

# RECRUITMENT, SELECTION AND APPOINTMENT POLICY



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### I. INTRODUCTION

The School is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The School is also committed to providing a supportive and flexible working environment for all members of staff. The School recognises that, in order to achieve its aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre, who share a firm commitment to the

## School's purpose and values

The aims of the School's Safer Recruitment Policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to deter, identify and reject prospective applicants who are unsuitable for work with children or young people;
- to ensure that all job applicants are considered and assessed equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity.
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), *Safeguarding children and safer recruitment in education (Guidance)*, *Keeping Children Safe in Education (KCSIE)*, the *ISI Handbook for the Inspection of Schools (Guidance)* and relevant guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

## 2. RECRUITMENT AND SELECTION PROCEDURE

### 2.1 Advertising of Posts

The aim of advertising is to attract a wide range of high quality candidates from diverse backgrounds. All advertisements for posts, whether in newspapers, journals, or online, should include a statement confirming that the School is committed to the safeguarding and welfare of children and that all candidates will be required to undergo an Enhanced DBS check.

### 2.2 Job Descriptions and Person Specification

The qualifications, skills, experience, knowledge, aptitudes and abilities that are required for the post will be clearly identified in the job description and person specification. The job description will also state that it is the individual's responsibility to promote the welfare of children and young people s/he is responsible for or comes into contact with.

### 2.3 Application Form

The School will only accept applications from candidates applying for roles on a School employment contract with a fully completed School application form. CVs will not be accepted as a substitute for application forms except in cases of temporary agency staff.

Any gaps in employment history must be accounted for and will be explored (and noted) at interview.

Application forms, job descriptions, and person specifications will all be available on the School's website when a position is advertised, but are also available from the HR Manager. The School's Policy on the Recruitment of Ex-Offenders can be found at Appendix A of this policy. The School's Safeguarding and Child Protection Policy is available upon request from the HR Manager

and is also published in the School's Staff Handbook.

#### 2.4 Invitation to Interview

The School will shortlist applicants for interview based on selection criteria which assesses the candidate's qualifications, skills, experience, knowledge, aptitudes and abilities against the job description and person specification.

Shortlisted applicants will be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail. All formal interviews will have a panel of at least two people. In accordance with Safer Recruitment best practice, the School ensures that at least one person on the recruitment panel/s will have undertaken Safer Recruitment training. A written record of the interview will be kept and destroyed after six months for unsuccessful candidates. The interview notes for successful candidates will be kept on their employment files for the duration of their employment, and thereafter kept in accordance with the School's Privacy Policy.

In addition to technical/competency based questions, candidates will be asked questions relating to their attitude and motivation to want to work with children and young people or in an environment where they are present.

In order to expedite Safer Recruitment checks, all applicants invited to interview are requested to provide the following original documentation on their interview day:

- at least one form of photographic ID
- proof of address
- proof of the right to work in the UK
- any documents confirming educational and professional qualifications that are relevant to the vacancy.

#### 2.5 Conditional offer of appointment

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

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment;
- the satisfactory completion of all Safer Recruitment pre-employment checks, as outlined in this policy

### 3. PRE-EMPLOYMENT CHECKS

In accordance with the recommendations set out in the statutory guidance, KCSIE and the requirements of the Education (Independent School Standards) (England) Regulations 2010, the School carries out a number of pre-employment checks in respect of all prospective employees.

#### 3.1 Verification of identity and address

All applicants who are invited to interview will be required to provide original documentation as evidence of identity, right to work in the UK, original proof of address (no less than three months old in the case of bank/credit card/mortgage statements and no less than 12 months old in the case of utility bills) and, if relevant to the role, qualifications.

The School complies with the DBS identity checking guidelines. As part of the recruitment process, applicants will be advised of the original documents they are required to bring with them if invited for interview.

Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration), they will be required to provide documentary evidence of the change.

