



Sidcot
Live Adventurously

Recruitment, Selection and Disclosure Policy and Procedure

Policy Number: 9.13

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1. Purpose

1.1 The Board of Governors and Senior Leadership Team of Sidcot School are committed to providing the highest standards of education and development of children and young people in its care, in line with its Quaker ethos, whilst safeguarding and promoting their welfare. 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.

1.2 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.

1.3 All queries on the School's Application Form and recruitment process must be directed to jobs@sidcot.org.uk

1.4 An entry will be made on the Single Central Register for all current members of staff at the School, the proprietorial body and all individuals who work in regular contact with children.

1.5 All checks will be made in advance of appointment or as soon as practicable after appointment.

1.6 Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

2. Scope

2.1 This policy, applies to staff directly recruited and employed by the School whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include volunteers and governors. Please refer to policy 9.13a Recruitment of governors, trustees and proprietors, policy 9.14 volunteers and 9.27 supervision of staff (regarding supervision of contractors and unchecked staff).

2.2 This policy forms part of the School's suite of safeguarding policies. Please refer to paragraph 7 of the addendum in the Child Protection and Safeguarding policy regarding provisions during a pandemic.

2.3 Certain individuals are automatically disqualified from acting in senior management positions within a charity. Whether an individual falls into the category of a senior management position is judged using the following criteria:

- A person who is accountable only to the governors, and who carries overall responsibility for the day-to-day management and control of the charity. At Sidcot School this would be the Headmaster.
- A person who is accountable only to the Head or the governors, and who is responsible for the overall management and control of the charity's finances. At Sidcot School this would be members of the Senior Leadership Team.

2.4 Being disqualified means that a person can't take on, or stay in, a senior manager position – even on an interim basis, unless the Charity Commission has removed (or 'waived') the disqualification.

2.5 In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

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

2.7 If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

2.8 Please refer to policy 9.27, supervision of staff. In the case of agency or contract workers; the School shall set out their safeguarding requirements in the contract between the organisation and the School and shall obtain written confirmation from the agency or company that it has carried out the appropriate checks.

2.9 The School will independently verify the identity of staff supplied by contractors or an agency and will require the provision of the original DBS disclosure certificate before agency staff can commence work at the School.

2.10 A risk assessment must be completed for all temporary contractors to determine what checks are required, and the level of supervision.

3. Application Form

3.1 Applications will only be accepted from candidates completing the School's application form in full. Incomplete application forms will be returned to the Applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. The application form is an essential element in the process of being shortlisted for an interview. Curriculum vitae will not be accepted in substitution for a completed application form. However, a curriculum vitae (no longer than 2 sides of A4) may be included in support of the application. A covering letter (no longer than one side of A4) may also be sent with the application.

3.2 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.

3.3 The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service (DBS) for the position and, where appropriate, a check of the Barred List will be undertaken. Any offer of employment will be conditional on obtaining such satisfactory checks. Additionally, successful applicants should be aware that they are required to notify the school immediately if they are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration. If an 'enhanced disclosure' is delayed, the Headmaster may allow the member of staff to commence work for a short period under controlled conditions:

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

- Provided that the DBS application has been made in advance;
- With appropriate safeguards taken (for example, loose supervision);
- Safeguards reviewed at least every two weeks by the Head/Director of Operations and member of staff;
- The person in question is informed what these safeguards are; and
- It is recommended, but is not a requirement, that a note is added to the Single Central Register and evidence kept of the measures put in place.

3.4 The statutory guidance “Disqualification under the Childcare Act 2006” applies to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare.

3.5 The school takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the school immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.

3.6 Staff and/or successful candidates who are disqualified from childcare or registration may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please speak to the Director of Operations for more details.

3.7 The School has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have ‘due regard to the need to prevent people from being drawn into terrorism’. This is known as the Prevent duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. An internet search will be undertaken to check whether the applicant could be considered to be involved in extremism and referees will be asked whether the candidate could be considered to be involved in ‘extremism’, could be considered to have been radicalised or involved with terrorism.

