



GIGGLESWICK
SCHOOL

RECRUITMENT, SELECTION AND DISCLOSURES POLICY AND PROCEDURE

1. General

Safeguarding Statement

Giggleswick School is committed to safeguarding & promoting the welfare of children and young people and expects all staff and volunteers to share this commitment by complying with the school's Safeguarding (Child Protection) Policy & Staff Code of Conduct at all times.

Giggleswick School ('the School') will achieve this commitment through effective recruitment and retention of competent, motivated staff members who are suited to, and effective in their roles.

The School aims to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

All queries on the School's Application Form and recruitment process must be directed to Matthew Hodge Bursar.

An entry will be made on the Single Central Register for all current members of staff at the School, the proprietorial body and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

1. INTRODUCTION

This policy applies to all sections of the School. Its purpose is to ensure the practice of safe recruitment of staff appointed to Giggleswick by:

- attracting the best possible applicants to vacancies;
- deterring prospective applicants unsuitable for work with children;
- identifying and rejecting applicants unsuitable for work with children.

The recruitment and selection process will identify the person best suited to the job based on the applicant's abilities, qualifications, experience and merit, measured against the job description and person specification.

All checks will be made in advance of appointment or as soon as practicable after appointment.

2. Scope of this Policy

The Recruitment, Selection and Disclosures Policy and Procedure herewith refers and applies to staff directly recruited and employed by the School. In the Education (Independent Schools Standards) (England) Regulations 2014, staff are defined as:

Any person working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract but does not include supply staff or a volunteer.

In the case of agency or contract workers, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. The School conducts identity checks on agency and contract workers on arrival in School and, in the case of agency workers which includes supply staff, the School must be provided with a copy of the DBS check for such staff.

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus in line with KCSIE two references, declaration of medical fitness, check of previous employment history). The Single Central Register shows these checks have been made and the School carries out its own identity check and has seen a copy of the disclosure (whether or not it discloses any information).

Certain individuals are automatically disqualified from acting in senior management positions within a charity. Whether an individual fall into the category of a senior management position is judged using the following criteria:

- A person who is accountable only to the Head or the governors, and who is responsible for the overall management and control of the charity's finances. At Giggleswick School this would be the Bursar.

Being disqualified means that a person can't take on, or stay in, a senior manager position – even on an interim basis, unless the Charity Commission has removed (or 'waived') the disqualification.

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

Any staff who TUPE transfer into the School's staff will be required to undertake the statutory requirements with regard to safer recruitment checks.

If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

3. Application Form

The School will only accept applications from candidates completing the relevant Application Form in full. CVs will not be accepted in substitution for completed Application Forms.

The School will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts will receive a Job Description and Person Specification for the role applied for.

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.

As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the School with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the School shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Head/Bursar.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However, amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the position. Additionally, successful applicants should be aware that they are required to notify the school immediately if they are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration

The statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)" applies to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare.

The school takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the DSL immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.

Staff and/or successful candidates who are disqualified from childcare or registration may apply to Ofsted for a waiver of disqualification. Such individuals

may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

The School has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment [more guidance for schools from the DfE on this can be found [at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf)].

If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the School may request character references which may include references from the candidate's school or university.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal by the School if they have been appointed, and a possible referral to the police and/or DBS.

4. Invitation to Interview

The School will short list applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

All formal interviews will have a panel of at least two people chaired by the *designated* senior member of staff. It is recommended best practice that at least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Governors should chair the panel for the Bursar's/Head's appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will

be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

The interview will be conducted in person and the areas which it will explore will include suitability to work with children.

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

The School requests that all candidates invited to interview also bring with them:

1. A current driving licence including a photograph or a passport or a full birth certificate;
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Where appropriate any documentation evidencing a change of name;
4. Where the candidate is not a citizen of a country within the European Economic Area or Switzerland, proof of entitlement to work and reside in the UK.

Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient.

