



SEXEY'S
SCHOOL

Safeguarding is everyone's responsibility - 'it could happen here'.

Recruitment, Selection and Disclosure Policy

September 2021

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Review Date	July 2022
SLT Link	HR Manager

Signature
Headteacher

Date: 01.09.21

Introduction

Sexey's 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 gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. ;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**) Keeping Children Safe in Education 2021 (**KCSIE**) 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.

1 Recruitment and selection procedure

1.1 Job descriptions and Advertisements

The following information will be considered when defining the role (through the job or role description and person specification):

- the skills, abilities, experience, attitude, and behaviours required for the post;
- the safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children.

The Job Advertisement will include:

- the school's commitment to safeguarding and promoting the welfare of children and confirmation that safeguarding checks will be undertaken;
- the safeguarding responsibilities of the post as per the job description and personal specification;
- whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020.

1.2 Applications

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 not be accepted. A curriculum vitae will not be accepted in place of the completed application form. Internal applicants (that are already employed by the

school) will not be required to complete an application form; in this case a formal letter of application will suffice.

Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, person specifications and Sexey's Safeguarding and Child Protection Policy are available to download from the School's website.

The applicant may then be invited to attend a **formal interview** at which the applicants' relevant skills and experience will be discussed in more detail.

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;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt (and verification where necessary) of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;
- the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- for positions which involved "teaching work":
 - confirmation from the Teaching Regulation Agency (TRA) that the applicant is not subject to a prohibition order;
 - information about whether the applicant is, or has ever been, the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (TRA), or any predecessor or successor body, or by a regulator of the teaching profession in any other European Economic Area country which prevents them from working at the School or which, in the School's opinion, renders them unsuitable to work at the School;
 - information about whether the applicant is, or has ever been, the subject of any proceedings before a professional conduct panel in the UK or an equivalent body in any other country for any reason which prevents them from working at the School or which, in the School's opinion, renders them unsuitable to work at the School;
- for management positions
 - verification that a person taking up a management position as described at paragraph 99 is not subject to a section 128 of the Education and Skills Act 2008 direction made by the Secretary of State which renders them unable or unsuitable to work at the School.
- where the position amounts to "regulated activity" (see section 3.3 below) confirmation that the applicant is not named on the Children's Barred List administered by the DBS*;
- verification of the applicant's medical fitness for the role (see section 2 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).

***A check of the Children's Barred List is not permitted if an individual will not be undertaking "regulated activity". 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 a Children's Barred List check will be carried out.

2 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.

It is the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. The School will arrange for an occupational health assessment if deemed necessary from the Health Questionnaire. If the School's occupational health advisor has any doubts about an applicant's fitness, the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment

Successful applicants will also 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, they should contact the HR Manager so that appropriate arrangements can be made.

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.

3 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 and the *Boarding schools: national minimum standards* 2015 the School carries out a number of pre-employment checks in respect of all prospective employees, these are detailed below. In addition, the School may use internet searches to perform due diligence on candidates in the course of recruitment. Where we do this, we will act in accordance with our data protection and equal opportunities obligations.

3.1 Verification of identity and address

All successful applicants will be required to bring with them evidence of identity, right to work in the UK, address and qualifications as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

- one document from Group 1; and
- two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address; and
- original documents confirming any educational and professional qualifications referred to in their application form.

Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they 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.

3.2 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.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. One of the references must be from the applicant's current or most recent employer. 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 job description and person specification for 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, sickness* 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, unfounded 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, unfounded or malicious.

(*questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.)

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 may check whether the referee has the authority to provide a reference and is not a work colleague.

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.

3.3 Criminal records check

Due to the nature of the work, the School applies for an enhanced disclosure from the DBS in respect of all prospective staff members, governors and volunteers.

Shortlisted candidates will be requested to self-declare all previous convictions and cautions, including those which would normally be considered "spent" except for those that are protected (i.e. filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2020). This is to allow appropriate discussions to take place at the interview stage in line with guidance in KCSIE 2021.

Prior to 29 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.

As of 29 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.

These rules were updated on 28th November 2020 and warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate and the multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed

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 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 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: Youth cautions, warnings and reprimands will not be disclosed automatically on a Standard or Enhanced DBS certificate.