3.8 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.

3.9 If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate’s suitability to work with children. Where the candidate has no previous employment history, the School may request character references which may include references from the candidate's school or university.

3.10 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

4.1 The School will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. At least two people will carry out the shortlisting exercise, consider any inconsistencies, look for gaps in employment and reasons given for them, and, explore all potential concerns.

4.2 As part of the shortlisting process, the School will consider carrying out an online search on shortlisted candidates as part of its due diligence. This may help to identify any incidents or issues that have happened, and are publicly available online, which the School may want to explore with an applicant at interview. This forms part of the School's wider safeguarding due diligence which aims to prevent and/or deter individuals who may be unsuitable to work with children from working in a school environment.

4.3 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.

4.4 Shortlisted candidates should be asked to complete a self-declaration form in relation to their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. Applicants will be asked to sign a declaration confirming that the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at the point of interview.

4.5 The School will, where possible, obtain references prior to interview. This allows any concerns raised to be explored further with the referee and can be taken up with the shortlisted candidate at interview.

4.6 All formal interviews will have a panel of at least two people. It is recommended best practice that at least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Governors should chair the panel for the Head's appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

4.7 The interview will, where possible, be conducted in person and the areas which it will explore will include suitability to work with children including where appropriate, any discussion of information shared by a candidate in their self-declaration form.

4.8 All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

4.9 The School requests that all candidates invited to interview also bring with them evidence of their identity, right to work and reside in the UK, address, date of birth and where appropriate any documentation evidencing a change of name. Original documents are necessary. Photocopies or certified copies are not sufficient.

4.1.1 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

5.1 Any offer to a successful candidate will be conditional upon:

5.1.1 verification of identity (where it has not previously been verified);

5.1.2 self-declaration confirming the candidate's medical fitness to perform the role and if relevant verification of the candidate's medical fitness for the role by the School's HR Manager or medical adviser;

5.1.3 the receipt of at least two references (if these have not already been received). All references should be provided by a senior person with appropriate authority, subject to the satisfaction of the School;

5.1.4 for a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012;

5.1.5 where applicable, the receipt of a signed Self Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006";

5.1.6 where applicable, confirmation that the candidate is not prohibited from being involved in the management of an independent school (S128 direction);

5.1.7 where applicable receipt of a signed "senior charity manager positions: automatic disqualification declaration" confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities;

5.1.8 verification of right to work in the UK;

5.1.9 if the candidate has lived or worked or been resident outside the UK, such further checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered. If relevant, this shall include the candidate providing the School with proof of their past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which they have worked.

5.1.10 Verification of professional qualifications, including, where applicable, any award of Qualified Teacher Status;

5.1.11 verification of successful completion of a statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999), where relevant;

5.1.12 where the position amounts to 'regulated activity' a clear check of the Children's Barred List;

5.1.13 receipt of an Enhanced Disclosure from the Disclosure and Barring Service which the School considers to be satisfactory. Employment will remain conditional

upon the original certificate being provided and being considered satisfactory to the School; and

5.1.14 any checks which the School deems necessary to fulfil its legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent duty.

5.2 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.

5.3 Successful applicants will be required to sign a declaration of medical fitness 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. If an applicant prefers to discuss this with the School instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the School's HR Administrator so that appropriate arrangements can be made.

5.4 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. References

6.1 The School will seek the references for shortlisted candidates (including internal applicants) and will approach previous employers for information to verify particular experience or qualifications, before interview. One of the references must be from the applicant's current or most recent employer. References must be received by a senior person with appropriate authority. 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.

6.2 The School will ask all referees if the candidate is suitable to work with children and to provide facts of any substantiated safeguarding concerns/allegations that meet the harm threshold set out in Part 4 of the statutory guidance 'Keeping Children Safe in Education'.

6.3 The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials. The School will verify all references. Where references are received electronically, the School will ensure they originate from a legitimate source.

