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# **Safer Recruitment and Selection Policy**

**St Aubyn's School**

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## **1. Policy Statement**

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of children in education. St. Aubyn's is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. The School is also committed to providing a supportive and flexible working environment for all its members of staff.

It 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. It also recognises the value of, and seeks to achieve a diverse workforce. St. Aubyn's is committed to ensuring that the recruitment and selection of all who work within the School is conducted in a manner that is systematic, efficient, effective and promotes equality of opportunity. This document provides a good practice framework to comply with the principles set down in the School's Equal Opportunities Policy.

The aims of the School's recruitment policy are:

- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any ground including age, disability, gender reassignment, race, religion or belief, sex or sexual orientation as outlined in the Equality Act 2010;
- 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 (Sept 2021) and the code of practice published by the Disclosure and Barring Service (DBS);
- 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;
- to ensure that all employment checks are recorded clearly on the School's electronic Single Central Register (SCR).

## **2. Legislation and Compliance**

St Aubyn's ensures compliance with all relevant legislation, recommendations and guidance including:

- Keeping Children Safe in Education (DfE statutory guidance for schools and colleagues)
- St. Aubyn's Child Protection Policy and Procedure
- Independent Schools Inspectorate
- Disclosure and Barring Service (DBS)
- St Aubyn's Equal Opportunities Policy
- Equality Act 2010
- Data Protection Act 2018
- Requirements for compliance with UK Immigration legislation

## **3. Single Central Register**

In line with DfE requirements, the School will keep and maintain a SCR. The SCR will list all staff who are employed at the School, including casual staff, supply agency staff whether employed directly or through an agency, proprietors and those who provide additional teaching or instruction for pupils but who are not employed by the School e.g. specialist sports coaches. The SCR will indicate whether the required pre-employment checks have been completed, what documents have been checked, when and by whom. The SCR will also clearly show which members of staff are working in the Early Years.

Staff members have a duty through their contract to immediately disclose during their employment if they are:

- charged or convicted of any criminal offence;
- in receipt of a police caution, reprimand or warning, or if there is a formal child protection order;
- disqualified under the Childcare (Disqualification) Regulations 2009 (when working in relevant childcare provision);
- barred from working with children or vulnerable adults;
- the subject of a referral to the Disclosure and Barring Service (DBS);

Staff will also be asked at their yearly annual appraisal meetings whether they have any of the above to disclose, including where relevant disqualification under the Childcare Act 2006.

#### **4. Roles and Responsibilities**

- Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.
- All employees involved in the recruitment of staff will undertake Safer Recruitment training.
- It is the responsibility of the Head and SMT involved in the recruitment process to ensure that the School operates safe recruitment procedures and carries out all appropriate checks on all staff, work experience students and volunteers who work at the School.
- It is the responsibility of all contractors and agencies who provide services to the School to comply with safer recruitment practices.
- It is the responsibility of the School's Bursar and HR Recruitment Manager, in conjunction with the Head, to ensure all pre-employment checks are complete before employment begins and that they are recorded on the Single Central Register.

#### **5. Advertising the Vacant Job**

To ensure equality of opportunity, the School will advertise all vacant posts to encourage as wide a field of candidates as possible. Normally this will entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

All advertisements for posts, whether in newspapers, journals or on-line, will include the statement:

***St Aubyn's is committed to safeguarding the welfare of children. Therefore, all candidates will be required to undergo an Enhanced DBS check.***

All advertised jobs will have a closing date for application.

## **6. Applications**

All applications should be treated confidentially and circulated only to those individuals involved in the recruitment process. Where possible, it is good practice to acknowledge receipt of all applications, as this presents a positive image of St Aubyn's.

Applicants will receive a Job Description and Person Specification for the role applied for. All applicants for employment will be required to complete a confidential 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. The School does not accept a curriculum vitae in place of an application form.

The applicant may then be invited to attend a formal interview at which his/her relevant skills and experiences will be discussed in more detail.