The School asks for the date of birth of all applicants (and proof of this) in accordance with the Guidance and KCSIE. Proof of date of birth is necessary so that the School may verify the identity of all applicants as well as check for any unexplained discrepancies in the employment and education history.

### 3.2 References

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. References should be received, scrutinised and concerns resolved satisfactorily, before the appointment is confirmed. It is preferable that references are obtained prior to interviews taking place, in order to allow any concerns to be explored further at the interview.

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 where this is possible.

All referees will normally be sent a copy of the job description and person specification for the role for which the applicant has applied. Referees will be asked to complete a reference confirming the following:

- The applicant's dates of employment, salary, job title / duties, reason for leaving, performance and disciplinary record.
- The applicant's suitability 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
- Whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated, unfounded or malicious; and
- Whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated, unfounded or malicious.

The School will only accept references obtained directly from the referee. It will not rely on references or testimonials provided by the applicant or on open references or testimonials.

The School will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

### 3.3 Medical Fitness

The School must verify the mental and physical fitness to carry out their work responsibilities in respect of anyone to be appointed to a post at the School, after an offer of employment has been made but before the appointment can be confirmed.

It is the School's practice that all applicants, to whom an offer of employment is made, must complete a Health Questionnaire. If the School has any doubts about an applicant's fitness, the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

### 3.4 Prohibition Checks (Including EEA Sanctions)

Any offer of employment for a position involving teaching children will be subject to a Prohibition from Teaching check, and will not be confirmed until the School is satisfied that the individual is not prohibited from teaching. If the candidate has worked in the EEA in the past five years, an EEA sanctions check will also be undertaken.

Management positions at the School will also be subject to a s128 Prohibition from Management check. Candidates who are found to be prohibited from teaching/and or management will not be appointed to work at the School.

**Prohibition from Teaching Orders** – prohibition orders prevent a person from carrying out teaching work in schools and other settings in the UK. The School will check the UK's Prohibited List before confirming an applicant's employment.

EEA Sanctions – these list persons for whom prohibition from working with children orders have been applied in the wider EEA area. The School will check the EEA sanctions list if a candidate has worked in the EEA in the past five years, prior to confirming an appointment.

**Prohibition from management directions (Section 128 directions)** - The School is required to check for the existence of directions made by the Secretary of State under s.128 of the Education and Skills Act 2008 barring individuals from taking part in the management of an Independent School. The scope of the barring directions covers membership of proprietor bodies (including Governors), the Head, all staff on the senior leadership team (including non-teaching staff) and Teaching positions with departmental responsibility.

### 3.5 Disclosure and Barring Services (DBS) Check

As all staff in a school are considered to be in regulated activity, the School applies for an Enhanced disclosure from the DBS in respect of all prospective staff members, and unsupervised contractors and volunteers. Most posts at the School are exempt from the Rehabilitation of Offenders Act 1974. These are set out in the Rehabilitation of Offenders Act (Exceptions) order 1975. This means that applicants applying for posts at the School must declare all convictions, cautions and bind-overs, including those regarded as 'spent'. Applicants who have been convicted of a criminal offence will be requested to give details, in confidence, in a separate, sealed envelope which will be opened by the HR Manager and subsequently destroyed.

As of 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

- For those aged 18 or over at the time of an offence
- An adult conviction will be removed from a DBS disclosure if:
  - eleven years have elapsed since the date of conviction;
  - it is the person's only offence; and
  - it did not result in a custodial sentence.

#### For those aged under 18 at the time of an offence

A conviction will be removed from a DBS disclosure, if:

- five and a half years have elapsed since the date of conviction; and
- it is the person's only offence; and
- it did not result in a custodial sentence.

A caution received when a person was aged under 18 will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

In either case, if an offence appears on a list of "**specified offences**" it will not be removed under any circumstances, as it must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

#### The list of "specified offences" which must always be disclosed

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

The School 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 at the School 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 maintained by the DBS. Any position undertaken at, or on behalf of, the School (whether paid or unpaid), 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
- regularly in that it satisfies the "period condition", meaning three times or more in a 30 day period; and
- provides the opportunity for contact with children.

