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## **Staff Recruitment, Selection and Disclosure**

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## **1 Policy Statement**

Birkdale School 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. The School is also committed to providing a supportive and flexible working environment to all its members of staff. The School 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 the School'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; 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, gender or gender identity, marital or civil partner status, disability or age;
- Ethnic minority groups are currently under-represented in our staff body. We therefore actively encourage applications from eligible candidates. We are proud of our already diverse community and are committed to working together to create a fully inclusive environment where everyone can flourish.
- to ensure compliance with all relevant legislation, recommendations and guidance including the current statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSIE), Disqualification Under the Childcare Act 2006 (DUCA), the Prevent Duty Guidance for English and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary 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 Recruitment and Selection Procedure**

### **2.1 Authority to recruit**

All vacancies must be reconsidered at the point of recruitment with regards to the level of responsibilities, the working hours, and any changes to the role. It will also be discussed with the Senior Management Team and the Head of Department how it aligns with the School's

operational and strategic plans and agreed with the Head and/or Governing body depending on the role.

## **2.2 Job descriptions and Person Specifications**

It is the responsibility of the appropriate Head of Department to produce an up to date job description and person specification for the vacant post. HR can provide copies of previous versions for existing posts and will assist in editing text and advising on any legislative and legal aspects.

Job descriptions and person specifications must be drafted in the School's standard branded format. The job description and person specification for all staff positions must be provided to HR in good time for preparation for advert so they can be finalised and agreed with the Head.

## **3 Recruitment Process**

### **3.1 Recruitment schedule**

The key stages and dates for the recruitment and selection process, including advertising, closing date, shortlisting and interview dates must be agreed in advance of advertising the position between the Head and Head of Department, and HR. Vacancies will usually be advertised for a minimum of one week but ideally for two weeks. Best practice where possible is to allow for at least one week between the closing date for applications and the date for interview, to allow for shortlisting to take place and to give sufficient time for candidates to make arrangements for the interview day and for assessors to be prepared. All adverts/job details should provide details of the interview date wherever possible and the final details will be provided on invite to interview.

### **3.2 Recruitment advertising**

The HR Department in consultation with the Head and Head of Department will select the most appropriate method of recruitment, including the use of social media. All internal and external advertisements will use appropriate Birkdale formats and will be placed by the HR Department. All vacancies will always be advertised internally where possible and practicable and external vacancies will be advertised on the school website and through other appropriate sites.

The School is committed to equal opportunities. All advertisements will endeavour to appeal to all sections of the community. In addition, the School is committed to increasing the number of ethnic minority staff to better reflect the student population and that of the city of Sheffield.

All adverts will include a statement confirming the School's commitment to safeguarding and equal opportunities. The job details and application form will state that a satisfactory DBS certificate will be required.

### **3.3 Ring-fencing posts**

Occasionally, vacancies may only be available to existing employees in a certain department, e.g. in a departmental restructure or where a post is vacated at short notice and there is an urgent need to recruit. This may also be the case for those that involve extra responsibility, for example Head of Section, Assistant Head of Section and Head of House. All staff will be informed of the vacancy via an email which will include the job description, method of application and deadlines. The normal application process will be for staff to submit a letter, no longer than one side of A4, explaining why they want the role, what skills and experience they can bring and their vision for it. Short listed candidates will then be invited for an interview and they may be asked to give a brief presentation of their vision for how to move the role forward, without the use of ICT, at the beginning of the interview. A decision will be communicated to all applicants, followed by the opportunity for debrief.

Recruitment, promotion and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoid discrimination. Best practice is that shortlisting should be done by more than one person if possible.

In the majority of cases, vacancies should be generally advertised to a diverse section of the labour market. Except as set out below, all vacancies will be advertised on the School website as a minimum. Agencies may be appointed to provide candidates. Advertisements should avoid stereotyping or using wording that may discourage particular groups from applying. We reserve the right to appoint a member of staff before the closing date in any advertisement, and where this is the case, it will be stated in the advert.

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. A curriculum vitae will not be accepted in place of the completed application form but applicants where possible applicants will be contacted and prompted to follow the application process.

Applicants will receive details of the role, including job description and person specification (as appropriate) for the role applied for. Application forms, details of the role and the School's Safeguarding and child Protection Policy are available to download from the School's website and can be printed and forwarded to applicants on request.

## **4 Selection**

### **4.1 Shortlisting**

The shortlisting panel will usually consist of a minimum of two individuals. At least one person will be a manager who has received training on Safer Recruitment Practices and will take on the role as panel lead.