Candidates with a disability who are invited to interview should inform the School of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

5. Conditional Offer of Appointment: Pre-Appointment Checks

Any offer to a successful candidate will be conditional upon:

1. Receipt of at least two satisfactory references (if these have not already been received);
2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK;
3. A satisfactory enhanced DBS check;
4. A Barred list check;
5. For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:
 - Planning and preparing lessons and courses for pupils
 - Delivering and preparing lessons to pupils
 - Assessing the development, progress and attainment of pupils

- Reporting on the development, progress and attainment of pupils;
6. Verification of professional qualifications, where appropriate;
 7. Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999);
 8. Where the successful candidate has worked or been resident overseas such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered;
 9. Satisfactory medical fitness;
 10. Receipt of a signed Staff Suitability Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)”;
 11. For a candidate to be employed into a senior management position as set out above under “Scope of this Policy”, receipt of a signed “senior charity manager positions: automatic disqualification declaration” confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities.
 12. Where the successful candidate will be taking part in the management of the school, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Governors, Senior Management Team and teaching heads of department; and
 13. For a candidate that has lived or worked outside the UK, an EEA check using the Teaching Regulation Agency employer access system for information about any teacher sanction or restriction.

It is the School's practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence and processed in accordance with the Recruitment Privacy Notice and Data Protection Policy. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, layout of the School.

The School is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.

6. References

The School will seek the references referred to in section 5 above for shortlisted candidates (including internal applicants) and may approach previous employers for information to verify particular experience or qualifications, before interview. One of the references must be from the applicant's current or most recent employer. References must be received by a senior person with appropriate authority. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying.

The School will ask all referees if the candidate is suitable to work with children.

The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials. The School will verify all references. Where references are received electronically, the School will ensure they originate from a legitimate source.

The School will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies will be discussed with the candidate.

7. Criminal Records Policy

The School will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education' and any amended version in carrying out the necessary required DBS checks.

The School complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here:

<https://www.gov.uk/government/publications/dbs-code-of-practice>.

There are limited circumstances where the school will accept a check from another educational institution which are as follows:

This is where the new member of staff ("M") has worked in: –

- (a) A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- (b) A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or

(c) An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

during a period, which ended not more than three months before M's appointment.

A new, separate barred list check will be obtained.

DBS Update Service

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the school to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required.

If disclosure is delayed

The new employee will not be able to commence employment until the DBS has been received.

8. Retention, Security of Records and Data Protection Obligations

The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained.

The School will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Recruitment Privacy Notice and the Data Protection Policy.

9. Policy on the Recruitment of Ex-Offenders

The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)".

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. The School will report the matter to the Police and/or the DBS if:

- the School receives an application from a disqualified person;
- is provided with false information in, or in support of an applicant's application; or
- the School has serious concerns about an applicant's suitability to work with children.

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;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.

Reviewed by: Anthony Simpson, Deputy Head
Clare Baker, HR Manager
James R Mundell, Head of GJS
Matthew Hodge, Bursar

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Updated: August 2019
Approved by Governors: November 2019 (at the Governors' Boarding & Pastoral Committee) - pending
Next review date: August 2020

Related Policies

Safeguarding Policy & Procedures; Visitors Policy

Guidance

Keeping Children Safe in Education (KCSIE): statutory guidance for schools and colleges (September 2019)