This definition will cover nearly all posts at the School. It is for the School to decide whether a

role amounts to "regulated activity" taking into account all the relevant circumstances.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School. Necessary arrangements must be in place to ensure the School obtains the **original** disclosure certificate prior to commencement and employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

If there is a delay in receiving a DBS disclosure and the position requires an urgent start, the recruiting manager, in consultation with HR, may allow an individual to begin work pending receipt of the disclosure only if:

- the appointment has not been confirmed;
- all other checks, including a clear Children's Barred List check, have been completed;
- the DBS application has been made in advance;
- appropriate supervision can be in place;
- a risk assessment is completed and reviewed every two weeks until the DBS check is received.
- the person in question is informed what these safeguards are;
- a note is added to the single central register and evidence kept of the measures put in place;
- The Head is provided with evidence of the above and authorises the commencement.

### 3.6. Overseas Criminal Records Check

The School requires that an overseas criminal records check is undertaken where the applicant has lived and/or worked abroad for three months or more in the past five years, in accordance with ISI requirements. This includes UK nationals returning after working in a foreign country. The Home Office has published guidance on what checks are available from different countries, and the process for requesting a check from the relevant country. The School will request extra references from countries that do not provide criminal record checks, or should the overseas criminal record check be delayed.

## 4. CONTRACTORS AND AGENCY STAFF

All external Contractors including those self-employed e.g. Sports Coaches, Instructors, Builders, Visiting Music Teachers, etc. are required to complete necessary checks similar to those employed directly by the School. In addition, the appointing HoD or Line Manager must ensure a Contractor Agreement is in place (templates are available from the HR Manager). This not only ensures compliance with KSCIE and ISI regulations, but also ensures the terms of the arrangement are clearly outlined and confirms that the individual/s engaged are not employees of the School.

HoDs and Line Managers are required to notify the HR Manager of any Contractors they wish to appoint through an External Contractor firm providing a minimum of four weeks' notice. The HR Manager will then arrange for the completion and verification of the necessary checks with the External Contractor firm and confirm when the Contractor may commence. The HoD or Line manager must ensure they are entirely satisfied with suitability of any Contractor attending the School as, once appointed, they will be responsible for their actions and any work completed.

## 5. VOLUNTEERS

For volunteers or parents who only accompany staff and children on one-off outings or trips that do not involve overnight stays, please see the School Visitors Policy.

In line with KCSIE guidance, volunteers who teach or look after children on an unsupervised basis will be considered to be in regulated activity and the School will undertake the same checks for them as for a member of staff.

Depending on the nature and frequency of volunteers who are not engaged in regulated activity but have the opportunity to come into contact with children on a regular basis, the School may also obtain an enhanced DBS check for supervised volunteers.

## 6. PREVENT DUTY

Under the Counter-Terrorism and Security Act 2015 the Prevent Duty requires specified authorities, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism. Under the Prevent Duty, all members of school staff, including recruiting managers, are required to use their professional judgment to identify any potential risks of radicalisation in respect of the children who are in the School's care and to act proportionately.

## 7. INDUCTION AND TRAINING

All staff including temporary staff and volunteers will be trained in child protection regularly, in line with advice from the LSCB this includes:

- the school's child protection policy;
- the staff code of conduct/behaviour policy including the whistleblowing procedure;
- the identity of the designated Safeguarding Lead
- a copy of Part I of KCSIE (each time Part I is updated, staff will be informed)
- Prevent awareness training.

All staff are required to confirm they have received, read and understood the above policies and procedures.

## 8. RETENTION OF RECORDS AND DATA PROTECTION

The School is legally required to undertake the checks outlined in this document. Therefore, if an applicant is successful in their application, the School 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 identity, right to work in the UK, medical fitness and qualifications. All information collected in relation to recruitment and selection will be held in accordance with the GDPR and Data Protection Act guidelines.

