

Recruitment, Selection and Disclosures

Recruitment, Selection and Disclosures Policy and Procedure

Owner:	Deputy Head (Individuals) Senior School
Authorised by:	Governors
Circulation:	Governors/SMT/Other Senior Staff
Status:	Published

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Recruitment, Selection and Disclosures

1. General

Nottingham High School ("the School") 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 Headmaster or Director of Finance and Operations.

2. Scope of this Policy

The Recruitment, Selection and Disclosures Policy and Procedure refers and applies to **staff directly recruited and employed** by the School. In the Education (Independent Schools Standards) (England) Regulations 2014, as amended, staff are defined as:

Any person working at the School whether:

- *under a contract of employment (this covers every employee, no matter what sort of work they do);*
- *under a contract for services (this covers self-employed people who are arranged by the school for the purposes of the school but, for example, paid direct by parents, such as some peripatetic teachers and therapists; it does not include, for example, private employees of parents permitted to enter school by agreement);*
- *but does not include supply staff or a volunteer.*

In the case of **agency workers**, the School shall obtain written confirmation from the agency that it has carried out the appropriate checks – identity, enhanced disclosure, right to work in the UK, barred list/List 99, prohibition from teaching, prohibition from management of an independent school (if required), qualifications and overseas checks. The School will ensure that the identity of supply staff is checked by the School before the supply staff member commences work at the School and must see each DBS certificate but does not need to retain a copy.

Commentary on ISI Guidance states:-

KCSIE advises that individuals working at the school but **employed by third parties** (for example CCF Instructors, Sports Referees, psychologists, nurses, dentists, and other public sector staff) should have been checked by their employing organisation. It is not necessary for schools to see their

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disclosure as appropriate checks should have been carried out, and should be confirmed in writing to the school by the organisation. Schools will however want to check identity when an individual arrives to ensure imposters do not gain access to children.

Where the **employees of contractors** such as builders will have access to areas where unsupervised contact with children is possible, the school should have arrangements in place to ensure that DBS checks are undertaken by the contractor. Before a new individual starts work, the school should receive written confirmation from the company that each of the required checks have been undertaken and then check photographic identification on arrival at the school. Schools should keep records of the confirmations from the contractor, to be checked on inspection as part of the school having regard to safeguarding guidance. Please note that separate provisions apply to supply staff provided to the school by an employment business (i.e. a recruitment agency supplying temporary staff), in this case the business must provide evidence that they have completed the relevant checks at all levels.

Self employed contractors should generally be checked by their professional associations. This is because it is not possible for self-employed people to check themselves but professional associations usually assist to enable their members to access work. If the self-employed person subscribes to the DBS update service, receiving schools can check identity, view the original certificate and check online for updated information.

Any staff who **TUPE transfer** into the School's staff, will be required to undertake the statutory requirements with regard to safer recruitment checks.

3. Application Form

The School will only accept applications from candidates completing the relevant Application Form in full, even for temporary staff. CVs will not be accepted in substitution for completed Application Forms.

The School will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts will receive a Job Description and Person Specification for the role applied for.

As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the School with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the School shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope to the Headmaster or relevant members of the SMT.

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Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

The successful applicant will be required to complete a Disclosure application from the Disclosure and Barring Service ("DBS") for the position.

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.

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 the above will be applied for from their most recent and relevant employer.

If the candidate is not currently working with children but has done so in the past, the School will ask the relevant 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.

4. Invitation to Interview

The School will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Shortlisted applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

The interview process will seek to assess candidates in terms of whether their appointment would be in line with safer recruitment and fulfil the requirements of the post. A competency-based interview will be conducted with evidence gathered against both the technical and behavioural competencies that are most relevant for that post. Significantly, in terms of safer recruitment practices, at least one representative involved in the interview process, will have successfully completed safer recruitment training and will ask questions in key areas of safer recruitment.

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Candidates will always be required to:

- explain satisfactorily any gaps in employment or significant periods of time working or living abroad
- explain satisfactorily any anomalies or discrepancies in the information available to the interviewers
- declare any information that is likely to appear on an Enhanced DBS disclosure
- demonstrate their capacity to safeguard and protect the welfare of children and young people

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.

5. Conditional Offer of Appointment: Pre-Appointment Checks

Any offer to a successful candidate will be conditional upon:

- receipt of at least two satisfactory references, one from the current or last relevant employer
- verification of the candidate's identity
- completion of a Staff Suitability Self Declaration where the candidate is to work in a setting providing care for children under age 8
- a satisfactory Enhanced DBS disclosure, including a check of the Children Barred List where the role constitutes Regulated Activity
- further checks, as appropriate, where the candidate has lived and/or worked outside the United Kingdom for 3 months or more in the last 10 years such that an Enhanced DBS disclosure may not be sufficient. This includes recording checks for the European Economic Area (EEA) teacher sanctions and restrictions as per paragraph 129 and 150 of KCSIE (Sept 2018)
- a satisfactory check on QTS status, where required
- a satisfactory check on the DfE Prohibition Order list (for teachers)
- where applicable, a satisfactory check that the individual is not prohibited from management of independent schools
- verification of qualifications
- birth certificate
- verification of professional status
- the production of evidence of the right to work in the UK

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It is the School's practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, layout of the School.

The School is aware of its duties under the Equality Act 2010

6. References

The School may seek the references referred to in section 5 above for all shortlisted candidates, and may approach previous employers for information to verify particular experience or qualifications before interview. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying.

The School will ask all referees if the candidate is suitable to work with children.

The School will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies will be discussed with the candidate.

7. 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 accessed from:

<https://www.gov.uk/government/publications/dbs-code-of-practice>

8. Retention of Records

The School is legally required to undertake the pre-appointment checks. If an applicant is successful in their application, the School will retain on their personal 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. 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 Retention of Records Policy after employment terminates. If the application is unsuccessful, all documentation, both paper and electronic, relating to the application will normally be destroyed after six months.

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Policy on the Recruitment of Ex-Offenders

The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. The School will report the matter to the Police and the DBS if:

- the School receives an application from a disqualified person;
- is provided with false information in, or in support of an applicant's application; or
- the School has serious concerns about an applicant's suitability to work with children.
- In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:
 - whether the conviction or other matter revealed is relevant to the position in question;
 - the seriousness of any offence or other matter revealed;
 - the length of time since the offence or other matter occurred;
 - whether the applicant has a pattern of offending behaviour or other relevant matters;
 - whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
 - the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

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

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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.