## **7. Data Protection**

At St. Aubyn's, we follow the Data Protection Act 2018, the General Data Protection Regulation (GDPR) and the employment practices code.

If an applicant is appointed, the School will retain any relevant information provided on his/her application form, together with any attachments and evidence of the pre-employment checks completed on his/her personnel file.

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

The School will store all confidential personnel files in locked, non-portable storage containers, access to which will be restricted to members of the School's senior management team.

Personnel files will be kept for a minimum of six years after the person has left.

The School will also ensure that any personnel information is destroyed by suitably secure means such as shredding.

## **8. Identification Checks and Documentation**

Short listed applicants will be required to provide proof of their qualifications and professional status by producing documentation on the day of interview.

The School will verify that applicants have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application by asking to see the relevant certificate, or a letter of confirmation from the awarding body / institution. If the original documents are not available, the School will require sight of a properly certified copy.

Where applicants have obtained qualifications abroad, a certified comparability check by NARIC will be required.

Proof of identity and other documentation will be verified upon arrival by a member of the reception office staff.

The School requires applicants to account for any gaps or discrepancies in employment history on the application form. Where any applicant is shortlisted, any gaps will also be discussed at interview.

Applicants should be aware that providing false information is an offence and could result in an application being rejected or summary dismissal if the applicant has been selected. Where false information is provided in support of an application to work at the School, the School is required to report the matter to the Disclosure and Barring Service, the Police and other relevant professional bodies.

All applicants who are invited to an interview will be required to bring the following evidence of identity, right to work in the UK, current address and qualifications:

- Current DBS certificate;
- Proof of ID (photographic) e.g. Passport or Driving Licence;
- Proof of Address (dated within the last 3 months) e.g. Utility Bill or Bank Statement;
- Proof of Right to Work in the UK e.g. UK Passport or Visa Certificate and Professional Membership
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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 bring 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. 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. Selection Tests and Presentations**

The selection process will always include the following;

- A tour of the School
- The candidate will be observed teaching a lesson or complete a maths and English test or equivalent (for Support staff)
- A face to face professional interview including questions relating to safeguarding children

## **10. Pre-employment Checks**

A contract of employment cannot be offered until all pre-employment checks have been undertaken and cleared. These include:

### ➤ References

Two written references and declarations, including the last employer, which make specific reference to candidates' suitability to work with or near children, will be taken up.

References will be sought directly from the referee.

References or testimonials provided by the candidate, or addressed 'to whom it may concern', will never be accepted. However, when applying for references from a large organisation there may not be a specific point of reference and in these circumstances, a generic company email or postal address may be accepted. The School will not accept references from relatives of the applicant or open references or people writing solely in the capacity as a friend.

For teaching jobs, references should be sought prior to interview as and when possible. This allows any discrepancies to be discussed and looked into further during the selection stage. If further confirmation and/or clarification is required, telephone contact will be made with the referee to check the authenticity of the reference.

The telephone number for the referee should be obtained independently e.g. using the internet or directory enquiries and not rely on the details supplied by the candidate, a detailed note will be kept of the exchanges.

The only exception to this is where applicants have indicated on the application forms that they do not wish their current employer to be contacted.

Where an applicant is successful, reference will be taken up immediately and they are advised that any offer of employment be subject to two satisfactory references.

For teaching jobs, a reference will always be sought from the School where the candidate last worked, regardless of how far back (in number of years) the candidate worked there. The telephone number for the referee should be obtained independently e.g. using the internet or directory enquiries. The School should not rely on the details supplied by the candidate. Where necessary, previous employers who have not been named as referees may be contacted in order to clarify any anomalies or discrepancies. A detailed note will be kept of such exchanges. All referees will be sent a copy of the Job Description and Job Specification relevant to the role for which the applicant has applied. Referees will always be asked specific questions about:

- The applicant's date of employment, salary, job title/duties, reason for leaving, performance and disciplinary record;
- Their relationship to the applicant;
- The candidate's suitability for working with children and young people;
- Any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children;
- 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;
- The candidate's suitability for this post.

