

# Recruitment, Selection and Disclosures Policy and Procedure

**1. General**

The Kingsley School ("the School") is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.

 The School aims to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010. It is the school’s policy to recruit the best person for the job regardless of gender, race, religion/belief, age, sexual orientation or disability.

**2. Scope of this Policy**

 The Recruitment, Selection and Disclosures Policy and Procedure 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.

An entry will be made on the Single Central Register for all current members of staff at the School, the governing body and all individuals who work in \*regulated activity with children including volunteers, supply staff and those employed as third parties.

\*Definitions of regulated activity

1. All regular work for schools with opportunity for contact with children is regulated activity

 All checks will be made in advance of appointment on receipt of a signed contract or as soon as practicable after appointment but before commencing employment.

 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 which includes supply staff, the school must be provided with a copy of the DBS check for such staff.

\*definition from ISI regulations

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure - renewed every 3 years, right to work in the UK, barred list/list 99, prohibition, qualifications, overseas checks plus in line with KCSIE two references, declaration of medical fitness, check of previous employment history. The Single Central Register shows these checks have been made and the School carries out its own identity check and has a copy of the disclosure.

 In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School when children are on the premises.  The School will determine the appropriate level of supervision depending on the circumstances.

**3. Application Form**

All queries on the School's Application Form and recruitment process must be directed to the Head’s PA, in the first instance.

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 but can be sent as supplementary information.

 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 indicating working hours and generally, an indication of salary 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 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 Head. If candidates would like to discuss this beforehand, they are asked to please telephone the Head in confidence to 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 including 'by association' i.e. they live in the same household (or someone is employed in their household) as someone who has unspent cautions or convictions for a relevant offence (please see a list of the relevant offences set out here:

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384712/DBS_referrals_guide_-_relevant_offences_v2.4.pdf>).

The 'by association' requirement also applies if you live in the same household as or someone is employed in your household who has been disqualified from working with children under the Childcare Act 2006.

 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 his/her suitability to work with children must notify The Head of Designated Safeguarding Lead immediately.  This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.  He/she must also notify the school immediately if he/she is living in a household where anyone lives or works who has been disqualified from working with children or from registration for the provision of childcare.

 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 the Designated Safeguarding Leader 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 [more guidance for schools from the DfE on this can be found at:

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf>

 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. (See Appendix 1)

**4. Invitation to Interview**

The School will short list applicants according to the quality of their application and the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend an interview at which his/her relevant skills and experience will be discussed in more detail.

 All formal interviews will have a panel of at least two people chaired by the Head or another designated senior member of staff. It is 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 Senior Finance Manager’s/Head'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 shall 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 children.

 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 inform the School of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

**5. Conditional Offer of Appointment: Pre-Appointment Checks**

 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); one must be from the candidate’s current employer.

 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
* Delivering and preparing lessons to pupils
* Assessing the development, progress and attainment of pupil
* 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 (School Medical Form) – this is included in the offer of employment pack and should be returned to the School Nurse. All reasonable attempts will be made to accommodate the particular needs of any person with a disability at all stages of the recruitment process.

 It is the School's practice that a successful candidate must complete this pre-employment health questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence by the School nurse. 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, 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 unless there is risk to the welfare of the children.

 9. Confirmation from you that you are not disqualified from providing childcare under the Disqualification under the Childcare Act 2006 (June 2016). **OR** Receipt of a signed Staff Suitability Declaration form showing that you are not disqualified from providing childcare under the Disqualification under the Childcare Act 2006 (June 2016).];

 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 Leadership Team and teaching heads of department; and

 11. For a candidate that has lived or worked outside the UK, an EEA check using the NCTL Teacher Services system for information about any teacher sanction or restriction.

**6. References**

 The School will seek the references referred to in section 5 above for shortlisted candidates.

* Unless there are exceptional circumstances, one referee must be the current or last employer.
* If the employer is/was a School, then the referee provided must be the Headteacher.
* Where the applicant is not currently working with children but has done so in the past, the second referee should be the employer by whom s/he was most recently employed in work with children.

If the candidate does not wish the School to take up references in advance of the interview, they should indicate this on the application form to the School at the time of applying.

 The School will ask all referees

* If the candidate is suitable to work with children.
* If they are aware of any behaviours that might give rise to concern, including any disciplinary action.
* If the candidate has been the subject of allegations about their behaviour towards children.
* To confirm that the applicant has not been radicalised so that they do not support terrorism or any form of ‘extremism’.

 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.

**7. Criminal Records Policy**

 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>

 There are limited circumstances where the school will accept a check from another educational institution which are as follows:

 Where the new member of staff ("X") has worked in: -

(a)  A school or a maintained school in England in a position which brought X (the applicant) regularly into contact with children or young persons;

(b)  A maintained school in England in a position to which X was appointed on or after May 2006 and which did not bring X regularly into contact with children or young persons; or

(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 M regularly into contact with children or young persons, during a period which ended not more than three months before X'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 Head's and the DSL’s discretion. However, if an 'enhanced disclosure' is delayed, a Head may allow the member of staff to commence work:

·        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 weekly by the Head/DSL 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.

