

Recruitment, Selection & Disclosure Policy and Procedure

2015-2016

Reviewed 29 May 2015 by Steven Boyes

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1. Introduction

MPW is committed to providing the best possible care and education to its students and to safeguarding and promoting the welfare of children and young people. The college is also committed to providing a supportive and flexible working environment to all its members of staff. The college 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 college's staff recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital status or civil partner status, 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 (KCSIE)* and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the college meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

2. Recruitment & selection procedure

All applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

Application forms, job descriptions, person specifications and the college's Safeguarding and Staff Recruitment Policies are available from the college's HR Department. The job description will clearly and accurately set out the duties and responsibilities of the job role. The person specification is of equal importance and details the skills, experience, abilities and expertise required to do the job effectively.

The applicant may then be invited to attend one or more formal **interviews** at which his/her relevant skills and experience will be discussed in more detail. The precise format of the interview will vary according to the type of post that has been applied for. Applicants will receive further guidance about the format of their interview(s) when an invitation to attend an interview is made.

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 college's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of at least two references (one of which must be from the applicant's most recent employer) which the college considers to be satisfactory;

- for teaching positions, confirmation from the National College for Teaching and Leadership that the applicant is not subject to a prohibition order;
- where original documents have not been provided at the interview, the receipt of original documents confirming any relevant educational and professional qualifications referred to in their Application Form;
- where the position amounts to "regulated activity" (see section 4 below), the receipt of an enhanced disclosure from the DBS which the college considers to be satisfactory;
- where the position amounts to "regulated activity", confirmation that the applicant is not named on the Children's Barred List*;
- confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from teaching or being involved in the management of an independent college;
- verification of the applicant's medical fitness for the role;
- verification of the applicant's right to work in the UK; and
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK.

* The college is required to carry out an enhanced DBS check and a Children's Barred List check for all staff, supply staff and governors who will be engaging in "regulated activity". The college can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough, i.e. roles which would amount to regulated activity if carried out more frequently.

3. Medical Fitness

The college is legally required to verify the medical fitness of anyone to be appointed to a post at the college, after an offer of employment has been made but before the appointment can be confirmed.

It is the college's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. The college may arrange for the information contained in the Health Questionnaire to be reviewed by the college's medical adviser. 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 college etc. If the college's medical adviser has any doubts about an applicant's fitness, the college will consider reasonable adjustments in consultation with the applicant. The college may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

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.

The college 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.

4. Pre-employment checks

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

4.1 Verification of identity and address

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and original documents confirming any relevant educational and professional qualifications referred to in their application form. A list of valid identity documents recognised by the DBS is provided in Appendix 1. Applicants will be required to provide:

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

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

Copies are made of the documents identified above and are stored in the staff member's personnel file.

4.2 References

References may be taken up on shortlisted candidates prior to interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the college. 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, where possible, 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 or malicious; and
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious.

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

The college 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 college 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.

4.3 Criminal records check

The college applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the College which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. Any position undertaken at, or on behalf of, the college will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30 day period; and
- provides the opportunity for contact with children.

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

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

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the college. It is a condition of employment with the college that the original disclosure certificate is provided to the college within four weeks of it being received by the applicant. A convenient time and date for doing so should be arranged with the HR Department as soon as the certificate has been received. Applicants who are unable to come to the college to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to the Principal. Where a certified copy is sent, the original disclosure certificate must still be provided on the first working day. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the college.

If there is a delay in receiving a DBS disclosure the Principal has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List 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). The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the college.

5. Contractors and Agency Staff

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

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

The college will independently verify the identity of staff supplied by contractors or an agency, in accordance with section 4.1 above and will require the provision of the original DBS disclosure certificate before contractor or agency staff can commence work at the college.

6. Policy on recruitment of ex-offenders

6.1 Background

The college will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The college 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 with the college. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 6.2 below.

All positions within the college are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent", except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.

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 a criminal offence for any person who is barred from working with children to apply for a position at the college. It is unlawful for the college to employ anyone who is barred from working with children.

The college 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.

6.2 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 college will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.

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

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the college'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 college's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

6.3 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 college will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Principal of the college and a Director of the MPW Group before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he/she can do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the college may, 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.

6.4 Retention and security of disclosure information

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

In particular, the college 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 college's Senior Leadership Team and the personnel officer;
- not retain disclosure information or any associated correspondence for longer than is necessary and for a maximum of six months. The college 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

7. Retention of records

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

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months unless the applicant specifically requests the college to keep their details on file.

8. Referrals to the DBS and National College for Teaching and Leadership (NCTL)

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 college also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the college despite being barred from working with children; and
- has been removed by the college 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 college may also decide to make a referral to the NCTL.

9. Queries

If an applicant has any queries on how to complete the application form or any other matter they should contact the college Principal.

Appendix 1 List of valid identity documents

Group 1: Primary identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence (photocard with paper counterpart; full or provisional; UK / Isle of Man / Channel Islands and EU)
- 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)
- adoption certificate (UK and Channel Islands)

Group 2a: Trusted government documents

- current driving licence (paper version; UK / Isle of Man / Channel Islands and EU; full or provisional)
- current driving licence (photocard; all countries; full or provisional)
- 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)
- HM Forces ID card (UK)
- fire arms licence (UK, Channel Islands and Isle of Man)

Group 2b: Financial and 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; valid up to expiry date)
- letter of sponsorship from future employment provider (non UK / non EEA only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)
- utility bill (UK; not mobile telephone bill)*
- benefit statement - e.g. child benefit, pension (UK)*
- a document from central or local government/ government agency / local authority giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs, Job Centre, Job Centre Plus, Social Security (UK and Channel Islands) *
- EU national ID card (must be valid at time of application)
- cards carrying the PASS accreditation logo (UK and Channel Islands; must be valid at time of applications)
- letter from Head or College Principal (for 16-19 year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application).

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