



## RECRUITMENT POLICY

*Distribution: School website, Staff Policy Library*

**Note: The Recruitment Vetting Procedures forms an appendix to this policy and should be used in conjunction with this policy**

### 1. Purpose

- 1.1 The purpose of this policy statement is to serve the principles below.

### 2. Principles

- 2.1 The School is committed to promoting and safeguarding the welfare of children and young people and expects all staff and volunteers to share this commitment. The School is committed to employing the best staff for each given job and to ensuring that pupils' welfare is promoted and safeguarded throughout. (The principles set out in the School's Child Protection Policy and Staff Behaviour Policy underpin all recruitment and selection procedures). This policy refers to the key safeguarding requirements.
- 2.2 Where an appointment is made, the guidance laid out in the School's Vetting Procedure must be followed. These two documents together form the core of safeguarding children through the meticulously careful appointment of staff.

### 3. Definitions

- 3.1 These will vary, depending upon, amongst other factors, the nature of the position in question.
- 3.2 The definition of '**regulated activity**' is taken from the ISI Commentary on the Regulatory Requirements commentary effective January 2017 paragraph 232, which is in turn taken from Schedule 4 of Safeguarding Vulnerable Groups Act 2006 as amended by Protection of Freedoms Act 2012, as:
  1. All regular work for schools with opportunity for contact with children except for work by supervised volunteers, work by occasional or temporary contractors or work by pupils for other pupils
  2. Relevant personal care, or health care is regulated activity:
    - a) Personal care includes helping a child for reasons of age, illness or disability, with eating and drinking, or in connection with toileting, washing, bathing and dressing
    - b) Health care in this context means care for children provided by or under the direction or supervision of, a regulated health care professional. **[Note that 'care' within this definition is always regulated; consideration of regularity or supervision does not apply]**
  3. Regular unsupervised teaching, training, instructing, caring for or supervising children is regulated as is required:
    - a) Providing advice or guidance for children on well-being

b) Driving a vehicle only for children

3.3 The definition of **'regular'**: Paragraph 10 of Schedule 4 to The Safeguarding Vulnerable Groups Act 2006 says the activity is 'regular' if the person carrying out the activity does so at any time on more than three days in any period of 30 days and or it is completed. Sir Roger Singleton in 'Drawing the Line' (December 2009) helpfully defines 'frequent' as once a week or more and 'intensive' as 4 days in a month or more, or overnight.

3.4 The definition of **'staff'**, as recorded within the ISI Commentary on the Regulatory requirements January 2017 section 235, is: "any person working at the school whether [1] under a contract of employment, [2] under a contract for services or [3] otherwise than under a contract, but does not include supply staff or a volunteer".

Within the three definitions of staff this can be applied as **ANY** person working at Rishworth whether they are:

1. **Under a contract of employment** (which covers every employee no matter what work they do)
2. **Under a contract for services** (which covers self-employed people who are engaged by and paid direct by the School but does not include those in a contract for services with others, subject to the next point)
3. **Or otherwise than under a contract** (which covers self-employed people who are arranged by the School for the purposes of the School but paid direct by the parents e.g. Visiting Music Teachers but does not include workers arranged privately by parents)

This definition does not include supply staff or volunteers.

3.5 The following are included in 'staff': teachers, peripatetic teachers and coaches, part-time staff, students (e.g. student teachers), administrative staff, caretakers and other ancillary staff, staff appointed from overseas, pupils paid to work at the school (for example, as after-school carers).

#### 4. Procedures

4.1 These will vary, depending upon, amongst other factors, the nature of the position in question. Broadly speaking, the procedure surrounding recruitment will include (but not necessarily be limited to) the following stages:

- 4.1.1. Planning (including specifying requirements, advertising and establishing a person to be in charge of the recruitment (a suitably qualified Lead Recruiter)).
- 4.1.2. Sending enquirers/applicants full information, and making clear the School's policy on Child Protection, the importance to the job of promoting child welfare and of candidates' suitability for working with children. This includes enclosing a copy of the Child Protection Policy with applicant's packs, and ensuring that specific notices are included about the safeguarding and promotion of child welfare (from the initial advertisement to subsequent correspondence) e.g.. *Rishworth is committed to safeguarding and promoting the welfare of children and applicants must be willing to undergo child protection screening appropriate to the post, including checks with past employers and the DBS.*
- 4.1.3. Scrutinising and short-listing with appropriate reference to all safeguarding issues.
- 4.1.4. Interviewing and assessing, with a written record of the outcome. It is recognised that the panel carrying out an interview should include a minimum of one colleague with

suitable training in safer recruiting. A register of suitably qualified staff is kept within the Single Central Register. Interviews should include specific reference to child protection issues, including questioning on confidentiality and reportage (as described in more detail in *Interviewing*, below)

