevant to the position applied for
- the seriousness of any offence revealed
- the age of the candidate at the time of the offence(s)
- the length of time since the offence(s) occurred
- whether the candidate has a pattern of offending behaviour
- the circumstances surrounding the offence(s), and the explanation(s) offered by the person concerned
- whether the candidate's circumstances have changed since the offending behaviour.

It is important that candidates understand that failure to disclose all unspent cautions and convictions, including any adult cautions and spent convictions that are not protected, could result in disciplinary proceedings or dismissal. Further advice and guidance on disclosing a criminal record can be obtained from [Nacro](#).

Please note that, if you are unsuccessful, this disclosure form will be securely destroyed within 6 months of your application.

<b>Surname:</b>		<b>Forename:</b>	
<b>Post applied for:</b>		<b>Date:</b>	
<b>NI Number:</b>		<b>Teacher Ref No.</b> <i>If applicable</i>	
<b>Date of QTS:</b> <i>If applicable</i>			
Katherine Warington School is committed to safeguarding and promoting the welfare of children and we expect all staff to share this commitment. For this post, pre-employment checks will be carried out, references will be sought, and successful candidates will be subject to an enhanced DBS check and other relevant checks with statutory bodies.			
Do you have any unspent conditional cautions or convictions?	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>	
Do you have any spent adult cautions (simple or conditional), or spent convictions, which are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)?	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>	
Do you have any criminal convictions or relevant service discipline convictions received within the Armed Forces Justice System (e.g., through Summary Hearing or Court Martial) where it would be considered an equivalent offence in England and Wales?	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>	
Have you ever been barred from working with Children or disqualified from working in Childcare?	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>	
Are you subject to any sanctions in the EEA?	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>	
<u>Teaching Posts Only:</u> Are you or have you ever been prohibited from teaching or sanctioned by the GTCE?	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<u>Management Posts Only:</u> Have you been prohibited from the management of an independent school (section 128)?	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input type="checkbox"/>	<b>N/A</b> <input type="checkbox"/>
<b>If you have answered YES to any of the questions above, please provide full details.</b>			
<b>Please complete and sign the declaration below:</b>			
I declare that all the information I have provided in this disclosure is full and correct at the time of application and that I have not omitted anything that could be relevant to the appointment of someone who will work with children. I understand that the recruitment panel may be made aware of any relevant information that I have disclosed in order to discuss the matter(s) with me as part of the recruitment process and that, if my application is successful, a risk assessment of the disclosed information will be held securely on my personnel file.			
<b>DECLARATION</b>			
I declare that the information provided on this form is correct. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role at Katherine Warington School. However, failure to disclose may result in an offer of employment being withdrawn.			
<b>Signed:</b>	<b>Date:</b>		

### Appendix 3 – online search record (sample)

This record can be adapted should you decide to conduct online searches after shortlisting. You must agree to the criteria and apply the process fairly and consistently.

<b>Role shortlisted for:</b>	
<b>Candidate name:</b>	
<b>Searcher name:</b>	
<b>Date and time of online search:</b>	
<b>Agreed search terms:</b>	<ul style="list-style-type: none"> <li>● 'Candidate name(s)'</li> <li>● 'Candidate name(s)' + 'job title'</li> <li>● 'Candidate name(s)' + 'current employer'</li> <li>● 'Candidate name(s)' + 'previous employer'</li> <li>● 'Candidate name(s)' + 'educational institution'</li> </ul>
<b>Agreed platforms:</b>	<ul style="list-style-type: none"> <li>● Google</li> <li>● LinkedIn</li> <li>● Their most recent employer's website</li> </ul>
<b>Agreed limitations:</b>	Search to be carried out using the agreed terms, looking at the first 3 pages of results only
<b>Findings to note:</b>	<p>We are specifically looking for things that would make someone unsuitable to work with children and/or could bring the employer into disrepute (for example, evidence of offensive or inappropriate behaviour).</p> <p><b>Do not</b> include irrelevant personal information.</p>