6.4 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

7.1 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.

7.2 The School complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here:

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

7.3 There are limited circumstances where the school will accept a check from another educational institution which are as follows:

This is where the new member of staff ("M") has worked in: –

- (a) A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- (b) A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
- (c) An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

during a period which ended not more than three months before M's appointment.

7.4 In these circumstances the school may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.

8. DBS Update Service

8.1 Where an applicant subscribes to the DBS Update Service the applicant must give consent to the School to check there have not been changes since the issue of a disclosure certificate.

9. Retention, Security of Records and Data Protection Obligations

9.1 The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its School Privacy Notice and Digital Security Policy. Copies of DBS certificates will not be retained for longer than 6 months.

9.2 The School will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the School Privacy Notice and Digital Security Policy

10. Policy on Recruitment of Ex-offenders

10.1 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.

10.2 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.

10.3 Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006".

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

- the School receives an application from a disqualified person;
- is provided with false information in, or in support of, an applicant's application; or
- the School has serious concerns about an applicant's suitability to work with children.

10.5 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 DBS check, the School will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

10.6 If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

10.7 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.

10.8 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.

11. Queries and Assistance

11.1 If an applicant requires any assistance with the application process, or is disabled and needs any adjustments for an interview, they should contact the School's HR Administrator.

12. Related Policies

2. 1 Safeguarding and Child Protection Policy

9.1 Equal Opportunities - staff

9.13a Recruitment of Governors, Trustees and Proprietors

9.14 Volunteers policy

9.26 Providing References policy

9.27 Supervision of Staff policy

12.2 Digital Security policy

School Privacy Notice

13. Review Cycle

13.1 Next Review Date: October 2022 in conjunction with the Board's Annual Safeguarding Review– or sooner if incident, practice, regulations or legislation dictates.

13.2 The Director of Operations is responsible for ensuring the annual review of this policy in conjunction with the Board of Governors. However, sooner review will be required if any weaknesses or deficiencies regarding the recruitment and selection of staff or disclosures are identified, or changes in regulations occur

14. Document Change History

Date of Change	Detail significant changes and any new legislation / guidance taken into account
01.12.2015	Updated and formatted.
08.02.2016	Updated to include Prevent Duty and EEA Restrictions/Prohibitions
18.06.2016 Policy adopted by the Board	Addition of reference to Governing Body (1.1), where policy is available (2.2), internal candidates (3,11), related policies section amended, clarification of review cycle (5).
12.08.2016	Where EEA check is required as per KCSIE 16

08.10.2016	Adoption by Board as part of annual safeguarding review. Clarification of controlled conditions
06.05.2017	Formatted, paragraph 6.7.3 regarding retention of records for an unsuccessful candidate amended to 12 months (from 6) in line with School's digital security policy.
07.10.2017	References updated, policy reviewed by the Board at the Annual Safeguarding Review.
6.10.18	Reviewed and adopted by Board at Annual Safeguarding Review 4.3.4 Updated in the light of Keeping Children Safe in Education 2018, to reflect that electronically provided references must be verified. 4.6 – updated to reflect change to the rules around disqualification by association which no longer applies to schools pursuant to the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 4.8.3 Additional check for senior managers and finance director.
05.10.2019	References to the NCTL replaced by the TRA Policy updated in line with the Digital Safety policy and GDPR requirements Reviewed and adopted by Board at Annual Safeguarding Review
10.10.2020	Reviewed and adopted by Board at Annual Safeguarding Review
10.10.2021	Re-written in line with HCR's Recruitment, Selection and Disclosures Policy and Procedure dated August 2021
04/08/2022 October 2022	4.2 included in line with KCSIE dated 1/9/22 6.2 updated in line with KCSIE dated 1/9/22 4.5 updated to state that where possible references will be obtained prior to interview 4.7 updated to state that where possible interviews will be conducted in person 6.2 updated in line with KCSIE September 2022 Reviewed and adopted by Board at Annual Safeguarding Review