- 4.1.5. For ISI requirements requiring at least one written professional reference, the School requests two written references as a standard, including one from the current or most recent employer. These will be requested, received and verified prior to the start date. Any offer is made subject to satisfactory references.
  - 4.1.6. Completing background, identity and health checks (and, where appropriate, qualification checks and checks required by National Minimum Standards for Boarding Schools NMSBS14), as well as checks on the right to work in the UK. Detailed procedures are contained in the School's Vetting Procedures document.
  - 4.1.7. Recording (by the Lead Recruiter or a member of administrative staff with specific responsibility) on the application form the vetting checks completed (ID, references, medical, right to work, qualifications, employment history, compliance with NMSBS14), by whom and the date completed.
  - 4.1.8. Making any offer of employment conditional upon the satisfactory completion of statutory checks, references and confirmation of medical fitness. All staff are required to sign a declaration to indicate that they have read and understood Part 1 of KCSIE.
  - 4.1.9. Post-appointment induction, including familiarisation with safeguarding and child protection procedures and processes, as exemplified in staff handbooks, for example, and will include amongst other key matters an introduction to the appropriate Designated Safeguarding Lead, and the Child Protection Policy and the Staff Behaviour Policy.
  - 4.1.10. Monitoring, which will include a probationary period, typically of up to one year, which can be extended at the School's discretion
- 4.2 As described above and as outlined in Section 3 of this policy (Definitions) the procedure in any appointment will be tailored with regard to the nature of the role and involvement of the individual being appointed / considered and in particular with regard to whether or not the role is a regulated activity
- 4.3 To demonstrate compliance with regulations, the following items or processes will be checked, with persons needing to have completed, or to be checked against, each item as relevant:
- Children's Barred list
  - Enhanced disclosure (DBS), with certification (the School's policy is to conduct an enhanced check)
  - Identity checked (using photo-identification such as passport)
  - Medical fitness (with due regard to implications arising from Equality Act)
  - History of previous employment (checking the record to account for 'gaps')
  - Professional references (required through *Keeping Children Safe in Education*) checked and followed up
  - Qualifications, using original documentation or evidence
  - Overseas checks, where appropriate, with regard to guidance issued by the Secretary of State.

- All checks required to comply with NMS 14 - if related to boarding
- Right to work in the UK
- Prohibition from teaching orders and the EEA sanctions lists
- A Section 128 direction containing a restriction or prohibition from holding management positions (where a person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction). A prohibition under Section 128 bars an individual from any management or governance position
- Disqualification from Childcare (having regard to the Childcare Act 2006)

**NOTES:****A. References**

- A.1 The Bursar's Office will oversee the process of issuing requests for at least two professional references, including one from the current or most recent employer and reviewing the returned documents to ensure that the response is satisfactory, following up where necessary to investigate periods unaccounted for or other anomalies
- A.2 The Bursar's Office will ensure that someone within the recruitment process (usually the Lead Recruiter themselves) is Safer Recruitment trained.
- A.3 Two references can be sought for all short-listed candidates (including internal applications for substantial posts), and referees will be sent relevant details about the School, the post and the person being sought. One reference must be from the current or most recent employer. Where an applicant is not working with children now but has done in the past, it is important that a reference is sought from the last employer with whom the applicant worked with children, although it is recognised this may not be practicable if a great deal of time has passed.
- A.4 The School uses a standard reference form available from the Bursar.
- A.5 Referees will be specifically asked if they are aware of any reason why the applicant would be unsuitable for work with children.
- A.6 Referees will, specifically, be asked to provide a general comment on the candidate's performance history and conduct and make specific comment on their suitability to work with children and any child protection concerns the candidate has been subject to, with the outcome of any enquiry. Reasons for the candidate's leaving that employ will be sought.
- A.7 Referees will be advised of their legal liability for the references they provide.
- A.8 When received, references will be checked by the Bursar's Office to ensure that they are complete and that the content is satisfactory. If the reference is vague or incomplete, the referee will be asked for clarification. If the references appear satisfactory they should then be followed up with a call to the referee to validate the documentation. A record should be kept of the person making the call (normally the Bursar's PA) and the date.
- A.9 Where a member of staff is employed within boarding, the school will complete an enhanced level of background checking in-line with ISI and NMS requirements. Candidates will provide us with all required information within the application form. In addition to this, candidates may provide us with their own CV should they wish to but this will be in addition to, and not instead of, the application form. Applicants will be informed on the Application Form that any previous employer may be approached.