Each applicant will have had access to the job description and the full person specification. The panel lead will agree the key criteria for shortlisting ahead of the vacancy being advertised. Panel members will be notified when they applications ready for shortlisting via e-mail. Each applicant will be shortlisted against the agreed key criteria by the panel members reviewing their application form in terms of their experience, knowledge, qualifications and skills for the position.

This criteria must be applied consistently to all applicants, whether internal or external. There is no obligation to shortlist internal applicants, although it will be important to treat them courteously and confidentially, and should they not be successful, give them constructive feedback on the reasons for non-selection.

All members of the shortlisting panel should complete shortlisting individually, and then discuss their selections with the panel lead and then come to a mutual agreement for the final list of candidates to be selected for interview. The panel lead will notify HR of shortlisted candidates in time for interview invites to be sent out.

The HR Department is responsible for notifying candidates at the appropriate time, whether or not they have been selected for interview. Candidates not shortlisted should be notified prior to the advertised interview date.

### **4.2 Planning the selection process**

The selection process should be carefully considered and planned from the earliest opportunity and may contain several components, each designed to assess the candidates against the requirements laid out in the job description and person specification.

In addition to a formal interview, consideration may be given to the use of selection methods including presentations, lesson observations, practical assessments, group exercises, or in-tray exercises. All vacancies for teaching posts should include taking an observed lesson. Candidates will always be advised in advance of what assessments will be taking place at the formal interview.

Where a candidate has declared a disability at the application stage, any reasonable adjustments requested that can be made to the recruitment process will be accommodated to ensure that no applicant is disadvantaged because of their disability.

All candidates invited to interview must bring with them the documents confirming any educational and professional qualifications that they have declared on their application form and that are relevant for the post. Where original certificates are not available, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body. All candidates must also bring identification documents to the interview, in line with the documents requested from the HR Department, which are required in order to undertake an appropriate DBS check and prove their right to work in the UK. The original documents must be seen by the HR Department during the interview day, copies will be taken, signed and dated for verification purposes.

### **4.3 The interview process**

The interview panel will consist of at least two individuals, at least one of whom will be a manager and will have been trained in safer recruitment. In order to ensure fairness and consistency, interview questions relating to the role will have been agreed in advance by the panel and the same questions will be asked to all candidates. However individual follow-up questions may be asked to allow for further exploration of a candidate's answer or exploration of information provided in their application. All candidates will be given the opportunity to ask questions of the interviewing panel.

In addition to assessing and evaluating the candidate's suitability for the particular role, the interview panel must also explore the candidate's attitude towards children and young people, their ability to support the school's commitment to safeguarding and promoting the welfare of children, including preventing radicalisation and extremism, gaps in employment history and concerns or discrepancies arising from the information provided by the candidate and/or referee.

The performance of each candidate will be assessed and scored against the pre agreed selection criteria, to determine whether they meet the requirements of the post. Each candidate should be scored separately by each individual panel member and plenary discussions should only take place after the last candidate has been seen. Where the first choice is unanimous, an appointment may be recommended to HR. Where there are differences in ranking, each panel member must discuss their scores and the merits and shortcomings of each candidate against the person specification until a consensus is reached. If, after careful consideration, there are clear shortcomings in all candidates it may be better not to appoint at that stage. HR should be informed immediately and will discuss options with the recruiting manager to consider whether to look back at other applicants not shortlisted, or whether to commence the recruitment process again.

The Panel Lead is responsible for notifying the successful candidate by telephone if possible that they have been successful. Key details such as salary, start date and working hours should be confirmed by the panel lead at this time and detailed on the Offer Sheet given to HR. The successful candidate should be advised that the employment offer is conditional upon a number of checks, in line with the school's recruitment policy.

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 signing of a contract incorporating the School's standard terms and conditions of employment and
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of two verifiable references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;
- for teaching positions, confirmation from the Teaching Regulation Agency that the applicant is not subject to a prohibition order;
- where the position amounts to "regulated activity" (see section 8.2 below) the receipt of an enhanced disclosure from the Disclosure and Barring Service (DBS) which the School considers to be satisfactory;
- where the position amounts to "regulated activity" (see section 8.2 below) confirmation that the applicant is not named on the Children's Barred List \*;
- confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children;
- confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school;
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 5 below);
- verification of the applicant's medical fitness for the role (see section 3 below); and
- 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 the School deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

\* The school is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out



regulated activity but for the fact that they do not carry out their duties frequently enough, i.e. roles which would amount to regulated activity if carried out more frequently.