We will observe strict confidentiality and only handle and store information in line with the School's Privacy Policy. Disclosures will only be made for payroll, pension, HR administration and statistical purposes.

Medical information may also be used to help the School to discharge its legal duty of care as an employer (e.g. so that the School may consider reasonable adjustments if an employee has a disability, or to assist with any other workplace issue).

Employees involved with shortlisting and appointments will have limited access to data provided, such as that on the School's application form. This information will not be disclosed to any other party outside the School.

This documentation (with the exception of DBS information) will be retained by the School for the duration of the successful applicant's employment. After employment ends it will be retained in accordance with the School's Privacy Policy.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

### 8.1. Sensitive Information

Under the GDPR and Data Protection Act, the following information is considered sensitive personal data: race, ethnic origin, politics, religion, trade union membership, genetics, biometrics (where used for ID purposes), criminal convictions, health information, sex life and sexual orientation. The School may request some of the above information to comply with statutory safeguarding purposes, monitor its recruitment practices, and/or for diversity monitoring. Sensitive information used for statistical reporting purposes will be anonymised. After appointment, the information provided by successful applicants will be held securely in their personnel file.

For further details please refer to the School's Privacy Policy, which can be requested from the HR Manager.

## 9. REFERRALS TO THE DBS AND TEACHING REGULATION AGENCY (TRA)

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks, the School also has a legal duty to make referrals to the DBS and/or TRA in circumstances where an individual:

- has applied for a position at the School despite being barred from working with children; or
- has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child (*Harm Test*).

## 10. POLICY DEVELOPMENT AND REVIEW

This procedure is designed to set good practice standards. However, the School recognises that best practice develops over time and, as such, will update it regularly in the light of experience and as a result of changes in legislation or its own internal organisation and policies. The procedure will be subject to a comprehensive review on an annual basis.

## APPENDIX A – POLICY ON THE RECRUITMENT OF EX-OFFENDERS

### Background

The School will not unfairly discriminate against any applicant for employment on the basis of a conviction or other details revealed. The School complies with the Disclosure and Barring Service (DBS) Code of Practice and makes appointment decisions on the basis of skills, qualifications and experience. If an applicant has a criminal record, this will not automatically bar the candidate from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 3 below.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent", except for those to which the DBS filtering rules apply. 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 an offer of employment has been made, the job offer may be withdrawn. If it is discovered after employment has started, it 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 School 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 attempt to apply for a position at the School. The School will make a report to the Police and /or the LADO, in the first instance, 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.

A subsequent referral to the DBS and/or the TRA may also become necessary.

### Assessment criteria

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 School 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 convicted person.

### Assessment procedure

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 School will carry out a risk assessment by reference to the criteria set out above. The risk assessment must be signed by the Head for Teaching appointments, and the Bursar for Support Staff appointments, before an appointment is confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he/she can do so by contacting the DBS directly. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School will (where practicable and at its discretion) defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information with the DBS.

#### Retention and security of disclosure information

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

In particular, the School will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the HR department;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months.
- The School will keep a record of the recruitment decision taken in relation to the conviction, and if the candidate is appointed, the risk assessment referred to above in relation to the convictions will be held on their employment file indefinitely;
- ensure that any disclosure information from the DBS 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.

## APPENDIX B – SUMMARY OF CHECKS AND INFORMATION RECORDED ON THE SCR



- Name
- Start date
- Job title
- Date of birth
- Identity & Right to work in the UK
- Proof of address
- Professional qualifications (where applicable)
- Enhanced DBS number
- DBS issue date
- Barred list/List 99 (where required separately)
- DBS Update service (where applicable)
- Overseas criminal records check (where applicable)
- Prohibition from teaching check
- EEA sanctions check (where applicable)
- Prohibition from management (s128) check
- References (at least 2)
- Application form
- Medical declaration form