

In the recent 2022 update to Keeping Children Safe in Education (KCSIE), guidance has been updated on pre-recruitment checks which indicate that schools can carry out online searches for prospective employees.

The guidance states (at section 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."

Some schools may already have carried out cursory online checks from time to time, it is only natural to have intrigue as to the candidates you are recruiting, and with the internet it is easy to carry out these further checks in seconds.

Whilst this updated guidance may assist some Schools in how they conduct these checks, there are data protection implications of doing so and this guide is to give you some tips in how to do these checks appropriately without breaching data protection laws.

Key Considerations and Top Tips

- The guidance mentions an online search – this doesn't necessarily mean searching social media (see our guidelines below if you do intend to search social media).
- It's important to ensure that whatever you search is necessary for the purpose and not excessive - for example if the candidate has different political opinions to the interviewer, this may not be relevant to their job role.
- Reviewing someone's online presence might give you an idea as to their private life, but the school should ensure that they remember that there is a difference between private life and professional life. The school should only use information they find out which might be relevant to the job role. For example, if there is a news article about a road traffic incident and a potential candidate was mentioned in this, it may not necessarily be relevant to their potential job role.
- Although KCSIE suggests carrying out the online searches prior to interview, we would recommend that this is done at the stage when you offer the candidate a job. This is to minimise the number of individuals searched, limit suggestions of bias and strengthens the rationale to carry out the search if you have agreed for them to take the post. This could be done as part of your pre-employment checks, and anything you find can be ironed out at this stage, as opposed to the interview stage.
- The guidance says that you should carry out a search, not must. If you do not feel comfortable looking a candidate up online, and do not feel that this holds any relevance, then you should not do this.
- Treat all candidates equally. Don't just search some of the relevant candidates. You don't want to be open to suggestions that you are biased towards a particular individual.
- If you do search online content – consider putting this in your privacy notice for job applicants. We have recently updated our privacy notice for job applicants to include this.
- Be transparent with candidates before searching. We would recommend including a section on job application forms explaining this before searching. You can use the following suggested wording: -

Online search

As part of our continuing safeguarding obligations, we will also carry out online searches on you as part of due diligence. In doing this, we will only be looking at information which might potentially impact your ability to carry out the role, and we recognise that there is a difference between your public and private life.

We will carry out this search only at the point of job offer.

Social media

As mentioned earlier, the guidance doesn't suggest a social media search of individuals although this may be your first thought of where to search if asked to do so. Furthermore, searching an individual's name will often bring up their social media channels.

It is even more important to be cautious when looking at social media channels as they can regularly be accounts those post-holders wish to be private or contain data relating to them, they don't wish to share with their workplace. In addition to the guidance above, consider: -

- Asking the individual to share their username to search;
- Seeking consent in advance to search social media channels before doing so;
- Checking the correct page (as there may be duplicate/similar account names);
and

Respecting the wishes of those who do not wish to share their accounts with you.