**B. Interviews**

- B.1 Interviewees will be required to provide a full set of documents confirming identity (including, where possible, one showing a recent pictorial likeness), (where appropriate) qualifications, and medical fitness for work. The Vetting Procedure contains detailed guidance on the conduct of these checks. Once these are completed, the Lead Recruiter or their representative, should initial and date the relevant box on the application form.

- B.2 All such documents will be copied and these copies filed.
- B.3 Interviewers will always follow the best advice current at the time.
- B.4 Key personnel likely to be involved in interviewing undertake safer recruitment training and the School seeks to ensure that at least one such person is involved in all selection processes. Key points from this training have been cascaded down by those who have been trained to other personnel involved in the interview process so as to ensure as full awareness as possible at interview of relevant CP matters.
- B.5 Standard questions will form the core of each interview in order to ensure fairness and that all issues relating to the appointment and, in particular, safeguarding are covered, though it is expected that any interview will develop naturally within that framework.
- B.6 A satisfactory explanation for any gaps in CVs will be sought at interview and the box on the application form initialled and dated to show that there are no gaps or that all such gaps have been satisfactorily explained. A written record should be kept of any explanations provided.
- B.7 In any case where serious issues of a safeguarding nature were discovered during an interview process, all generally applicable obligations incumbent upon all colleagues would hold; e.g. there would be exactly the same obligation to follow safeguarding procedures in regard to reporting concerns about individuals

### **C. Formal, Statutory Procedures, and the Rehabilitation of Offenders**

- C.1 All the statutory safety checks, at the appropriate level (outlined in the Recruitment Vetting Procedures document that accompanies this policy), will be conducted on all relevant persons including employees (prospective and current, including any from overseas) and all Governors (with the Chairman of Governors being checked via the DfE) in line with the ISI regulatory framework.
- C.2 Where the outcome of the check shows a past offence and before the School takes a decision about the individual's employment/appointment, due consideration will be given to all relevant factors, including (but not limited to): the nature of the offence; when the offence was committed; whether or not it was a sole instance; whether or not the person declared this offence beforehand when given the opportunity to do so; and the perceived relevance of the offence to the position applied for.
- C.3 Once appointed, there is a period of probation, generally of one year, which may be extended at the School's discretion.
- C.4 DBS checks will be undertaken on any adult resident but not employed by the School and who began to live on boarding premises after April 2002.
- C.5 If the School were to have any 'gap' students, checks (including DBS) would be undertaken on those students as far as possible.
- C.6 Overseas criminal record checks will be undertaken where it is necessary and appropriate to be expected to do so. It is recognised that some administrations will not keep complete records, for which shortcomings the School will be vigilant. In addition, where it proves to be impossible to get relevant information (perhaps a particular country does not have this facility) records will be retained to demonstrate that the school has done all in its power to try and obtain the information before confirming an appointment.

- C.7 Where a member of staff is employed who will be working within Heathfield, the Junior School to Rishworth School, they will also be required to complete and return a declaration of suitability which specifically addresses the fact that applicants may be barred from working with children 'by association' – e.g. co-habiting with a person who would themselves be barred from working with children because of previous convictions for particular offences. This is because all members of Heathfield Staff may be required to cover or be involved in the teaching of pupils within the relevant age group at different times.
- C.8 The School has a statutory duty to report to the DBS and DfE when it has ceased to use a person's services, or when a person has ceased to provide their services, on grounds that they are unsuitable to work with children, on grounds of misconduct, or on grounds relating to the person's health where issues are raised about the safety or welfare of children. Contact details for the DBS are as follows: telephone (0300) 020 0190; email [customerservices@db.s.gsi.gov.uk](mailto:customerservices@db.s.gsi.gov.uk)
- C.9 A newly-appointed member of staff will not begin work before satisfactory completion of DBS checks, except where, with specific measures taken (including risk assessments, reviewed appropriately) this is allowed within the regulations. Refer to the **Recruitment and Vetting Procedures** that accompany this policy. As schools no longer receive a copy of the DBS certificate, prospective members of staff will be given 28 days from the date a check is initiated, to present their DBS certificate to the school. The school may, subject to the reason for any delay in this regard, withdraw its offer of employment, if a prospective employee fails to comply with this.
- C.10 If the School were to arrange lodgings for pupils with any guardians DBS checks would be undertaken and references sought for the guardians and for any adults living in the lodgings. The School does not as a matter of policy, however, make such arrangements.
- C.11 Separate arrangements are in place for the employment of supply staff and volunteers (refer to the **Recruitment Vetting Procedures**).
- C.12 For supply staff, there is a formal understanding which exists between the School and the agencies which guarantees the processes as described for other members of staff have been followed against a check list supplied for our setting; thus ensuring that the same required staff checks have been carried out. The identity of supply teachers is then checked at School against a nationally recognised form of photo-identity (e.g. a Passport).
- C.13 As far, specifically, as supply teachers are concerned, regulatory requirements for checks are met, including the additional requirements from the 1 May 2007, amendments to the Education (Independent School Standards) (England) Regulations 2003, as well as the section of the September 2013 version of the same regulations [DfE Standard 20] in all its particulars. The Lead Recruiter must always act in accordance with the regulatory requirements as outlined within the **Recruitment Vetting Procedures** document.

