



Staff Safer Recruitment Policy

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Next Review: 12-19
Approved by: Governors

This Policy applies throughout the School from EYFS to Year 6.

Introduction

The Cavendish School is committed to providing the best possible care and education for its pupils and to safeguarding and promoting their welfare. The School is also committed to providing a supportive and flexible working environment to all its members of staff. The School aims to recruit staff of the highest calibre who share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined in the Equality Act 2010.

All queries about the School's application and recruitment process should be directed to the Headteacher (for teaching staff) or the Bursar (for administrative staff).

An entry will be made in the Single Central Register for all current members of staff at the School, the Governors and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

All checks will be made in advance of appointment or as soon as practicable after appointment.

Scope

This Policy 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 will 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, which includes supply staff, the School must be provided with a copy of the Disclosure and Barring Service (DBS) check for such staff.

The School will check with the relevant supply agency that the required checks have been carried out. The Single Central Register shows these checks have been made and the School carries out its own identity check and records details of the original disclosure.

Unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

Any staff who transfer into the School's staff through TUPE will be required to undertake the statutory requirements with regard to safer recruitment checks.

If staff are transferred under TUPE (where there is a gap of three months or less and information complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

Safer recruitment methods

The School employs safer recruitment methods to ensure the suitability of all our staff for working with children. Each interview panel contains at least one member who has undertaken safer recruitment training. Safer recruitment training is undertaken regularly by The Chair of Governors, the Headteacher, the Bursar and the HR & Compliance Officer.

Advertisements

Advertisements should state that the School is committed to the protection and safety of its pupils, that staff appointed will be subject to recruitment checks and that all applicants will need to be registered with the DBS. As the School aims to offer career opportunities to its staff, all vacancies will be advertised internally and internal applicants will be subject to the same process as external ones.

Application forms

Application forms should request the following information in full in order for the application to proceed and state that the School may seek additional confirmation of any aspect:

- A full chronological post-secondary school educational history with resulting qualifications obtained
- A full employment history in reverse chronological order with explanations of any gaps
- The names, role/position and contact details of three referees
- A statement confirming the applicant's right to work in this country and details of any required work permits
- Details of notice period with current employer

The application form should be sent as part of an application pack which also contains:

- Information about the School
- A job description
- Guidance for completing the application form with details of whom to contact for help
- Information about the selection process
- The School's Equal Opportunities Policy for Employees
- The School's Safeguarding and Child Protection Policy

The School will only accept applications from candidate completing the relevant application form in full. CVs will not be accepted in substitution for completed application forms.

The School will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary

according to the nature of the post. Candidates for employed posts will receive a job description for the role applied for.

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.

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 will consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Further information can be found in the Appendix hereto. Information should be submitted in confidence enclosing details in a separate sealed envelope addressed to the Headteacher (for teaching staff applicants) or the Bursar (for administrative staff applicants) and marked 'Private – Addressee Only'. If candidates would like to discuss this beforehand, they are asked to telephone the Headteacher or Bursar, as appropriate, in confidence 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 on the DBS website.

The successful applicant will be required to complete a disclosure form from the 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. A list of the relevant offences is set out in Table A to the DfE statutory guidance Disqualification under the Childcare Act 2006 (Annexes August 2018):

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/736758/APPENDICES-Disqualification under the childcare act statguidance 2 .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/736758/APPENDICES-Disqualification_under_the_childcare_act_statguidance_2_.pdf)

The Disqualification under the Childcare Act 2006 (June 2016) applies 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 their suitability to work with children must notify the School immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings they may receive. Staff and/or successful candidates who are disqualified from childcare or registration 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 the Headteacher/Bursar as appropriate 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 pupils 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.

Invitation to interview

The Application Forms will be scrutinised by the Headteacher/Bursar as appropriate and another senior member of staff and applicants short-listed according to the relevance and applicability of their professional attributes and personal qualities to the role. Any gaps in employment history or inconsistencies should be noted to follow up at interview. A maximum of 4 candidates should be short listed. Short-listed applicants will then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail.

The letter inviting candidates to interview should request applicants to attend the School at a particular time and date and inform them about events they will take part in. Typically these will be a tour, a relevant lesson or activity and at least one interview.

Format of interview

Interviews should give all candidates the opportunity to give the best account of themselves whilst enabling the interviewers to seek and obtain information about the candidate. In order to ensure that consistent questions are asked of each candidate, the School's interview proforma template should be used.

All formal interviews will have a panel of at least three people chaired by the Headteacher/Bursar as appropriate or another designated senior member of staff. The School follows recommended best practice that at least one person on the appointment panel will have undertaken Safer Recruitment training. The Chair of Governors should chair the panel for the Bursar's/Headteacher's appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair will decide whether the Chair should withdraw from the panel.

The interview will be conducted in person and the areas which it will explore will include:

- Suitability to work with and attitudes to children
- Examples of appropriate and inappropriate behaviour towards children
- Gaps in CV
- Other questions related to the job description

Responsibility for asking and the order of questions will usually be prearranged, using the School's interview proforma. Candidate responses should be recorded on the interview proforma. Candidates should be encouraged to ask questions.

Document requirements

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:

1. A current driving licence including a photograph or a passport or a full birth certificate
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address
3. Where appropriate any documentation evidencing a change of name
4. 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 be encouraged to inform the School of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

Candidate review meeting

This usually takes place on the day of interview or last day of interview. All data are collected and all those involved in the selection process should be present. The application form, references, feed-back from events on interview day are all discussed for each candidate and used to decide which candidate will be offered the post. Time for deliberation may be needed before a final decision is made.

