

## **STAFF RECRUITMENT RECRUITMENT AND SELECTION POLICY AND PROCEDURE**

### **MAIN POLICY**

Tonbridge School is committed to ensuring the best possible environment for the boys in its care; safeguarding and promoting the welfare of the boys is our highest priority. 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 should be directed to the School's Personnel Manager.

### **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, the School must be provided with a copy of the DBS check for such staff. Any staff who TUPE transfer into the School's staff, will be required to undertake the statutory requirements with regard to safer recruitment checks. Procedures for contractors, supply staff and volunteers are described in Appendix 2.

Tonbridge School advertises internal vacancies for a minimum of one week. All other vacancies are advertised externally, on the School website and via other media.

### **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.

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 Second Master or Bursar. If candidates would like to discuss this beforehand, they are asked to telephone in confidence the Second Master or Bursar for advice. **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.**

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.

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 Second Master or Bursar immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.

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.

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.

**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.**

### **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 Headmaster/Bursar/Personnel Manager or another designated Head of Department. It is recommended best practice that at least one person on the appointment panel will have undertaken safer recruitment training. The Chairman of Governors should chair the panel for the Headmaster's and Bursar'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 Chairman as to whether or not an interviewer should withdraw from the panel. Should the Chairman have a conflict of interest, the Vice Chairman shall decide whether the Chairman 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 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 the United Kingdom, 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.

### **Digital footprints**

Where appropriate potential candidates' social media or other online activity may be checked prior to interview.

### **Conditional Offer of Appointment: Pre-Appointment Checks**

Any offer to a successful candidate will be conditional upon:

1. Receipt of at least two satisfactory verified references – 3 for teaching staff (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 and if appropriate, a check of the Barred List maintained by the DBS;
4. 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:
  - a. Planning and preparing lessons and courses for pupils;
  - b. Delivering and preparing lessons to pupils;
  - c. Assessing the development, progress and attainment of pupils;
  - d. Reporting on the development, progress and attainment of pupils.
5. Verification of professional qualifications, where appropriate;
6. Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999);
7. Where the successful candidate has worked or been resident overseas such checks and confirmations as the School may consider appropriate, to include, where practicable, a local police check for the country in which the applicant is, or has been, resident, so that any relevant events that occurred outside the UK can be considered;
8. Satisfactory medical fitness;
9. 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 Team and teaching Heads of Department;
10. For a candidate that has lived or worked outside the UK, applicants for teaching roles may be required to obtain a letter of professional standing from the professional regulating authority in the country in which the applicant has worked;

11. A check using the Teacher Services' system to ensure that any candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State.

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. 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, and 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.

## References

The School will seek references for shortlisted academic candidates and may approach previous employers for information to verify particular experience or qualifications, before interview. **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 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.

## 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 may accept a check from another educational institution: when 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 12th 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. In these circumstances the School may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.

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.

## If Disclosure is Delayed

A short period of work is allowed under controlled conditions, at the Second Master's or Bursar's discretion. However, if an 'Enhanced Disclosure' is delayed, the Second Master or Bursar may allow the member of staff to commence work (but not work in a Boarding context):

- Without confirming the appointment;
- After a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;

- Provided that the DBS application has been made in advance;
- With appropriate safeguards taken (including a written risk assessment);
- With safeguards (and the Risk Assessment) reviewed at least every two weeks;
- With the person in question is informed what these safeguards are;
- With a note added to the single central register and evidence kept of the measures put in place.

### **Retention and Security of Records**

The School will comply with its obligations under GDPR and our Privacy Notice regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy.

## APPENDIX I: 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 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; 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 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.

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## **APPENDIX 2: OTHER RELATED MATTERS**

### **Staff Induction**

There is an induction programme for all staff and volunteers newly appointed regardless of previous experience. Its purpose is to:

- provide training and information about the School's policies and procedures;
- support individuals in a way that is appropriate for the role for which they have been engaged;
- confirm the conduct expected of staff within the School;
- provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities; and
- enable the HoD/person's Line Manager to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately.