Whether a position amounts to "regulated activity" must therefore be considered by the School in order to decide which DBS checks are appropriate. It is however likely that in nearly all cases the School will be able to carry out an enhanced DBS check and a Children's Barred List check.

Following an offer being made HR will then send a formal written offer of employment. HR are responsible for notifying all unsuccessful candidates via e-mail and providing them with constructive feedback, should they request it, in accordance with the collective views of all interview panel members. Discussions about candidates during the shortlisting, interview and selection stages are confidential. All interview paperwork must be returned immediately to the HR Department where it will be stored securely or shredded in line with the school's Data Protection Policy.

We reserve the right to depart from this policy at any stage if deemed appropriate. Where the process has already started, and it is deemed appropriate to amend the selection process, all applicants will be informed in writing.

## **5 Medical Fitness**

The School is legally required to verify the medical fitness of anyone to be appointed to a post at the School, after an offer of employment has been made but before the appointment can be confirmed. Successful applicants will be required to complete and sign a health questionnaire confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. Depending on the information provided, applicants may be invited to discuss with HR to provide further information and/or attend an external Occupation Health medical appointment. Where information on the form is disclosed either of a past/current condition or that reasonable adjustments are required, this information will be discussed between HR and the relevant line manager, but will be handled sensitively.

It is expected that any member of staff who drives a vehicle with one or more pupils as passengers will inform the DVLA of any change in their medical circumstances which has a bearing on their ability to drive and hold a current driving licence. Members of staff given permission to drive with pupils as passengers may do so only if they hold a current driving licence valid in the UK.

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

## **6 Single Central Register**

The School maintains an electronic single central register of all current staff who work in regular contact with children, including all volunteers, casual staff, regular paid visiting speakers, governors and those employed through third parties and contractors who are on site long term during school hours.

The register reflects the regulatory requirements for independent schools. It shows whether all of the required pre-appointment checks were undertaken and the dates on which each relevant document were seen.

The majority of contractors work at the school outside of term time, therefore having no direct contact with pupils. All contractors to site during term time will be required to sign in at reception, wear a visitors badge and be accompanied at all times, unless they have been subject to an enhanced DBS check and child barred list check and any further checks decided on the basis of a risk assessment.

## **7 Pre-Employment Checks**

In accordance with the recommendations set out in the Guidance, KCSIE and the requirements of the Education (Independent School Standards) (England) Regulations 2014 the School carries out a number of pre-employment checks in respect of all prospective employees.

In addition, as part of the shortlisting process the School may carry out an online search as part of our due diligence on the shortlisted candidates.

## **8 Verification of Identity, Address and Right to Work**

All applicants who are invited to an interview will be required to bring with them evidence of identity, and right to work in the UK, as set out and regularly updated at: <https://www.gov.uk/government/publications/acceptable-right-to-work-documents-an-employers-guide>). This broadly consists of documents complying with:

- Documents from List A that establish a continuous statutory excuse or
- Documents from List B that establish a time limited statutory excuse that last until an expiry date

In addition applicants should provide:

- Original documents confirming any educational and professional qualifications referred to in their application form.

If your right to work in the UK is granted through a document(s) not listed, please contact us prior to your interview to discuss which documents you should bring with you. Where an

applicant claims to have changed his/her name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change.

The School asks for the date of birth of all applicants (and proof of this) in accordance with the Guidance and KCSIE. Proof of date of birth is necessary so that the School may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The School does not discriminate on the grounds of age.

## 9 References

References will usually be taken up on short listed candidates prior to interview. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made. However, candidates may be asked if any reasonable adjustments are required for the interview.

All offers of employment will be subject to the receipt of a minimum of two verifiable references which are considered satisfactory by the School. One of the references must be from the applicant's current employer and must cover the last 3 years of employment. If there is no current employer, verification of the most recent period of employment and reasons for leaving should be obtained. 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.

**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. All referees will be sent a copy of the details of 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, absence 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 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 or malicious.**

- **that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism" (see the definition of "extremism" at section 8 below**
- **whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at section 8 below).**

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. References will only be accepted from a person with appropriate authority. Electronic references will be verified to ensure they originate from a legitimate source, either by obtaining a postal copy or confirming by telephone call.

The School 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, including for any internal candidate. Any supplementary information provided by the candidate will be verified.

## **10 Criminal Records Check**

Due to the nature of the work and the jobs applicants are applying for involving substantial opportunity for access to children, the School is exempt from the Rehabilitation of Offenders Act 1974. **The School will require an enhanced disclosure from the DBS in respect of all prospective staff members, governors and volunteers. In addition the School requests a Rehabilitation of Offenders form to be completed for all applicants.** You are required to declare any convictions or cautions you may have, even if they would otherwise be regarded as "spent" under this Act.

