



STONYHURST

Academic Year 2019 – 20 Recruitment Policy

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Recruitment, Selection & Disclosure Policy and Procedure

1. Introduction

Stonyhurst 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. Stonyhurst is also committed to providing a supportive and flexible working environment to all its members of staff. Stonyhurst recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The aims of Stonyhurst's 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 ensure that all job applicants are considered equally and consistently in accordance with our Equal Opportunities (at Work) Policy;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age (notwithstanding our right to appoint practising Roman Catholics to certain key roles, where it is a proportionate means of achieving a legitimate aim, as set out in our Equal Opportunities (at Work) Policy);
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education ("DFE"), Keeping Children Safe in Education – September 2019 ("KCSIE"), the Prevent Duty Guidance for England and Wales 2015 and any guidance or code of practice published by the Disclosure and Barring Service ("DBS"); and
- to ensure that Stonyhurst meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

2. Data Protection

Stonyhurst is legally obliged to carry out the pre-employment checks set out in this policy, and staff and job applicants alike will be required to provide the requisite information to enable Stonyhurst to fulfil its legal obligations. Stonyhurst may be required to disclose staff members' and job applicants' personal details to the DBS and the Teaching Regulation Agency ("TRA"), and, if necessary, to other authorities. Stonyhurst will process and, where appropriate, share personal information in accordance with our Privacy Notice (which is available to view on our website) and our Data Protection Policy (which is accessible through the staff intranet and available to applicants on request).

3. Recruitment and selection procedure

All advertisements for employment at Stonyhurst will carry a clear statement that Stonyhurst will carry out Enhanced DBS checks on all staff and unsupervised volunteers engaging in 'regulated activity'. In the EYFS setting, all employees and volunteers, even when supervised, will be required to obtain DBS clearance.

All applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions and Stonyhurst's Safeguarding Policy are available on-line, on the College website, by telephoning Stonyhurst Recruitment on 01254 827296 or by emailing stonyhurstrecruitment@stonyhurst.ac.uk

The applicant may then be invited to attend a formal interview at which his / her relevant skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children

The interview process will explore the applicant's ability to carry out the job description and meet the person specification. The interviewer or panel will explore any anomalies or gaps that have been identified in the candidate's application in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with the DFE Safer Recruitment Training).

At least one member of any interviewing panel will have undertaken safer recruitment training within the last five years or had refresher training, as applicable.

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

- the agreement of a mutually acceptable start date and the written agreement of the job applicants to the terms and conditions set out in our offer letter;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which Stonyhurst considers to be satisfactory;
- for teaching positions; confirmation that the applicant has never been referred to, or is or has been the subject of a sanction, restriction or prohibition issued by the TRA, which renders them unable or unsuitable to work at Stonyhurst;
- for applicants who have carried out teaching work outside the UK, confirmation that the applicant has never been referred to, or is or has been the subject of a sanction issued by, a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at Stonyhurst;

- for management positions, confirmation via the DBS that the applicant is not prohibited from management (S.128 direction);
- for staff appointed to working within EYFS settings, a completed Staff Suitability Self-Declaration Form (Disqualification by Association Declaration) is received which Stonyhurst considers to be satisfactory;
- for all positions, the receipt of an enhanced disclosure from the DBS which Stonyhurst considers to be satisfactory;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List administered by the DBS* and that they are not subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at Stonyhurst;
- verification of the applicant's medical fitness for the role;
- verification of the applicant's right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK; and
- verification of professional qualifications which Stonyhurst deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

*A check of the Children's Barred List is not permitted if an individual will not be undertaking "regulated activity". Whether a position amounts to "regulated activity" must therefore be considered by Stonyhurst in order to decide which DBS checks are appropriate. It is however likely that in nearly all cases a Children's Barred List check will be carried out.

4. Medical fitness

Stonyhurst is legally required to verify the medical fitness of anyone to be appointed to a post at Stonyhurst, *after* an offer of employment has been made but *before* the appointment can be confirmed.

It is Stonyhurst's practice that all applicants to whom an offer of employment is made must complete a medical self-certification stating that they are fit to carry out the role.

Stonyhurst is aware of its duties under the Equality Act 2010. No job offer will be withdrawn on medical grounds without first consulting with the applicant, obtaining medical evidence, considering reasonable adjustments and suitable alternative employment.

5. Pre-employment checks

In accordance with the recommendations set out in the Guidance, KCSIE and the requirements of the current Independent School Standards Regulations and the Boarding schools National Minimum Standards, Stonyhurst carries out a number of pre-employment checks in respect of all prospective members of staff including contractors, governors and volunteers.

