

Recruitment, Selection and Disclosures Policy and Procedure

This policy is the responsibility of the Director of Operations and Compliance and will be reviewed annually.

General

Malvern St James is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people 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 must be directed to the HR Business Partner.

An entry will be made on the Single Central Register (SCR) 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.

All checks will be made in advance of appointment. If a Disclosure and Barring Service (DBS) certificate is delayed before a member of Staff starts work, the individual may start so long as a check of the barred list is successful, and a risk assessment is put in place to cover the safeguarding requirements and is reviewed daily. The risk assessment will include details of supervision so that the individual is chaperoned throughout and is not left unattended.

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 see a copy of the original DBS certificate for such staff.

The School will obtain written notification from any agency, or third party organisation 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 Keeping Children Safe in Education (KCSIE September 2021), two references, declaration of medical fitness, check of previous employment history). The SCR shows these checks have been made and the School carries out its own identity check and has a copy of the disclosure (whether or not it discloses any information). In respect of contractors, under no circumstances will unchecked contractors 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.

Application Form

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

The School will make candidates aware that all posts in the School will involve 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.

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

association' i.e. they live in the same household (or someone is employed in their household) as someone who has unspent cautions or convictions for a relevant offence. Please see a list of the relevant offences set out here:

<https://www.gov.uk/guidance/telling-people-about-your-criminal-record>

The Disqualification under the Childcare Act 2006 (August 2018) apply 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 their suitability to work with children must notify the Headmistress immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings they may receive.

Staff and/or successful candidates who are disqualified from childcare or registration, including 'by association', 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. Please speak to the Director of Operations and Compliance for more details.

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. Please see a list of the relevant offences set out here:

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

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, fraud or mis-use of computer.

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/drug driving or serious motoring offences.

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.

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.

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 their relevant skills and experience will be discussed in more detail.

All formal interviews will have a panel of at least two people chaired by a member of HR or a designated senior member of staff. At least one person on the appointment panel will have undertaken Safer Recruitment training. The Chair of Governors should chair the panel for the Head's appointment.

Interviewers 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 (occasionally by video call if geographically necessary); 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:

- a. A current driving licence including a photograph or a passport or a full birth certificate;
- b. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
- c. Where appropriate any documentation evidencing a change of name;
- d. Where applicable, 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.

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 (if not already received);
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 or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012. 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; and
 - Reporting on the development, progress and attainment of pupils;
5. Verification of professional qualifications, including Qualified Teacher Status, 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 so that any relevant events that occurred outside the UK can be considered. **For an EEA teaching candidate:** This shall include the candidate providing the School with proof of their past conduct as a

teacher in the form of a letter of professional standing from the professional regulating authority in the country in which they have worked;

8. Evidence of satisfactory medical fitness;
9. Confirmation that the candidate is not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)” **OR** 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)”;
10. 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 Leadership Team, non-teaching heads of department controlling budgets and teaching heads of department.

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, and/or 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 a minimum of two references referred to above for shortlisted candidates 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. 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 and completed by a senior person with appropriate authority.

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 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.

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.

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. The school will examine the original certificate and ensure the level of check is appropriate to the role (KCSIE September 2021) A barred list check will only be required if the original DBS check did not include one.

If disclosure is delayed

A short period of work is allowed under controlled conditions, at the Headmistress's discretion. However, if an 'enhanced disclosure' is delayed, the Headmistress may allow the member of staff to commence work:


- 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 (for example, chaperoned throughout);
- safeguards reviewed daily by the HR department on behalf of the Director of Operations and Compliance and the designated supervisor;
- the person in question is informed what these safeguards are; and

- a note is added to the Single Central Register and evidence kept of the measures put in place.
- the person in question is required to sign-in daily as a visitor.

Retention and 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.

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 School's Privacy Notice and the Data Protection Policy.

Authorised by	Resolution of the School Council
Signature	
Date	16 March 2022

Effective date of the Policy	16 March 2022
Review date	March 2023
Circulation	Members of School Council / teaching staff / all staff / parents / pupils [on request]

Appendix:

1. Policy on the Recruitment of Ex-Offenders

Policy on the Recruitment of Ex-Offenders

The School will not unfairly discriminate against any candidate for employment on the basis of convictions 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 them 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 Disqualification under the Childcare Act 2006 (August 2018), whether by association, or otherwise.

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;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- 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 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.