Conditional offer of appointment: pre-appointment checks

A welcoming congratulatory letter with details of other requirements and of induction procedures follows and two copies of the contract of employment if not already sent.

Letters offering employment should include the title of the job, the salary and salary scale point, and that the offer is made subject to satisfactory completion of recruitment checks.

Unsuccessful candidates are informed by letter and offered polite and constructive feedback on their performance.

Any offer to a successful candidate will be conditional upon:

1. Receipt of at least two satisfactory references (if these have not already been received)
2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK
3. A satisfactory enhanced DBS check and if appropriate, a check of the Barred List maintained by the DBS
4. 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. 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
5. Verification of professional qualifications, where appropriate
6. Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999)
7. 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
8. Satisfactory medical fitness
9. Receipt of a signed Staff Suitability Declaration form showing that the candidate is not disqualified from providing childcare under the Childcare (Disqualification) Regulations 2009
10. Where the successful candidate will be taking part in the management of the School, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Governors, Senior Management Team, Heads of Section and Subject Co-ordinators
11. For a candidate that has lived or worked outside the UK, an EEA check using the Teaching Regulation Agency Teacher Services system for information about any teacher sanction or restriction

Under the Education (Independent Schools Standards) (England) Regulations 2014, schools are required to establish the medical fitness of all staff before they start work. It is the School's practice that a successful candidate must complete a pre-employment health questionnaire after they have accepted a conditional offer of employment at the School. The information contained in the questionnaire will be processed in accordance with data protection law¹ and held by the School in strictest confidence. This information will be reviewed against the job description 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.

¹ General Data Protection Regulation (EU 2016/679), the UK Data Protection Act 2018 and related legislation, The Privacy and Electronic Communications Regulations 2003 and the Protection of Freedoms Act 2012.

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.

References

The School will seek the references referred to above for shortlisted candidates and may approach previous employers for information to verify particular experience or qualifications before interview. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying.

The School will ask all referees if the candidate is suitable to work with children.

Reference requests should stipulate there should be no material misstatement or omission relevant to the suitability of the applicant.

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 must check, record, initial and date that all reasonable steps have been taken to ensure that references are genuine before offers are valid.

Criminal records policy

The School will refer to the DfE document, *Keeping Children Safe in Education* (September 2018), and any amended version, in carrying out the required DBS checks.

The School complies with the provisions of the DBS Code of Practice, a copy of which may be accessed here:

<https://www.gov.uk/government/publications/dbs-code-of-practice>].

The limited circumstances where the School will accept a check from another educational institution are as follows:

Where the new member of staff (N) has worked in:

- (a) A school or a maintained school in England in a position which brought N regularly into contact with children or young persons
- (b) A maintained school in England in a position to which N was appointed on or after May 2006 and which did not bring N regularly into contact with children or young persons
- (c) An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought N regularly into contact with children or young persons,

during a period which ended not more than three months before N's appointment.

In these circumstances the School may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.

DBS update service

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the School to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required.

If disclosure is delayed

A short period of work is allowed under controlled conditions, at the Headteacher's/Bursar's discretion. However, if an 'enhanced disclosure' is delayed, a Headteacher/Bursar may allow the member of staff to start work with additional risk-assessed measures put in place and monitored regularly as in the following list:

- Without confirming the appointment
- After a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily
- Provided that the DBS application has been made in advance
- With appropriate safeguards taken (for example, loose supervision)
- Safeguards reviewed at least every two weeks by the Headteacher/Bursar and member of staff
- The person in question is informed what these safeguards are; and
- It is recommended, but not a requirement, that a note is added to the Single Central Register and evidence kept of the measures put in place

Retention and security of records and data protection obligations

Post-selection, there is a double check that the recruitment checks listed above have been obtained and scrutinised and that records of these checks are kept on the Single Central Register and personnel files. Information is entered on the Single Central Register by the Bursar or the HR & Compliance Officer, as appropriate.

The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and data protection law. Copies of DBS certificates will generally not be retained for longer than 6 months.

The School will comply with its data protection responsibilities in respect of the processing of criminal records information.

Appointment timetable: approximately 6 weeks

Action	Day
Job Description	0
Advert	7
Closing date	21
Short listing date	23
References sent for	32
Interview date	40

Usual aspects of the recruitment process

Processes	Possible personnel
Advertisement	Headteacher/Bursar/SMT/School Secretary
Application Form	School Secretary/HR & Compliance Officer
Request references	School Secretary/HR & Compliance Officer
Short listing	Headteacher and relevant members of staff
Observation of a lesson taught or running of an Early Years activity	Assistant Head/Deputy Heads/Heads of Section/Subject Co-ordinators
Tour of School	Headteacher/Assistant Head
Preliminary Interview	SMT member
Interview with panel of three	Headteacher/Governors
Carry out statutory recruitment checks and update records	Bursar/HR & Compliance Officer

Linked Policies

- Contractor Policy
- Equal Opportunities Policy for Employees
- Prevent Policy
- Privacy Notice
- Safeguarding and Child Protection Policy

APPENDIX

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 them 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 under the Childcare Act 2006 (June 2016).

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
- The School is provided with false information in, or in support of an applicant's application
- 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
- 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 or other driving related offences.