5.1 References

References will be taken up on short listed candidates prior to interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by Stonyhurst. 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. Neither referee should be a relative or someone known to the applicant solely as a friend. For teaching staff, one referee must be the Head of the applicant's current school.

All referees will be asked whether they believe the applicant is suitable 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. Referees will be asked to confirm, to the best of their knowledge, that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism". All referees will be sent a copy of the job description for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance and disciplinary record;
- 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;

Stonyhurst 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. Stonyhurst 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.

Once a conditional offer of employment has been made, Stonyhurst may take up further references in connection with the candidate's sickness and absence record.

5.2 Criminal records check

Due to the nature of the work, Stonyhurst applies for an enhanced disclosure from the DBS in respect of all prospective staff members, governors, volunteers and for anyone returning to work after a break of three months or more.

It is not necessary to undertake vetting checks on: visitors to the head/other staff or those who have only brief contact with children in the presence of a teacher; visitors

carrying out repairs or servicing equipment; secondary school pupils on work experience or similar; those on Stonyhurst site when the students are not present; and students aged eighteen or over studying in Stonyhurst. Individuals returning from maternity leave, sabbaticals or similar, where continuity of employment is maintained, do not need to be checked as new employees although Stonyhurst may choose to renew the checks.

Prior to 29 May 2013 an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at Stonyhurst.

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 can be found at:

[www.gov.uk>government>publications>DBSFiltering-guidance](http://www.gov.uk/government/publications/DBSFiltering-guidance)

Stonyhurst 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 Stonyhurst 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, Stonyhurst (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
 - satisfies the "period condition", meaning four times or more in a 30 day period;
- and
- provides the opportunity for contact with children.

This definition will cover nearly all posts at Stonyhurst. Limited exceptions could include an administrative post undertaken on a temporary basis at Stonyhurst outside of term time. It is for Stonyhurst 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 Stonyhurst. It is a condition of employment with Stonyhurst that the original disclosure certificate is provided to Stonyhurst having been received by the applicant. Original certificates should not be sent by post. Applicants must instead bring the original certificate into Stonyhurst. A convenient time and date for doing so should be arranged with the Human Resources Department as soon as the certificate has been received.

Applicants who are unable to attend at Stonyhurst to provide the certificate are required to send in a certified copy by post or email within two weeks of the original

disclosure certificate being received. Certified copies must be sent to the Headmaster's Office.

Where a certified copy is sent, the original disclosure certificate must still be provided to the Human Resources Department. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by Stonyhurst.

If there is a delay in receiving a DBS disclosure, the Head has discretion to allow an individual to begin work pending receipt of the disclosure. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once a risk assessment has been carried out and appropriate supervision and other safeguards have been put in place appropriate supervision has been put in place. DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction(s).

6. Contractors and agency staff

Contractors engaged by Stonyhurst must complete the same checks for their employees that Stonyhurst is required to complete for its staff. Stonyhurst requires confirmation that these checks have been completed before employees of the Contractor can commence work at Stonyhurst.

Agencies who supply staff to Stonyhurst must also complete the pre-employment checks which Stonyhurst would otherwise complete for its staff. Again, Stonyhurst requires confirmation that these checks have been completed before an individual can commence work at Stonyhurst. Stonyhurst will independently verify the identity of staff supplied by an agency.

7. Volunteers

Prior to their appointment, Stonyhurst will complete the same checks for its new volunteers as it does for its employed staff including two references and a satisfactory DBS check.

8. Governors and Trustees

Prior to their appointment, Stonyhurst will complete the same checks for new trustees or members of the Governing Body as it does for its employed staff. Confirmation will also be required that the prospective governor or trustee is not disqualified from acting as a trustee of a charity under the Charities Act 2011. In the case of the appointment of a new Chair of Governors, an enhanced DBS check will require countersigning by the Secretary for State.

9. Visiting Speakers and the Prevent Duty

The Prevent Duty Guidance requires schools to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

We are not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at Stonyhurst or perform any other regular duties for or on behalf of the School.

All visiting speakers will be subject to Stonyhurst's usual visitors procedures, which includes signing in and out at reception, wearing a visitors badge and being accompanied by a vetted member of staff at all times.