Prior to 29th 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 the School.

Since 29th 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 work as follows:

### **For those aged 18 or over at the time of an offence**

An adult conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- eleven years have elapsed since the date of conviction;
- it is the person's only offence; and

- it did not result in a custodial sentence.

It will not be removed under any circumstances if it appears on a list of "**specified offences**" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over for an offence committed in the United Kingdom will not be disclosed if six years have elapsed since the date it was issued and if it does not appear on the list of "specified offences".

### **For those aged under 18 at the time of an offence**

A conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- five and a half years have elapsed since the date of conviction;
- it is the person's only offence; and
- it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record.

A caution received when a person was aged under 18 for an offence committed in the United Kingdom will not be disclosed if two years have elapsed since the date it was issued and if it does not appear on the list of "specified offences".

### **The list of "specified offences" which must always be disclosed**

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at:

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

The School 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 the School 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 and to obtain other relevant suitability information. Any position undertaken at, or on behalf of the School 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.

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis. This can apply to visitors depending on the circumstances.

It is for the School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the School amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the School office outside of term time or voluntary posts which are supervised.

The DBS issues a DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School ideally within two weeks of it being received by the applicant. Original certificates should not be sent by post. Applicants must instead bring the original certificate into the School ideally within two weeks of it being received. A convenient time and date for doing so should be arranged with HR as soon as the certificate has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email ideally within two weeks of the original disclosure certificate being received. Where a certified copy is sent, the original disclosure certificate must still be provided prior to the first day of work / on the first working day. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School. In the event of admin or other staff taking these copies on behalf of HR, a copy must be sent to the HR department for records.

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 appropriate supervision has been put in place. A risk assessment will also be 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). The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the School.

In addition, Section 128 checks will be carried out on anyone undertaking a role of management. This would include Governors, the Head, the Head of the Prep School, and members of SMT, Senior School Heads of Section, Senior School Heads of Department, and Prep School Subject Co-Ordinators. This list is not exhaustive and any other role involving management within the School would be subject to a Section 128 check.

## 11 Childcare Disqualification Requirements

The Childcare Act 2006 (the Act) and the Childcare Disqualification (DUCA) Regulations 2009 (the Regulations) state that it is an offence for the School to employ anyone in connection with our early years provision (EYP) or later years provision (LYP) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP.

- EYP includes usual school activities and any other supervised activity for a child up to 1 September after the child's 5th birthday, which takes place on the school premises during or outside of the normal school day;
- LYP includes provision for children not in EYP and under the age of 8 which takes place on school premises outside of the normal school day, including, for example breakfast clubs, after school clubs and holiday clubs. It does not include extended school hours for co-curricular activities such as sports activities.

DUCA states that only those individuals who are employed directly to provide childcare are covered by the Regulations. "Childcare" means any form of care for a child, which includes education and any other supervised activity for a child who is aged 5 or under. "Childcare" in LYP does not include education during school hours but does cover before and after school clubs.

Roles which will be covered by the Regulations are teaching and teaching assistant positions in EYP, and those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Head, and may also include other members of the leadership team as well as those involved in the day to day management of EYP or LYP at the School. DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

Some roles at the School may involve the provision of childcare in EYP or LYP on an occasional basis. They will not automatically be within the scope of the Regulations and the School will therefore consider whether they do on a case by case basis. The Regulations only apply to a limited number of roles within the School but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP.

The criteria for which a person will be disqualified from working in connection with EYP or LYP are set out in the Regulations. They are not only that a person is barred from working with children (by inclusion on the Children's Barred List) but also include:

- having been cautioned (after 6 April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;
- various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;

- having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;
- having been refused an application for registration of a children's home or having had any such registration cancelled;
- having been prohibited, restricted or disqualified from private fostering; or

Due to the collaborative working at the School, all applicants to whom an offer of employment is made regardless of whether the role is in EYP or LYP, will be required to complete a **Self-Declaration Form** confirming whether they, meet any of the criteria for disqualification under the Regulations. Employment with the School in any relevant role will be conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified. The School cannot permit any person who is currently disqualified to start work in a relevant role. The School also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the School, any information disclosed in the Self-Declaration Form renders that person unsuitable to work at the School.

Applicants who have any criminal records information to disclose about themselves, must also provide the following information:

- details of the order, restriction, conviction or caution and the date that this was made;
- the relevant court or body and the sentence, if any, which was imposed; and
- a copy of the relevant order or conviction.

Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3 above).

For the avoidance of doubt the School does not require applicants to request any criminal records information directly from the DBS. The School only requires applicants to provide relevant information about themselves and members of their household "to the best of their knowledge".

A person who discloses information which appears to disqualify them from working in a relevant role may apply to Ofsted for a waiver of the disqualification. The School may withdraw an offer of employment at its absolute discretion and is under no obligation to await the outcome of an Ofsted waiver application. If a waiver application is rejected the School will withdraw the conditional offer of employment.

The School will securely destroy any information which is provided by an applicant which is not relevant to the childcare disqualification requirements as soon as it is established that it



is not relevant. Where a person appointed to a role at the School is found to be disqualified the School will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the School, after which it will be securely destroyed.

After making this declaration staff in a relevant role are under an on-going duty to inform the School if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information now, or of a future change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

## **12 Staff recruited from overseas**

All members of staff that have worked or lived overseas for a period of three months or more in the previous ten years to the appointment are required if possible to provide a local police check from the country in which they were living. Teaching staff are required in addition and if possible to provide a letter from the professional regulating authority in the country in which they worked confirming that they have not imposed any sanctions or restrictions, and/or they are not aware of any reason why they may be unsuitable to teach. Overseas checks are also applicable to UK Nationals who have been working overseas. Where a police check and/or professional authority letter is unavailable or delayed, then a third reference will be sought.

## **13 Contractors and Agency Staff**

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

Agencies who supply staff to the School must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires confirmation that these checks have been completed before an individual can commence work at the School.

## **14 Volunteers**

The School will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the School (the definition of regulated activity is set out in section 4.3 above).

Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with pupils.

It is the School's policy that a new DBS certificate is required for volunteers who will engage in regulated activity. Those volunteers who are likely to be involved in activities with the School on a regular basis may be required to sign up to the DBS update service as this permits the School to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition the School will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- formal or informal information provided by staff, parents and other volunteers;
- character references from the volunteer's place of work or any other relevant source;
- a volunteer application form
- an informal safer recruitment interview
- any other documentation or information necessary for the completion of the Single Central Register

## **15 Visiting Speakers and the Prevent Duty**

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

The School is 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 the School or perform any other regular duties for or on behalf of the School.

All visiting speakers will be subject to the School's usual visitors' protocol. This will include signing in and out at Reception, the wearing of a visitors badge at all times and being escorted by a fully vetted member of staff between appointments.

The School will also obtain such formal or informal background information through the internet and other sources about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the School. In doing so the School will always have regard to the visitors' protocol and 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.*

In fulfilling its Prevent Duty obligations the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, gender or gender identity, marital or civil partner status, disability or age.

The School is also required to consider inviting other speakers to provide an overall balance of competing views over time.

## **16 Policy on Recruitment of Ex-Offenders**

### **16.1 Background**

The School will not unfairly discriminate against any applicant 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 applicant 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 in paragraph 9.2 below.

All positions within the School 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 the School 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 the School. The School 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.

### **16.2 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, 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 applicant.

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; 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 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 within the last ten years.

### **16.3 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, the School will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Head and another member of the Senior Management Team (as appropriate) of the School 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, the School 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.

## **16.4 Retention and Security of Disclosure Information**

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

In particular, the School 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 the School's Senior Management Team and staff responsible for HR;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. The School 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

## **17 Retention of Records**

The School is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the School will retain on their 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 the School to discharge its obligations as an employer e.g. so that the School 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 the School for the duration of the successful applicant's employment with the School. It will be retained in accordance with the School's Data Protection Policy after employment terminates.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months unless the applicant has asked for the School to keep their information on file.

## **18 Referrals to the DBS and Teaching Regulation Agency (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-employment checks the School also has a legal duty to make a referral to the DBS in circumstances where an individual:-

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

The School is also required to consider referral to the TRA in all cases where the professional conduct of a teacher is such as to call into question their suitability to work with children and young people or in a school environment. This must be done even if the teacher concerned resigns before any relevant disciplinary proceedings are completed.

## **19 Queries**

If an applicant has any queries on how to complete the application form or any other matter they should contact the HR & Compliance Manager in the first instance.

## **20 Review and Development**

### **20.1 Procedure**

This document, and the procedures set out within it, is reviewed annually by the Senior Management Team and Governing Board and as events or legislation change requires.

### **20.2 Links with other Policies**

This policy should be read in conjunction with the following documents:

- Data Protection Policy
- Equality, Diversity and Inclusion Policy
- Safeguarding and Child Protection Policy
- Keeping Children Safe in Education