MPW Cambridge

Recruitment, Selection and Disclosure Policy

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* September 2016 (KCSIE), the *Prevent Duty Guidance for England and Wales 2015* (the Prevent Duty Guidance) 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.

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 Senior Leadership Team (SLT). 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. All shortlisted applicants will be tested at interview about their suitability to work with children. For teaching positions, it is college practice for the applicant to also teach a lesson on a relevant subject topic which will be observed by colleagues. 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 selection process if they are invited to interview and will be given adequate time to prepare.

If an offer of employment is made, it will be conditional on the following:

- the agreement of a mutually acceptable start date and the entering into a contract incorporating the college's standard terms and conditions of employment;
- verification of the applicant's identity;
- verification of the applicant's employment history;
- 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 positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by, the National College for Teaching and Leadership (NCTL) which renders them unable or unsuitable to work at the college;
- information about whether a sanction or restriction has been imposed by a professional regulating authority in the European Economic Area (EEA) should the applicant have taught in the EEA;
- any further checks which the college decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references;
- the production of relevant educational and professional qualifications referred to in their application form;
- where the position amounts to "regulated activity" (see section 4.3 below), the receipt of an enhanced disclosure from the DBS which the college considers to be satisfactory;
- confirmation that the applicant is not named on the Children's Barred List*;
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the college;
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008, which renders them unable or unsuitable to work at the college;
- verification of the applicant's medical fitness for the role; and
- verification of the applicant's right to work in 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, ie roles which would amount to regulated activity if carried out more frequently. In nearly all cases the college will be able to carry out an enhanced DBS check and a Children's Barred List check.**

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, ie 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.

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.

In addition to the checks set out below, the college reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the college. This may include internet and social media searches.

In fulfilling its obligations, the college does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

Verification of identity, address and qualifications

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.

Where an applicant claims to have changed his/her name by deed poll or any other means (eg 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) to assist with the vetting of applicants 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.

References

References may be taken up on shortlisted applicants 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. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism" (see the definition of "extremism" at section 8 below). 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;
- 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; and
- whether the applicant could be considered to be involved in "extremism".

**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.

Where a reference is not received prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form will be considered by the college. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.

If factual references are received (ie those which contain limited information such as job title and dates of employment), this will not necessarily disadvantage an applicant although additional

references may be sought before an appointment can be confirmed. The college may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

Work can only commence once all the required references have been received and the college considers them satisfactory.

Criminal records checks

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, as a result of their work, the appointee:

- will be responsible, on a "regular" (see below) basis, for teaching, training, instructing, caring or supervising children; or
- will carry out paid, or unsupervised unpaid work regularly at the college where that work provides regular contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

For the purposes of the Act, "regular" refers to work carried out:

- frequently (once a week or more often); or
- on 4 or more days in a 30-day period; or
- overnight (between 2.00 am and 6.00 am); 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 college 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.

The college may accept a DBS certificate that has previously been undertaken, providing it is within three months of them leaving the previous workforce. The certificate must be at the enhanced level and for both a child and adult workforce. In this situation, a separate Children's Barred List check would be undertaken.

For those who subscribe to the DBS update service, the college will examine the original certificate, check it matches the individual's identity and run an online update check, which will provide any changes since the certificate was issued. If the check shows that there has been a change, a new certificate will be required. The college will obtain permission from the individual before conducting the online update check.

Applicants with periods of overseas residence

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. The college will take into account the *DBS unusual addresses guide* in such circumstances.

The college takes into account the guidance issued by the NSPCC when deciding whether to request overseas information from applicants, which recommends that such information should be sought on those who have lived overseas for periods of three months or more in the last five years. However, the college recognises that *Education (Independent School Standards) Regulations 2014* do not specify that a minimum period of overseas residence is required. The college therefore assesses each applicant's situation on its individual facts.

Where applicants are asked to provide further overseas information this will include a criminal records check from the relevant jurisdiction(s) or a certificate of good conduct (as appropriate) and / or references from any employment held.

