



## Recruitment, Selection & Disclosures Policy

### General

Cheam 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.

All queries on the School's Application Form and recruitment process must be directed to the Director of Finance and Operations who will liaise with the Head of Compliance and HR.

An entry will be made on 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.

The Board of Governors govern the running of the School and are registered with the DfE and responsible for the management of the School.

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

### Scope of this Policy

This Recruitment, Selection and Disclosures Policy and Procedure refers and applies to staff directly recruited and employed by the School.

In the Education (Independent Schools Standards) (England) Regulations 2020, 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 which includes supply staff, the school must be provided with a copy of the DBS check.

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, prohibition, qualifications, and 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 (whether or not it discloses any information).

Certain individuals are automatically disqualified from acting in senior management positions within a charity. Whether an individual falls into the category of a senior management position is judged using the following criteria:

- A person who is accountable only to the governors, and who carries overall responsibility for the day-to-day management and control of the charity. At Cheam this would be the Headmaster.
- A person who is accountable only to the Head or the governors, and who is responsible for the overall management and control of the charity's finances. At Cheam this would be the Director of Finance and Operations.

Being disqualified means that a person can't take on, or stay in, a senior manager position – even on an interim basis, unless the Charity Commission has removed (or 'waived') the disqualification

In respect of contractors, 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 TUPE transfer into the School's staff, will be required to undertake the statutory requirements with regard to safer recruitment checks.

If staff are transferred under TUPE (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.

## **Application Form**

The School will only accept applications from candidates completing the School's 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/Person Specification 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 or Director of Finance and Operations. If candidates would like to discuss this beforehand, they are asked to please telephone in confidence to the Head or Director of Finance and Operations 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 current staff who are disqualified from childcare or registration.

The Disqualification under the Childcare Act 2006 (July 2018) 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 School immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.

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.

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. A candidate should discuss with the Director of Finance and Operations for more detail.

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.

## Invitation to Interview

The School will short list applicants 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.

From September 2022 digital screening is expected as part of the shortlisting process to check an applicant's online presence. Any concerns highlighted can then be questioned at interview stage.

All formal interviews will have a panel of at least two people, although more usually three people, chaired by the Head, Deputy head, Director of Finance and Operations 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 Director of Finance and Operation's and the 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 requires that all candidates invited to interview also bring with them:

1. A current driving licence including a photograph or a passport and 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 the country proof of entitlement to work and reside in the UK.

**Note: 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.

## 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);
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 or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012. 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. Where appropriate verification of professional qualifications including Qualified Teacher Status, where appropriate;
6. Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999) where appropriate;
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; For an EEA teaching candidate: This shall include the candidate providing the School with proof of his/her past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which s/he has worked;
8. Satisfactory medical fitness through completion of medical questionnaire;
9. Confirmation from the candidate that they are not disqualified from providing childcare under the Disqualification under the Childcare Act 2006 (July 2018). OR Receipt of a signed Staff Suitability Declaration form showing that they are not disqualified from providing childcare under the Disqualification under the Childcare Act 2006 (July 2018);
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 and teaching heads of department;
11. For a candidate that has lived or worked outside the UK, an EEA check using the TRA system for information about any teacher sanction or restriction.

Whilst KCSIE does not require schools to undertake enhanced DBS checks on volunteers who are not in regulated activity, it is the Safer Recruitment Consortium's view that these should be undertaken if the volunteer will be coming into School regularly and having contact with children. This is because the School may not be aware that a volunteer that is not engaging in regulated activity is barred from that work, but in most cases an enhanced DBS certificate without barred list check will reveal the offence or behaviour that led to the bar.

It is the School's practice that a successful candidate must complete a pre-employment medical 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/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.

## **References**

The School will seek references for shortlisted candidates (including internal candidates) and may approach previous employers for information to verify particular experience or qualifications, before interview. If a candidate has worked with children previously, one of the references should be from that employer even if it is not the most recent employer. References should also be taken for volunteers.

References should be available prior to an interview, however 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.

Referees will be sent details of the role being applied for and asked if the candidate meets the requirements for the role. The School will ask all referees if the candidate is suitable to work with children and whether any allegations have been made. If the reference comes from a large HR department, the School will ask for a reference from a direct manager/supervisor. If the reference is electronic, the School will verify it is from a legitimate source and the referee will be contacted if the answers on the form are vague.

The School will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies and gaps will be discussed with the candidate.

## **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.

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 has worked in: -

- (a) A school or a maintained school in England in a position which brought him/her regularly into contact with children or young persons during a period which ended not more than three months before his/her appointment;
- (b) A maintained school in England in a position to which he/she was appointed on or after May 2006 and which did not bring him/her regularly into contact with children or young persons during a period which ended not more than three months before his/her appointment; 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 him/her regularly into contact with children or young persons during a period which ended not more than three months before his/her 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 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, to be supervised);
- Safeguards reviewed at least every two weeks by the Head/Director of Finance and Operations 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**

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 GDPR. Copies of DBS certificates will not be retained for longer than 6 months.

The School will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Data Protection Policy and Privacy Notice.

### **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 (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 when the School receives an application from a disqualified person;

- who provides false information in, or in support of their 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;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- 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 driving whilst drunk.



Policy Owners

Staff: Head of Compliance and HR

Latest Reviews

Staff Policy Owner: September 2022

Compliance: May 2023

Next review: September 2025