NOTRE DAME SCHOOL safer Recruitment, PoLicy 2018/9

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**Safer Recruitment Policy**

**1.0 Introduction**

Notre Dame School (“the School”) is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children. The School is also committed to providing a supportive working environment to all its employees.

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 equitably 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, disability or age,
* to ensure compliance with all relevant recommendations and guidance including the recommendations of the DfE in *Keeping Children Safe in Education 2018* and the *Safeguarding Vulnerable Groups Act 2006.*
* to ensure that the School meets its commitment to safeguarding and promoting the welfare of children by carrying out all necessary pre-employment checks.

****2.0 Scope of this Policy****

* The Recruitment, Selection and Disclosures Policy herewith refers and applies to staff directly recruited and employed by the School. In the Education (Independent Schools Standards) (England) Regulations 2014, staff are defined as:

*“Any person working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer.”*

* In the case of agency or contract workers, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. The school conducts identity checks on agency and contract workers on arrival in school and, in the case of agency workers, the school must be provided with a copy of the DBS check for such staff.
* Any staff who TUPE transfer into the School's staff, will be required to undertake the statutory requirements with regard to safer recruitment checks

**3.0 Authorisation for Recruitment**

The Executive Team will be responsible for authorising a recruitment process to begin; agreeing the contents of the job description, person specification and the terms and conditions of employment underpinning the appointment. Recruitment within the Executive Team will require approval from the Governing Board.

**4.0 Advertising**

The post will be suitably advertised. Approval to commit funding to advertising will be given by the Bursar. The advertisement must include the following statement:

*“Notre Dame School is committed to safeguarding and promoting the welfare of children and applicants must be willing to undergo child protection screening appropriate to the post, including checks with past employers and the Disclosure & Barring Service and prohibition for teaching positions.”*

**5.0 Recruitment & selection procedure**

All applicants for employment will receive or will be given access to (via the school website):

1. Job description & person specification (candidate information pack)

2. Outline of key terms and conditions of employment relating to the post.

3. Application form

4. Equal opportunities Monitoring Form

5. Overseas Checks Form

6. Explanatory notes about completing the form and the recruitment process

7. Child Protection Policy Statement

8. Any other additional material considered essential for the post.

Once the deadline for receipt of applications has been reached, a panel comprising at least two senior members of school staff will review the applications and agree a short-list for interview.

Based on the requirements of the job description/person specification, the panel will agree the essential and desirable criteria against which they will judge the respective merits of each application.

****5.1 Application Form****

The School will only accept applications from candidates completing the relevant Application Form in full.  CVs will not be accepted in substitution for completed Application Forms.

As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the School with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the School shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the senior leader who is conducting the interview[[1]](#footnote-1).  If candidates would like to discuss this beforehand, they are asked to contact HR for advice.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the position. Additionally, successful applicants should be aware that they are required to notify the school immediately if they are any reasons why they should not be working with children.  This includes any staff who are disqualified from childcare or registration.

The statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)” to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare.

The school takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the school immediately.  This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.  Staff and/or successful candidates who are disqualified from childcare or registration, including 'by association', may apply to Ofsted for a waiver of disqualification.  Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please speak to HR for more details.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

The School has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment.

If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

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

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal by the School if they have been appointed, and a possible referral to the police and/or DBS.

**5.2 Invitation to Interview**

Applicants will be shortlisted according to the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

For teaching posts, candidates may be subject to a DfE Employer Access check on their professional status prior to being invited to interview; if not carried out prior to interview, any appointment will be conditional upon a successful check being made.

Any successful candidate must have been interviewed formally by the School. Selection interviews will be carried out by a panel of at least two people, one of whom must hold a current certificate in Safer Recruitment and will include questions exploring candidates’ suitability to work with children and any apparent gaps in the candidates’ CV or employment history. Written notes of each interview will be made by each panellist using a standard question template and the notes retained in the HR office as per section 7.0 below.

The interview will be conducted in person and the areas which it will explore will include suitability to work with children and a safeguarding interview with HR.

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.

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

The School requests that all candidates invited to interview also bring with them:

* A current driving licence including a photograph or a passport or a full birth certificate;
* A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
* Where appropriate any documentation evidencing a change of name;
* Where the candidate is not a citizen of a country within the European Economic Area or Switzerland, proof of entitlement to work and reside in the UK.

**Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient.**

Candidates with a disability who are invited to interview should inform the School of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

**5.3 Conditional Offer of Appointment: Pre-Appointment Checks**

Any offer to a successful candidate will be conditional upon:

* Receipt of at least two satisfactory references (if these have not already been received), including for internal appointments. All references should be provided by a senior person with appropriate authority, subject to the satisfaction of the School;
* Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK
* A satisfactory enhanced DBS check and if appropriate, a check of the Barred List maintained by the DBS
* Verification of professional status (such as NCTL registration, QTS Status or PGCE where required)
* For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State;
* For a candidate who has lived or worked outside the UK a check using the Teaching Regulation Agency employer access system that a candidate is not subject to any teacher sanction or restriction.
* Verification of professional qualifications;
* Verification of successful completion of a statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999) where relevant;
* Where the successful candidate has worked or been resident overseas, such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered;
* Satisfactory medical fitness.
* Confirmation from the candidate that they are not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)”. OR Receipt of a signed Staff Suitability Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)”.
* For a candidate to be employed into a senior management position as set out within the School’s Recruitment, Selection and Disclosures Policy and Procedure, receipt of a signed “senior charity manager positions: automatic disqualification declaration” confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities.
* For a candidate undertaking a management role, a check that you have not been prohibited from participating in the management of independent schools.

It is the School's practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence. 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 workload, extra-curricular activities, and layout of the School.

The School is aware of its duties under the Equality Act 2010.  No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.

**5.4 References & Employment History**

The school will seek two written references for all shortlisted candidates immediately after shortlisting.
The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after interview.

All offers of employment will be subject to the receipt of a minimum of two satisfactory references, one of which will be from the applicant's current or most recent employer. The referee should be contacted at the place of work via the company/School’s email address or postal address. If the current/most recent employer does not/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 or relative.

For internal candidates, formal written references may be sought from a senior person with appropriate authority.

All referees will be asked if the candidate is suitable to work with children.

The School will compare any information provided by the referee with that provided by the candidate on the application form. Any inconsistencies will be discussed with the candidate.

The School will only accept references obtained directly from the referee and it will not rely on open references or testimonials.

**6.0 DBS Checks**

The School will refer to the Department for Education (“DfE”) document, ‘Keeping Children Safe in Education’ and any amended version in carrying out the necessary required DBS checks.

The School complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request or accessed here: <https://www.gov.uk/government/publications/dbs-code-of-practice>.

**6.1 Overseas Criminal Records Check**

All applicants who have lived overseas for a period of three months or more at any time during the previous ten years will be asked to provide a Criminal Records Check from that country (or countries) prior to taking up a post at Notre Dame School. On the basis of other information received from candidates, checks may be required dating back further than five years.

The provision of this Criminal Records Check is the responsibility of the individual, rather than the School. Information about the application process for each country can be obtained from: https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

Please note that some of the checks can take several months to be issued, so applicants are advised to begin the process promptly. Potential employees may not be allowed **to commence work at the School until this check is complete. It is obviously important that the School obtain as full a picture as possible about a potential new starter or volunteer to enable us to make an informed decision about whether or not a candidate is suitable to work in the school.**

**The School will check each completed DBS Application Form for any overseas addresses, indicating that the applicant has lived abroad within the last five years as well as ask each candidate to complete an Overseas Police Check Form.**

**Once the School has seen the overseas certificate of good conduct (or other relevant document(s)), this will be retained with the applicant’s DBS Disclosure. Please note that the ‘criminal records history’ part of a new starter’s/volunteer’s pre-employment vetting will not be complete until the overseas criminal record information is received.**

**7.0 Retention of records**

The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months. Details of how we use candidates’ data is explained in the Recruitment/Staff Privacy Notice and Data Protection Policy.

**8.0 Permanent and Temporary Staff Recruited through an Agency**

Staff who do not apply to the School but are recruited through a recognised employment agency (including temporary “supply” teaching staff) will be subject to a similar process to ensure compliance with all requirements. In addition, the agency will be required to demonstrate in writing that they have completed appropriate ID, Right to Work, DBS/List 99 and DfE Employer Access checks and relevant overseas checks and have obtained satisfactory references prior to the commencement of the appointment.

**9.0 Non Employed Personnel**

Personnel who are not directly employed by the School, such as peripatetic music teachers and sports coaches as well as volunteers and Governors are all subject to the same principles of safer recruitment and will be required to undergo the same checks as listed above, albeit that persons who are not engaged in “regulated activity” will not be subject to check against the “Barred” list.

Personnel employed on the School site by contractors will also be subject to the same level of pre-appointment checks and the contractor will be responsible for carrying out, recording and confirming these.

**10.0 Queries**

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

**Appendix**

**Policy on the Recruitment of Ex-Offenders**

The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)”.

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

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

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;
* in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
* the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

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

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.

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| **Reviewed**  | **A King** | **September 2017** |
| **Reviewed**  | **A King** | **January 2019** |

1. The relevant leader will be Head teacher of the Prep school for all Prep school recruitment, the Head teacher of the Senior school for all Senior school recruitment and the Bursar for all support staff recruitment. If a candidate is unsure of which senior leader they contact, they should seek advice from HR. [↑](#footnote-ref-1)