References will be compared to the application form to ensure that the information provided is consistent. Any discrepancies will be taken up with the applicant and/or the referee before any appointment can be confirmed. Any information about past disciplinary action or allegation will be considered in the circumstances of the individual case.

#### ➤ Secretary of State Prohibition Orders

Prohibition orders prevent a person from carrying out 'teaching work' in schools, sixth form colleges, 16-19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the TRA (Teaching Regulation Agency). Pending such consideration, the Secretary of State may issue an interim prohibition order if he considers that it is in the public interest to do so.

The prohibition from teaching check is carried out using the Teacher Services system.

Qualified Teacher Status is not a requirement for teachers in the independent sector, but schools must now check that anyone employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State.

Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:

- planning and preparing lessons and courses for pupils;
- delivering and preparing lessons to pupils;
- assessing the development, progress and attainment of pupils
- reporting on the development, progress and attainment of pupils.

“Delivering” includes delivering lessons through distance learning or computer aided techniques. However, none of these is “teaching work” if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the Head.

It is our policy that all new teaching staff will be subject to a prohibition check before commencing work and a record will be kept on the School's single central register.

The Employer Access Online is a free service for schools, local authorities and teacher supply agencies in England. The School can check the record of any teacher we employ or are considering employing.

The School can also check whether a teacher we employ or are considering employing has:

- Qualified Teacher Status (QTS)
- completed their induction
- a mandatory qualification for teachers of hearing impaired or visually impaired pupils
- an active teaching restriction
- been the subject of a decision by the Secretary of State not to impose a prohibition order for unacceptable professional conduct, conduct that may bring the teaching profession into disrepute or conviction of a relevant offence
- been prohibited from teaching
- a suspension or conditional order imposed by the General Teaching Council for England that is still current
- failed their induction or probation period

#### ➤ Prohibition from Management of Independent Schools Directions

From August 2015, schools must check whether staff appointed to management positions after that date are subject to a section 128 direction. This also applies to staff promoted internally from September 2018.

The following staff are considered to be in management positions for the purpose of this check:

- headteachers;
- all staff on the SMT (including non-teaching staff);
- teaching positions with departmental headship;
- proprietors

The checks will be carried out using the DfE sign in portal.



## ➤ Disclosure & Barring Checks

Due to the nature of the work, the School applies for an enhanced disclosure check via the Disclosure and Barring Service (DBS) in respect of all members of staff, proprietors and volunteers on entry to the school's workforce.

An enhanced disclosure check will contain 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. An enhanced disclosure will also reveal whether an applicant is barred from working with children or vulnerable adults by virtue of his/her inclusion on the lists of those considered unsuitable to work with children or vulnerable adults maintained by the DBS. An enhanced disclosure may also contain non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question.

DBS checks will 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 the equivalent of an enhanced DBS disclosure, from the relevant jurisdiction(s).

For any persons who have applied to the DBS update service, the School will examine the original certificate, check it matches the individual's identity and run an online update check, which will provide information about any changes since the certificate was issued. If the check indicates that there has been a change, then the individual must apply for a new certificate.

If there is a delay in receiving an enhanced DBS disclosure before a person starts work in regulated activity, the Head may allow (in accordance with ISI regulation 480) the member of staff to commence work:

- after a satisfactory check of the barred list if the person is working in regulated activity;
- and all other relevant checks have been completed satisfactorily;
- provided that the DBS application has been made in advance;
- with appropriate safeguards taken (for example, Risk Assessment carried out and appropriate supervision put in place)

The Risk Assessment will be reviewed every two weeks and a note added to the Single Central Register that it is in place. The staff member will be informed of all safeguards put in place.

Schools are not required to retain copies of DBS certificates, however, any copies taken must be destroyed after 6 months.

