

KCSiE 2022: Online searches for shortlisted candidates

16 June 2022

The two biggest changes in the new safeguarding guidance revolve around sourcing high quality governor and trustee training and the new requirement to carry out online searches for shortlisted candidates.

This article focuses on how and when to carry out online searches. In the coming week we will follow up with everything you need to consider when sourcing high quality governor or trustee training.

So, this is the important paragraph for the safer recruitment change:

“200. 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.”

To understand what we need to do and why, let's break down that paragraph.

- “should consider” — this is statutory guidance so we know ‘should’ really means must, so unless you have a very good reason to depart from the guidance, you need to follow it
- “as part of the shortlisting process” — we only need to take this step on those we shortlist, not all applicants. This means amending our process to add in this step
- “help identify any incidents or issues” — this is the crux of the ‘why’ and helps us focus on what we are looking for: things said or done that would either harm the reputation of your school or trust or make the candidate unsuitable to work with children.
- “publicly available online” — this is important: we do not need to delve into the private/locked down content of social media accounts, all we are looking for is information that is available to anyone through the usual search engines and websites. We should not be asking candidates to provide us with log in details for social media accounts so we can trawl through that content.
- “might want to explore with the applicant at interview” — note the ‘might’: we can determine that the content is so serious that we opt to bring the recruitment process to an end. If we continue, we put the content to them at interview in the same way we would any issues in a reference or adverse information on a DBS check

It is also worth noting that in the consultation draft guidance the requirement was “schools and colleges should consider carrying out an online search (including social media)”; the underlined words do not feature in the released guidance. Do not read too much into this; I am not sure why these three words were pulled (perhaps it was to avoid confusion with the “publicly available online” part of the paragraph), but it does not stop us reviewing publicly available social media content.

As I have said in other articles, the guidance is a little light on detail (in that it has none), so when it comes to taking reasonable steps to discharge this duty, we need to create the framework ourselves. There are two options: the outsourcing (tech) approach or the more manual, in-house approach.

Outsourcing (tech) approach

Many of you will use digital safer recruitment and onboarding platforms to support you with the various steps already required when it comes to recruiting into schools. Those platforms will be looking to bolt on an offer to support you with carrying out online searches on shortlisted candidates. The market will dictate cost and turnaround times, but one such platform has confirmed they will be able to offer

searches from late August for around £20 per person with same-day turn around and include a report on what was found and some level of advice on the seriousness of it.

It will then be for you to review the report/advice and consider next steps, including discussing the findings with the candidate (if appropriate), assessing risk, determining whether to offer the role and whether any risk management steps are required once in post.

In-house approach

This will be more labour-intensive but, on the plus side, comes at no additional cost. Let's start by looking at who should do this work.

To reduce the risk of discrimination it is sensible for the searches to be carried out by someone unconnected to the recruitment process who can then pass on to the recruitment team only the information that is relevant. This person will need training on how to search and what information to filter out.

When it comes to the 'how and what' I recommend starting with a Google search and then reviewing the most popular social media and video sharing platforms, such as LinkedIn, Facebook, Twitter, Instagram, TikTok and YouTube. Remember, we are looking for content that does one of two things: calls into question the candidate's suitability to work with children and/or causes harm to the reputation of your school or trust. That means we are looking for content that evidences inappropriate or offensive behaviour, discrimination, drug or alcohol misuse and inappropriate photos or videos.

Next, we need to consider how far back to look, another area where additional support from guidance would have been welcomed. Over time, the sector will reach a standard approach (as we always do) but until then I recommend that five years as a sensible timeframe.

After the content has been pulled together it should be passed to your recruitment team so they can consider it as part of the wider recruitment process, much in the same way as we do with DBS disclosures. From there, we can either end the process for that candidate or put to them the content we have found and ask them to provide context.

As you know, the guidance comes into force in September, so it is sensible to start work now. Review your recruitment process and add in this new step, consider whether any specific risk assessment needs drafting and whether you want to pull together a set of standard questions and anticipated responses to adverse content so that you can be consistent in how you manage this new requirement. It is also worth looking into the digital onboarding platforms to see how they can support you.

We will be updating our [suite of HR and Education Policies](#) to reflect the new guidance, with the redrafted documents ready in late July.

The new documents you need to create for your safer recruitment process feature in our new [Safer Recruitment Toolkit](#).

Contact



Dai Durbridge

Partner

dai.durbridge@brownejacobson.com

+44 (0)330 045 2105

Related expertise
