

This document has been compiled to assist Local Authorities and schools with general queries regarding Keeping Children Safe in Education 2022's online checks requirements. For any specific queries or cases which arise, schools should seek appropriate HR or legal advice.

1. What is the new online search requirement?

With effect from 1 September 2022 a new requirement for online checks has been included in Keeping Children Safe in Education 2022. The requirement can be found in KCSIE as follows:

Part 3 - Safer Recruitment

Shortlisting – Paragraph 221 which states:

“221. 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.”

2. What is the background to this new requirement?

It is understood that the requirement has been introduced following a case arising from an overseas appointment. Different countries do not have the same rules as the UK on how convictions are recorded and retained. In the case which is thought to have led to this change a person was recruited into a school from overseas and had in their home country been convicted of a very serious offence against a child. The offence was not shown on their criminal record because they had been under 18 at the time so, according to the rules in that country, the criminal record was clear. This offence is likely to have been discovered if an online check was carried out.

3. Is this check mandatory

KCSIE states that schools “should consider” carrying out checks as part of their due diligence rather than “must carry out checks”. However, given the statutory nature of the guidance, there would have to be a significant reason why such checks are not carried out and no such reasons have been identified or tested at present. If an establishment decides not to carry out checks this should be clearly stated in their recruitment policy with the reason recorded. Currently, the regional advice is that these checks should be carried out.

4. Who should schools carry out these checks on?

Schools should only carry out online checks for shortlisted candidates and not all applicants. Online checks should not be used therefore as part of the shortlisting process. These checks apply to all teaching and non-teaching posts in schools with effect from 1 September 2022.

5. What should be involved?

A general online search of publicly available information. Schools should be consistent in their methods.

6. What should schools be looking for?

Schools should be aware that as part of a safeguarding check, only information which is relevant to an individual's suitability to work with children should be considered. Any information which does not raise any question about candidate suitability to work with children must not be used to exclude a candidate from the process or from being appointed.

7. Who should carry out the checks?

It is recommended that, where possible, a person not involved in the appointment decision carries out the checks and only passes any relevant information to those involved in appointment. This is so that only relevant information is shared with the decision makers so that it can be followed up at interview.

8. Should schools ask for social media account details from shortlisted candidates?

No. It is not the intention of the guidance that social media accounts are examined in detail by schools. The wording in the final guidance was changed to online checks rather than "social media" checks. This would require significant resources and could leave schools open to challenge should information arising from such checks and not linked to suitability to work with children be used in appointment decisions. This approach would bring many other risks including that the school would only be checking social media accounts put forward by the candidate. This would not reveal other accounts held by the candidate or information that would arise from a general online check of publicly held information. The focus must be on information which is linked to the suitability to work with children.

9. Is it necessary to pay an organisation to carry out checks?

Whilst some organisations offer a paid for service to carry out extensive online checks, it is believed that these go above and beyond the intention of the guidance and for example, may include significant examination of social media accounts. Again, any information not linked to a candidate's suitability to work with children which is obtained from online checks and used in appointment decisions could be open to challenge. Therefore, this is not recommended.

10. What will Ofsted require schools to do?

Ofsted will check the school's single central record (SCR) for evidence of pre-employment due diligence checks. The SCR should now include confirmation that the online check has been carried out. This guidance is effective from 1 September 2022 so all appointments on

or after this date should include this information. It is understood that the Ofsted Handbook will be updated and any information for schools arising from this will be shared through the Regional Schools HR group.

11. How should schools record searches?

Schools should record all recruitment due diligence checks on their single central record. All information held on unsuccessful candidates should be destroyed in line with the school's disposal schedule, as recommended by their HR provider.

12. Do adverts need to be changed to inform candidates of online checks?

Safeguarding statements on adverts which confirm pre-employment checks will be carried out in line with KCSIE will be sufficient, however, any information provided to shortlisted candidates should be updated to explain what pre-employment checks will be carried out and what this entails with regards to the specific schools method of online checks.

13. What do schools need to consider when carrying out checks?

Schools need to consider updating their recruitment and selection policy to ensure it includes any details regarding the school's method of online checking of shortlisted candidates. Information should be provided to candidates in the same way that they are informed of other checks and due diligence requirements connected to the post in school. Schools should be mindful of their own resources when deciding how to carry out checks. Of utmost importance is to ensure that the purpose of this check is to identify any information which is connected to the suitability of the individual to work with children. Any other information obtained should not be used in the recruitment process. All information should be handled, processed and stored within GDPR requirements.

14. What should happen in relation to contractors and agency/supply staff?

Agency and contractors need to have checks done by the appropriate employer or agency schools are required to record on the SCR these checks have been satisfactorily carried out.

KCSIE states that:

Schools and colleges must obtain written notification from any agency, or third party organisation, that they have carried out the same checks as the school or college would otherwise perform on any individual who will be working at the school or college (or who will be providing education on the school or college's behalf, including through online delivery). In respect of the enhanced DBS check, schools and colleges must ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

Schools should contact suppliers/agencies that they use to ensure appropriate checks are being carried out in relation to this requirement or to obtain a statement from the

agency/supplier to confirm they are not carrying out such checks and the reason. Schools will then need to decide if they continue to use the agency or supplier.