Stonyhurst will obtain such formal and informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite or allow a speaker to Stonyhurst. In doing so, Stonyhurst will give consideration to the Prevent Duty Guidance and the definition of extremism set out in KCSIE which states:

"Extremism is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

10. The Single Central Register

In addition to the various staff records kept in School and on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with the DFE requirements. This is kept up-to-date and retained by the Human Resources Department. The Centralised Register will contain details of the following:

- All employees who are employed to work at Stonyhurst;
- all employees who are employed as supply staff to Stonyhurst whether employed directly or through an agency;
- all others who have been chosen by Stonyhurst to work in regular contact with children. This will cover volunteers, governors, peripatetic staff and people brought into Stonyhurst to provide additional teaching or instruction for pupils but who are not staff members eg: sports coaches etc.

11. Policy on recruitment of ex-offenders

11.1 Background

Stonyhurst will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. Stonyhurst makes appointment decisions on the basis of merit and ability.

If an applicant has a criminal record this will not automatically bar him / her from employment within Stonyhurst. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 11.2 below. All positions within Stonyhurst 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 (see paragraph 4.3 above). 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 employment has started, 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 Stonyhurst 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 Stonyhurst. Stonyhurst will make a report to the Police and / or the DBS 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.

11.2 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, Stonyhurst 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.

If the post involves regular contact with children, it is Stonyhurst's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is Stonyhurst'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 Stonyhurst's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

11.3 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, Stonyhurst will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the DSL, the Bursar or the Head of Stonyhurst before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he / she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, Stonyhurst 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.

11.4 Retention and security of disclosure information

Stonyhurst's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information, but is under no obligation to do so.

In particular, Stonyhurst 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 Stonyhurst's senior management team and the Human Resources Director;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. Stonyhurst will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information 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.

12. Retention of records

Stonyhurst is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, Stonyhurst will retain on his or her 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. Medical information may be used to help Stonyhurst to discharge its obligations as an employer e.g. so that Stonyhurst may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by Stonyhurst for the duration of the successful applicant's employment with Stonyhurst. It will be retained for a period of seven years after employment terminates after which it will be securely destroyed. If the application is unsuccessful, all documentation relating to the application will normally be kept for six months after which it will be confidentially destroyed.

Personal data will be processed in accordance with Stonyhurst Data Protection Policy and Privacy Notice.

13. Referrals to the DBS and the 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-appointment checks Stonyhurst also has a legal duty to make a referral to the DBS in circumstances where an individual:-

- has applied for a position at Stonyhurst despite being barred from working with children; or
- has been removed by Stonyhurst 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.

If the individual referred to the DBS is a teacher, Stonyhurst may also decide to make a referral to the TRA.

14. Queries

If an applicant has any queries on how to complete the application form or any other matter he / she should contact the Human Resources Director or a member of the HR Department.

Appendix 1 List of valid identity documents

Group 1: primary trusted identity credentials

- current valid passport
- biometric residence permit (UK)
- current driving licence (full or provisional) (UK / Isle of Man / Channel Islands; photo card with the associated counterpart licence; except Jersey)
- birth certificate (UK & Channel Islands) - issued at the time of birth (within 42 days of date of birth); Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces

Group 2a: trusted government / state issued documents

- current UK driving licence (old style paper version)
- current non-UK driving licence (valid for up to 12 months from the date the applicant entered the UK)
- birth certificate (UK and Channel Islands) – issued at any time after the date of birth by the General Registrar Office / relevant authority i.e. Registrars)
- marriage / civil partnership certificate (UK and Channel Islands)
- adoption certificate (UK and Channel Islands)
- HM Forces ID card (UK)
- fire arms licence (UK and Channel Islands)

Group 2b: Financial / social history documents

- mortgage statement (UK or EEA)**
- bank / building society statement (UK and Channel Islands or EEA)*
- bank / building society account opening confirmation letter (UK)
- credit card statement (UK or EEA)*
- financial statement ** - e.g. pension, endowment, ISA (UK)
- P45 / P60 statement **(UK and Channel Islands)
- council tax statement (UK and Channel Islands) **
- work permit / visa (UK) (UK Residence Permit) **
- letter of sponsorship from future employment provider (non UK / non EEA only valid for applicants residing outside the UK at the time of application)
- utility bill (UK)* – not mobile telephone
- benefit statement* - e.g. child benefit, pension
- a document from central / local government/ government agency / local authority giving entitlement (UK and Channel Islands)*- e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs (HMRC), Job Centre, Job Centre Plus, Social Security
- EU national ID card
- cards carrying the PASS accreditation logo (UK)
- letter from Head or College Principal (UK) for 16-19 year olds in full time education.
This is only used in exceptional circumstances if other documents cannot be provided.

Note

If a document in the list of valid identity documents is:
denoted with * - it should be less than three months old
denoted with ** - it should be less than 12 months old