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 DBS Children's Barred List 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 maintained by the DBS. Any position undertaken at, or on behalf of, the School (whether paid or unpaid), 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.

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children,
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
 - personal care includes helping a child with eating and drinking for reasons of illness or disability, or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability;
 - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

It is for the School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances.

The DBS now 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 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 within two weeks of it being received. A convenient time and date for doing so should be arranged with the HR Manager or HR Assistant as soon as the certificate has been received. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

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.

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).

4 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.

The School will independently verify the identity of staff supplied by contractors or an agency in accordance with section 3.1 above.

5 Policy on recruitment of ex-offenders

5.1 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 5.2 below.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974.

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.

5.2 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 is relevant to the position applied for.
- The seriousness of any offence revealed.
- The length of time since the offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offence(s), and the explanation(s) provided.
- Whether the applicant's circumstances have changed since the offending behaviour.

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.

5.3 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 Teacher before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they 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.

5.4 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, but is under no obligation to do so.

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;
- 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.

6 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 the 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 for an appropriate period after employment terminates after which it will be securely destroyed.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

7 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.

If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the TRA.

8 Queries

If an applicant has any queries on how to complete the application form or any other matter he / she should contact the HR Manager or HR Assistant.

9 Changes to Recruitment, Selection and Disclosure process during the Covid-19 Pandemic

During the Covid-19 pandemic and dependent upon national and local restrictions in force at the time, the following changes to this policy may be made to ensure our recruitment, selection and disclosure processes remain robust whilst taking the necessary precautions to protect staff and students:

- Where possible, interviews may be conducted remotely (via Microsoft Teams) to reduce the number of visitors on the school site. Where this is not possible, visitors to the school site will be subject to the Covid precautions outlined within our updated Visitor Policy.
- In the event of complete school closure, our recruitment practices will be amended to ensure maximum rigour in the absence of the opportunity to fully assess candidates in the way we would during normal practice. This may include (but is not limited to) more detailed, probing questions during interview and the addition of specific questions to the reference form.
- Checks of ID documents have been amended in line with the Disclosure and Barring Services' updated ID checking guidelines.

Appendix 1 List of valid identity documents

Group 1: primary trusted identity credentials

- current valid passport
- biometric residence permit (UK)
- current driving licence (full or provisional) (UK / Isle of Man / Channel Islands; photo card with the associated counterpart licence; except Jersey)
- birth certificate (UK & Channel Islands) - issued at the time of birth (within 42 days of date of birth); Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces

Group 2a: trusted government / state issued documents

- current UK driving licence (old style paper version)
- current non-UK driving licence (valid for up to 12 months from the date the applicant entered the UK)
- birth certificate (UK and Channel Islands) – issued at any time after the date of birth by the General Registrar Office / relevant authority i.e. Registrars)
- marriage / civil partnership certificate (UK and Channel Islands)
- adoption certificate (UK and Channel Islands)
- HM Forces ID card (UK)
- fire arms licence (UK and Channel Islands)

Group 2b: Financial / social history documents

- mortgage statement (UK or EEA)**
- bank / building society statement (UK and Channel Islands or EEA)*
- bank / building society account opening confirmation letter (UK)
- credit card statement (UK or EEA)*
- financial statement ** - e.g. pension, endowment, ISA (UK)
- P45 / P60 statement **(UK and Channel Islands)
- council tax statement (UK and Channel Islands) **
- work permit / visa (UK) (UK Residence Permit) **
- letter of sponsorship from future employment provider (non UK / non EEA only valid for applicants residing outside the UK at the time of application)
- utility bill (UK)* – not mobile telephone
- benefit statement* - e.g. child benefit, pension
- a document from central / local government/ government agency / local authority giving entitlement (UK and Channel Islands)*- e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs (HMRC), Job Centre, Job Centre Plus, Social Security
- EU national ID card
- cards carrying the PASS accreditation logo (UK)
- letter from Head or College Principal (UK) for 16-19 year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided.

Note

If a document in the list of valid identity documents is:
denoted with * - it should be less than three months old
denoted with ** - it should be less than 12 months old
not denoted – it can be more than 12 months old