**8.** **Retention and Security 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.

**Appendix 1**

**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 under the Disqualification under the Childcare Act 2006 (June 2016), whether by association, or otherwise.

 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.

 References

 ISI Commentary on the Regulatory Requirements January 2017

 DfE Statutory Guidance 'Keeping Children Safe in Education', September 2016:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

**Appendix 2**

**The Kingsley School Recruitment procedures**

External vacancies - advert placed making aware of policy on safer recruitment.

Internal vacancies – announced in staff briefing and via internal email.

Teaching vacancies – TES, GSA and IAPS (if appropriate), school website and press, if appropriate.

Support vacancies – Indeed, local papers, TES if appropriate, school website, Facebook, Twitter

Replies to [recruitment@kingsleyschool.co.uk](mailto:recruitment@kingsleyschool.co.uk)

Applications received are acknowledged by Head’s PA who sends out candidate information packs and job descriptions.

Application forms recorded by the Head’s PA upon receipt – to the Head or relevant member of SLT.

Employment history on the application form checked by Head/Head’s PA signed and dated.

Long list, where appropriate, or, short list drawn up by Head and/or members of SLT and HoD if relevant.

Letters inviting applicants to attend for interview sent (asked to bring ID documents, qualifications, name changes and details of any teaching required).

Two references obtained (if permission has been given). Head reads and signs. The School will seek references 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 on the application form.**

The School will ask all referees 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.

All applicants will be assessed fairly and equally. A structured consistent selection process, using clear criteria will be used and the same amount of preparation time will be allowed for each candidate. The same questions will be asked of each candidate with the exception of person/experience specific questioning arising from the candidate’s application form.

**Possible interview day (may vary according to the role):**

* Documents checked by Head’s PA.
* Candidates greeted and may be informed by the Head that maybe not all will be taken to the formal interview stage.
* Teaching (25 mins) (if appropriate) – observed by the Head plus another, usually HoD or Assistant Head Academic
* Tour
* Written task (25 mins)
* Formal interview with Head or Deputy Head/Head of Prep plus one more (SLT safeguarding questions) – in the case of senior appointments a governor is on the interview panel
* Coffee with appropriate colleagues
* Lunch

Staff appointment form for each candidate at interview stage – Head comments on applicant, whether offered the post, salary details plus any other information to be included in their contract / offer letter

Rejection: candidates contacted and offered feedback – documentation destroyed or kept on file, if agreed.

**Offer pack contains:**

Offer letter with details of salary and conditional upon the following:

* Verification of your medical fitness for the role
* The receipt of an Enhanced Disclosure from the Disclosure & Barring Service which the School considers to be satisfactory
* Completion of the Disqualification Declaration Form by Association
* The receipt of two references (one of which must be from your most recent employer and/or your most recently employer for whom you worked with children) which the School considers satisfactory
* Job description.
* Contract – requires signature and return to Senior Finance Manager.
* Employee Handbook.
* KCSIE 2016 and form to confirm reading and receipt (envelope FAO Head of Finance)
* Internal promotions are confirmed in writing.

**SCR:**

* As soon as possible applicant brings in original documents and completes both parts of DBS online with Head’s PA

**Recorded on SCR:**

* DBS number (date applied, date received, ID documents seen and recorded).
* Academic qualifications (date seen).
* Health Check (date requested, date seen – this form is kept with the school nurse)
* Disqualification Declaration Form – returned to Head or Deputy Head Pastoral for signature – kept in sealed envelope in their personnel file (date requested, date seen entered on SCR).
* References – (two obtained preferably before interview or if not available before employment is commenced) recorded date requested, date seen.
* Prohibition from Teaching – check taken by DfE Secure Access and recorded on SCR before commencement of role – printout obtained and in file.
* Prohibition from Management – for governors, management roles in school including HoD – can be requested when obtaining DBS (independent school) or through DfE Secure Access – you can only see who is on the list; there is no individual printout for this.
* Right to work in UK.
* KCSIE (not required on SCR but entered on for School record)
* SCR completed electronically through SIMS, printed and kept in locked filing cabinet in Head’s PA’s office.

Personnel file made and when completed kept in Head’s office, whilst waiting for completion of paperwork kept in locked filing cabinet in Head’s PA’s office.

Staff email and staff name badge ordered.

Add name to staff lists (parents’ handbook, website, line management structure, fire safety groups).

Induction process arranged by DSL/Deputy Head (Pastoral)

Reviewed by Head, Head’s PA and DSL May 2017