The Independent School Standards Guidance for independent schools – April 2019

Equality Act 2010

Appendix A: Checklist for a teaching post (responsibilities to be allocated at start)

| Stage 1: establishing the need, preparing to advertise & timescale (Week 0 -1) | | Resp | Done |
|---|---|--------|------|
| | Written notice of resignation received by leaving member of staff | | |
| | HM agrees timing & method of notification to pupils, parents and staff | | |
| | Nature of vacancy created is reviewed; need for replacement established; any redistribution of duties or responsibilities considered | | |
| | Criteria for qualities, skills & qualifications agreed | | |
| | Timescale for appointment, including: initial advertising date(s); closing date (usually set for 1 week after the final advertisement); suitable interview date (HM diary); and best teaching day (if relevant) is co-ordinated | | |
| | Advert prepared and agreed with the Head, Head of GJS or Assistant Head (Academic) and, where appropriate, the Head of Faculty. | HR | |
| | Advertising space booked in TES (usually 2 weeks) and association websites (HMC/BSA/IAPs etc) or other relevant publications: Craven Herald, Y Post (as appropriate) | HR | |
| | Draft JOB DESCRIPTION/Person Spec prepared for approval by HM and Bursary (T&C) | | |
| | Initial application pack prepared: shared folder in HR/Recruitment Process created and populated with relevant documents adapted from HR/Templates | HR/CAJ | |
| | HM/DHd/Head of GJS to announce at Staff Meeting(s) | | |
| | ADVERT posted on school's website/intranet as appropriate | | |
| | Copies of advert to staff rooms for display | | |
| | If appropriate, copy of ADVERTISEMENT and JOB DESCRIPTION may be sent direct to an agreed list of ITT providers | | |
| | 1 st advertisement appears in TES (Friday) (NB Wednesday on TES website) | | |
| Stage 2: reviewing applications and drawing up short-list (Wk 2 & 3) | | | |
| | Review applications as they arrive, compiling SUMMARY GRID | | |
| | Compile SHORT-LISTING CHECKLIST | | |
| | Use CHECKLIST FOR SCRUTINISING APPLICATIONS to check for gaps in information and career history; request additional information if required (must be undertaken by someone with current Safer Recruitment training) | | |
| | Core interview questions agreed & circulated | | |
| | LESSON BACKGROUND information completed ready to send to short-listed candidates | HoF | |
| Stage 3: references | | | |
| | Request references for applicants who meet the short-listing criteria as they arrive | | |
| | Send REFERENCE REQUEST FORM and covering letter to all referees of short-listed candidates (if not done so already) | HR | |
| | References followed up and verified by phone | | |
| Stage 4: Invitation to Interview and Interview process (Wk 4 & 5) | | | |
| | Draft INTERVIEW GRID drawn up & 'wash-up' meeting booked | | |
| | Provisional booking of accommodation made | CAJ | |
| | Arrange short-listing meeting for day/time as close to closing date as possible (likely to include: HM/Head of GJS/DHd/AH(A) and HoF as appropriate) | | |
| | Distribute SUMMARY GRID, APPLICATION FORMS & LETTERS OF APPLICATION with blank copy of SHORT-LISTING GRID | | |
| | Telephone short-listed candidates to invite to interview | CAJ | |
| | Interview programme finalised and arrangements made, including | | |
| | Letters inviting candidates to interview & information packs sent, - including LESSON BACKGROUND INFORMATION FORM | | |
| | Contact candidates regarding content/context of lesson if required | HoF | |
| | Candidates ID & qualifications checked (& copies taken) | | |
| Stage 5: Candidate selection & offer (Wk 5) | | | |
| | Panel meet to discuss and decide outcome | | |

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| | 1 st Referee contacted by telephone to verify reference if applicable | | |
| | Successful candidate notified by telephone | | |
| | Unsuccessful candidates notified | | |
| | Declining letters written to all other applicants once written acceptance received. | | |
| | INTERVIEW EVALUATION FORMs reviewed and adjustments to future process considered | | |
| | Stage 6: New employee administration & induction | | |
| | Vetting checks identified and initiated | | |
| | Formal OFFER LETTER produced to include salary details & T&C. Sent with ACCEPTANCE FORM, <i>TERMS & CONDITIONS</i> & MEDICAL QUESTIONNAIRE | | |

FLOWCHART OF DISCLOSURE AND BARRING SERVICE CRIMINAL RECORD CHECKS AND BARRED LIST CHECKS