**Background Resources include:**

- Education (Independent School Standards) (England) Regulations 2003 including subsequent amendments.
- ISI Commentary on the Regulatory Requirements (Jan 2017)
- The Safeguarding Vulnerable Groups Act 2006
- Childcare Act 2006 and subsequent guidance

- Keeping Children Safe in Education: Statutory Guidance for Schools and FE Colleges , (September 2016).
- National Minimum Standards for Boarding Schools.
- Every Child Matters.
- Safeguarding Children: Safer Recruitment and Selection in Education Settings – DfE Guidance 2007, updated March 2013.
- DBS.
- DfE and Teachernet child protection websites.
- National Association for the Care and Rehabilitation of Offenders (NACRO).
- New DBS regulations training (June 2013) - Calderdale Safeguarding.
- Guidance as issued from time to time by the Secretary of State, and by Governmental bodies.
- Guidance for Safer Working Practice (2015)

*Note: 'DBS check' refers to the 'enhanced' check, unless otherwise stated.*



### **Master letter sent to Supply Agencies**

Dear

#### **Vetting requirements for agency staff at Rishworth School**

I am writing to confirm our discussion about vetting checks for staff you send us on temporary agency agreements. This letter applies to both teaching and support staff. For every member of staff supplied on any agency agreement we require a letter confirming that the vetting checks (below) have been made in accordance with the DfE guidance "Safeguarding Children and Safer Recruitment in Education" the Education (Independent School Standards) (England) Regulations 2003 as inserted by the Education (Independent School Standards) (England) (Amendment) Regulations 2007 and 2010 and, for any staff employed in boarding, Standard 14 of the National Minimum Standards for Boarding. Without such a letter, complete in every regard, the person will not be allowed to start work at the school.

1. *Check of identity against an official document such as a passport or birth certificate.*
2. *Disclosure and Barring Service check at enhanced level. Confirmation that the certificate was clear or whether it contained disclosures and the date the certificate was received by you. If the check disclosed anything that might affect the school's decision to allow the supply member of staff to have privileged access to children this should, in accordance with section 113B of the Police Act 1997, be disclosed and a copy of the certificate supplied to the School (ISI Regulation 20 2d(ii)).*
3. *Confirmation that a Children's Barred List check has been completed*
4. *A statement that the person was employed within three months of the proposed start date at Rishworth in:*
  - i. *A school in England in a position which brought the person regularly into contact with children or young persons.*
  - ii. *A maintained school in England in a position to which the person was appointed on or after 12 May 2006 and which did not bring the person regularly into contact with children or young persons.*
  - iii. *An institution within the further education sector in England in a position which involved the provision of education or which brought the person regularly into contact with children or young persons.*

**Or,** *that a DBS certificate is held and dated within 3 months of the start date at Rishworth.*
5. *At least two professional/employment written references, including the most recent employer, with a reference request letter that specifically asks all referees to state any known reason why the person should not be employed to work with children.*
6. *A check was made to establish whether the person is subject to any direction under section 142 of the 2002 Act (Children's Barred List).*
7. *Checks have been made in relation to Criminal records if the person has worked outside the UK.*
8. *A check has been made of the person's right to work in the UK.*
9. *Where qualifications are being relied upon, a check that those qualifications are genuine.*
10. *An explanation has been received of any gaps in their CV, with a written record by the agency that explanations for any gaps have been sought and are satisfactory.*
11. *In the case of supply staff who will work in the boarding houses, confirmation that the person worked, in the last 3 months, in:*

- i. A school in England in a position which brought the person regularly into contact with children or young persons.*
- ii. A maintained school in England in a position to which the person was appointed on or after 12 May 2006 and which did not bring the person regularly into contact with children or young persons.*
- iii. An institution within the further education sector in England in a position which involved the provision of education or which brought the person regularly into contact with children or young persons.*

*Or, specific confirmation that this was not the case.*

*12. In the case of supply staff who will work in the boarding houses, confirmation that references will have been received from all previous employers in line with ISI Regulation 20 (2e) and NMS 14.*

I would be grateful if you would sign and return this letter. Please keep a copy of this letter for your records.

Agency Name:

Signed ..... DATE .....

Name (Block Capitals).....

Position (Block Capitals).....