Work can only commence once sufficient overseas information has been received and only if the college has considered that information and confirmed that the applicant is suitable to commence work at the college.

Prohibition from teaching check

The college is required to check whether staff who carry out "teaching work" are prohibited from doing so. The college uses the NCTL Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel on behalf of the NCTL.

In addition, the college asks all applicants for roles which involve "teaching work" (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the NCTL or other equivalent body in the UK.

It is the college's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves "teaching work". Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the NCTL (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the college will consider whether the facts of the case render the applicant unsuitable to work at the college.

The college carries out this check, and requires associated information, for roles which involve "teaching work". The college applies the definition of "teaching work" set out in the *Teachers' Disciplinary (England) Regulations 2012* which states that the following activities amount to "teaching work":

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

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the Principal. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches.

In addition, for all appointments made on or after 18 January 2016, where an applicant has carried out teaching work outside of the UK, the college will ask the applicant (and their referees) whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work. This will include checking for the existence of any sanctions issued by regulators of the teaching profession in other EEA countries using the NCTL Teacher Services system.

Prohibition from management check

The college is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school (a section 128 direction).

This check applies to appointments to the following positions made on or after 12 August 2015:

- Principal
- teaching posts on the senior leadership team
- teaching posts which carry a departmental head role
- support staff posts on the senior leadership team.

It also applies to appointments to the governing body.

The relevant information is contained in the enhanced DBS disclosure certificate (which the college obtains for all posts at the college that amount to regulated activity). It can also be obtained through the NCTL Teacher Services system. The college will use either, or both, methods to obtain this information.

In addition, the college asks all applicants for management roles to declare in the application form whether they have ever been the subject of a referral to the Department for Education, or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.

It is the college's position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for

Education or other appropriate body whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the college will consider whether the facts of the case render the applicant unsuitable to work at the college.

Contractors and Agency Staff

The college must ensure the same checks for contractors (and their employees) undertaking regulated activity at the college are done as it does for its own employees. The college requires written confirmation from the contractor that it has completed these checks on all of those individuals whom it intends will work at the college before any such individual 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.

Visiting speakers and the Prevent Duty

The Prevent Duty guidance requires the college to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by students, are suitable and appropriately supervised.

The college is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the college or perform any other regular duties for or on behalf of the college.

All visiting speakers will be subject to the college's usual visitors protocol. This will include signing in and out at Reception, the wearing of a visitor's badge at all times and being escorted by a fully vetted member of staff between appointments.

The college will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the college. In doing so, the college will always have regard to the Prevent Duty guidance and the definition of "extremism" set out in KCSIE which states:

> "'Extremism' is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

In fulfilling its Prevent Duty obligations the college does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

Policy on recruitment of ex-offenders

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 7.2 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 and 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.

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.

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.

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 confidential documents in locked, non-portable storage containers, access to which will be restricted to members of the college's Senior Leadership Team and the HR Manager;
- 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.

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, eg 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.

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.

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

Appendix 1: List of valid identity documents

Group 1: Primary identity documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence photocard - (full or provisional)	UK, Isle of Man, Channel Islands and EU
Birth certificate - issued within 12 months of birth	UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands

Group 2a: Trusted government documents

Document	Notes
Current driving licence photocard - (full or provisional)*	All countries outside the EU (excluding Isle of Man and Channel Islands)
Current driving licence (full or provisional) - paper version (if issued before 1998)*	UK, Isle of Man, Channel Islands and EU
Birth certificate - issued after time of birth	UK, Isle of Man and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

**** All driving licences must be valid.***

Group 2b: Financial and social history documents

Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, eg pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK - not mobile telephone bill	Issued in last 3 months
Benefit statement, eg Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, eg from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EU National ID card	-	Must still be valid
Cards carrying the PASS accreditation logo	UK, Isle of Man and Channel Islands	Must still be valid
Letter from head teacher or college principal	UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if	Must still be valid

	other documents cannot be provided

Reviewed by Markus Bernhardt September 2017

Next review date: July 2018