The content and nature of the induction process will vary according to the role and previous experience of the new member of staff or volunteer, but as far as safeguarding and promoting the welfare of children is concerned, the induction programme should include information about, and written statements of:

- policies and procedures in relation to safeguarding and promoting welfare;
- safe practice and the standards of conduct and behaviour expected of staff and boys;
- how and with whom any concerns about those issues should be raised; and
- other relevant personnel procedures e.g. disciplinary, capability and whistleblowing.

The programme must also include attendance at child protection training appropriate to the role.

### **Contractors**

The Bursar and Estates Bursar are to ensure that the terms of any contract they enter into requires the contractor to employ staff to work with, or provide services for the School which requires the contractor to adopt and implement the measures described in this policy. They are also to monitor the contractor's compliance and are to request that the contractor provides evidence of having obtained Enhanced DBS disclosures for all staff working frequently or intensively on the School site.

### **Supply Staff**

Wherever possible, Tonbridge School will endeavour to fill short term staff absences through internal cover and re-deployment. However, there are occasions where it becomes necessary to utilise the services of a supply agency to support our recruitment needs. In these situations, the following guidelines apply (and are conditions of the contract drawn up with the supply agency):

- The supply agency must provide written notification that all appropriate safeguarding checks have been made before a supplied person can commence work at the School.
- The School must receive a copy of the DBS disclosure before a supplied person can commence work.
- The DBS disclosure must have been made not more than 3 months prior to the commencement of employment at the School.
- The person offered for supply must satisfy the identity checks that all employees of the School are subject to (irrespective of any previous identity check).
- For any supply staff working in a boarding context the School will require (independently of the supply agency) an Enhanced DBS disclosure.

## Volunteers

Volunteers (including Governors) are, like teachers, seen by children as safe and trustworthy adults. If the School is actively seeking volunteers, and those concerned are considering candidates about whom they have little or no recent knowledge, they are to adopt the same recruitment measures as would apply for paid staff. In other circumstances, for example where a parent who is well known is asked to take on a particular role, a streamlined procedure can be adopted by seeking references, checking to ensure others in the School community know of no concerns and can make a positive recommendation, conducting an informal interview to gauge the person's aptitude and suitability, and undertaking a Disclosure and Barring Service (DBS) Disclosure.

In other circumstances, e.g. where a volunteer's roles will be one-off, such as accompanying teachers and boys on a day outing or helping at a concert, such measures would be unnecessary provided that the person is not to be left alone and unsupervised in charge of boys. This also extends to secondary school pupils on work placements (or similar) and students aged 18 or over in a normal student capacity. **However, any overnight supervision would require an Enhanced DBS check.**

Where volunteers recruited by another organisation work at Tonbridge, e.g. sports coaches from a local club, the supervising member of staff is to obtain written assurance from that organisation that the person has been properly vetted. If the volunteer is engaged in regulated activity, a barred list check must be undertaken. These checks will normally be undertaken in consultation with the Personnel Manager.

## Maintaining a Safer Culture

Continued awareness is vital, and it is important that all staff have appropriate training and induction so that they understand their roles and responsibilities and are confident about carrying them out. Staff, boys and parents also need to feel confident that they can raise issues or concerns about the safety or welfare of children, and that they will be listened to and taken seriously. That can be achieved by maintaining an ethos of safeguarding and promoting the welfare of children and young people and protecting staff which is supported by:

- a clear written statement of the standards of behaviour and the boundaries of appropriate behaviour expected of staff and boys that is understood and endorsed by all;
- appropriate induction and training;
- regular briefing and discussion of relevant issues;
- including relevant material from the framework for Personal, Social, Health and Economic Education in the curriculum;
- ensuring all those working with children in education settings are familiar with the good practice; and
- clear reporting systems if a pupil, learner, member of staff or other person has concerns about the safety of children.

## Monitoring

Monitoring of both the recruitment process and induction arrangements by both the Second Master and Bursar will allow for future recruitment practices to be better informed. It is to cover:

- staff turnover and reasons for leaving;
- exit interviews; and
- the attendance of new members of staff at Safeguarding and Child Protection Training.