If, because a person 'living or having lived' outside of the UK for three months or more in the last five years (at the school we apply a ten year look back), a DBS check is not considered sufficient to establish suitability to work in a school (because a UK check would not cover offences committed abroad, but only those on the UK Police National Computer), the school/proprietor would ensure that any further appropriate checks were carried out, in relation to any guidance issued by the DfE. The School would advise the individual as to what further information and checks would be required. These are called overseas checks and can normally only be applied for by the individual. Such checks will be completed before the person starts and applies where relevant both to foreign nationals and UK nationals returning from overseas.

Further checks could include where applicable overseas criminal record checks and for those seeking teaching positions, obtaining a letter of professional standing from the professional regulating body in the country in which the applicant has worked.

The candidate will be required to complete a DBS application form and return it to the HR Recruitment Manager, along with documents proving their identity.

The HR Recruitment Manager will input the completed application form online on our umbrella body (Atlantic Data) and the candidate will complete their section electronically and Atlantic Data will send the certificate to the applicant. The HR Recruitment Manager will ask to see the certificate (because the information is confidential to the candidates and as such, their choice about who can or can't see it).

Or

#### DBS Update Service

Where the applicant has subscribed to the DBS update service, the HR Recruitment Manager will ask the employer for permission to check their status.

The applicant will be required to sign a request to carry out a status check form. The original certificate will still need to be seen and checked. From January 2015, it will be a condition of employment for all new employees to register with the DBS Update Service and give St Aubyn's consent to on-going checks.

#### ➤ Disqualification-Early Years and Relevant Later Years Provision

We will make sure that anyone who falls within the relevant categories of staff is made aware of the legislation i.e. for adults who work in, or are involved in the management of, i) EYFS or ii) out of hours care for children up to the age of 8.

All present and new staff members who fall within the regulations of relevant childcare provision will be asked to sign a declaration form to confirm that they are not disqualified under the Childcare Act 2006 and Childcare (Disqualification) Regulations 2009.

An entry of staff working within relevant childcare provision will be made on the Single Central Register, including the date disqualification checks were completed.

The declaration made will be rechecked annually as part of the staff appraisal procedure and will form part of a staff member's contract, stating that they should inform the School if their circumstances change.

#### ➤ Contractors and Agency Staff

Contractors engaged by the School must complete the same checks for the 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.

The School will independently verify the identity of staff supplied by contractors or and agency.

#### ➤ Rehabilitation of Offenders

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 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 positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions, including those which would normally be considered “spent”, when applying for a position at the School. A failure to disclose a previous conviction may lead to any 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 Disclosure and Barring Service 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.

#### 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;
- 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.

If the post involved 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 responsibility, 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.

### 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 before a position is offered. Such convictions will also be discussed with the applicant at interview.

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, defer a decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

#### ➤ Right to Work Check

A right to work check means that as an employer we have to check a document which the Home Office state is acceptable for showing permission to work. We must do this in the presence of the holder (candidate or prospective employee) of the document and **before** we employ them to ensure they are legally allowed to do the work in question for us. We are also required to conduct a follow-up check on people who have time-limited permission to work in the UK.

We are responsible for conducting the visual inspection of the documents presented to us. We are only required to verify someone's right to work with our Employer Checking Service.

<https://www.gov.uk/employee-immigration-employment-status>

Detailed information on how to correctly conduct right to work checks and a list of acceptable documents is on the GOV.UK website. (<https://www.gov.uk/check-job-applicant-right-to-work>)

## **11. Occupational Health**

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 and sign a self-declaration of medical fitness, which forms part of the School's job application procedure. The School will arrange for the information contained in the self-declaration to be reviewed.

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 timetable, extra-curricular activities, layout of the School etc. If the School's medical 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.

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 and considering reasonable adjustments and suitable alternative employment.

## **12. Reasonable Adjustments**

Where the successful candidate is disabled, reasonable adjustments may need to be considered depending on the person's disability. This will be done in consultation with them and as soon as possible after appointment.

## **13. Appointment**

It may be possible to negotiate a provisional start date with the preferred applicant. However, the checks detailed above must all be completed before a person's appointment is confirmed. Once all pre-employment checks have been satisfactorily completed and received, an offer of employment will be made.

