



## **SAFER RECRUITMENT & SELECTION POLICY**

**Reviewed Nov 2022 – Next Review Nov 23**

### **1 Introduction**

This policy applies to the entire setting including the Early Years Foundation Stage (EYFS) and after-school and holiday clubs.

Copies of this policy are available for viewing and/or downloading on the school's website.

### **2 Aims**

To set out the policies in force at the school in order to safeguard children through safer recruitment of staff and volunteers.

Recruiting people who are wrong for the school can lead to increased staff turnover, increased costs and lowering of morale in the existing workforce. Such people are likely to be discontented, unlikely to give of their best, and end up leaving voluntarily or involuntarily when their unsuitability becomes evident. They will not offer the flexibility and commitment that the school requires and seeks.

Adherence to this policy will ensure that the school recruits and selects the best applicants for employment who are engaged and are committed to the education and welfare of the children and are sympathetic to and believe in the values and ethos of the school.

St Edward's Prep aims to ensure both safe and fair recruitment and selection is conducted at all times. Safeguarding and promoting the welfare of children and young people and creating a safe environment for them are integral factors in recruitment and selection.

The school aims:

- 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 regulation and guidance including that set out by the Department for Education statutory guidance "*Keeping Children Safe in Education*" (September 2020) and the code of practice published by the Disclosure and Barring Service (DBS);
- to ensure that the school meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

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.

### **3 Scope of this Policy**

This policy refers and applies to staff directly recruited and employed by the School. In the Education (Independent Schools Standards) (England) Regulations 2010, 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.

The school recognises its commitments under:

- The Independent School Standard Regulations
- The Safeguarding Vulnerable Groups Act (2006) as amended by the Protection of Freedoms Act (2012)
- Working Together to Safeguard Children (2018 (WTSC))
- Keeping Children Safe in Education (September 2022 (KCSIE)) and will comply with these regulations and statutory guidance
- The Prevent Order 2015
- Prohibition from management of independent schools: checking for directions 2015

#### **4 Legal Responsibilities and Equal Opportunities**

The school and its representatives have a legal responsibility to ensure that no unlawful discrimination occurs in the recruitment and selection process on the grounds of sex, race, disability, age, sexual orientation, pregnancy, maternity, marriage and civil partnership, gender reassignment and religion or belief.

This policy is aimed at ensuring that the experience for all candidates is fair, non-discriminatory and that the chosen candidate is recruited on merit, ability and suitability for the post.

Selection decisions will be made in accordance with equality principles and the school will comply at all stages of the recruitment experience with its responsibilities under:

- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Employment Equality Regulations (covering sexual orientation, religion or belief and age)
- The Equality Act 2010 including the school's responsibility for making reasonable adjustments for a successful candidate with a disability to take up their appointment.

This policy will be reviewed every two years and when required and updated to adhere to appropriate legislative changes and statutory requirements regarding recruiting and safer recruitment.

#### **5 Recruitment Personnel**

The school recognises that its staff are its single most important resource. Therefore, recruitment and selection of all levels of staff are activities of major importance. Recruitment is not an isolated task but rather the beginning of the employment relationship.

All staff involved in any level of recruitment or any stage of the process should ensure that:

- They act in accordance with the school's Safer Recruitment and Selection Policy.
- All appointments are made on merit, against objective criteria, which are applied consistently across all candidates.
- Confidentiality is maintained at all times regarding the candidates' details.
- The school attracts and retains a high calibre of staff.
- The highest quality of teaching and support is provided to all children and young people.
- A favourable and positive image of the school is promoted through its Safer Recruitment and Selection activities.

The school prioritises the safeguarding and promotion of the welfare of children and young people. We expect all staff to share this commitment and to undergo appropriate checks. This commitment is embedded in all our procedures and pre-employment checks.

At least one person who is responsible for interviewing candidates must have completed Safer Recruitment training. In addition, the person responsible for the school's recruitment processes must have completed this training.

The Head has the final say on all appointments, except those specifically identified by the Wishford Board. The Head may delegate responsibility for finding the right candidate, however, they will normally meet the candidates when they attend for interview.

## 6 The Recruitment Process

**Decision to Recruit:** The school decides a new member of staff is required. Consideration is given to the Safer Recruitment Checklist.

**Advertising the role:** All posts will be appropriately advertised, including reference to the fact that the school is committed to equal opportunities, and a reference to safeguarding and promoting the welfare of children and young people as well as the requirement for the completion of an enhanced Disclosure & Barring Service (DBS) check.

**Application Pack:** On application, all candidates will receive an information pack consisting of an application form, job description and person specification. The school shall make available to candidates the school's safeguarding policy and this recruitment policy via the school's website.

The school will consider both internal and external candidates for advertised roles and applicants will be treated fairly and equally throughout the recruitment stages in accordance with the principles of this policy.

## 7 Application Process

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.

The school will make candidates aware that all posts 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 and Person Specification for the role applied for. Shortlisted candidates will be expected to complete a disclosure form as this is not part of the application form.

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 Business Manager. If shortlisted candidates would like to discuss this beforehand, they are asked to please telephone in confidence to the Head or Business Manager 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 considered. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

All shortlisted applicants will be required to complete a separate Disclosure Form sent by the school in advance of interview. Additionally, successful applicants should be aware that they are required to notify the school immediately if there are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/741597/APPENDICES-Disqualification\\_under\\_the\\_childcare\\_act\\_statguidance\\_4.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741597/APPENDICES-Disqualification_under_the_childcare_act_statguidance_4.pdf)

Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 apply 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 eight 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, 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 Business Manager 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.

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.

## **8 Invitation to Interview**

The School will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Shortlisted applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail. Candidates may only attend interview if the disclosure form has been completed and seen by the school

All formal interviews will have a panel of at least two people chaired by the Headteacher or Business Manager as appropriate. At least one person on the appointment panel will have undertaken safer recruitment training. 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.

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. Candidates must also bring proof of any qualification they have mentioned on the application form whether or not it is required for the job.

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. Proof of entitlement to work and reside in the UK<sup>1</sup>.
5. Proof of all qualifications mentioned on the application form.

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.

## **9 Conditional Offer of Appointment: Pre-Appointment Checks**

Any offer to a successful candidate will be conditional upon:

<sup>1</sup> From 1 July 2021, EU, EEA and Swiss candidates will need to demonstrate that they have the right to work in the UK through the EU Settlement Scheme (EUSS).

1. Receipt of at least two satisfactory references (if these have not already been received). Any electronic references received will be checked to ensure they are from a legitimate source. References will be scrutinised to resolve any concerns before confirming appointments.
2. Any internal candidates for a post within the school will provide references prior to interview (i.e in line with external candidates) and they will be from a senior person with appropriate responsibility and authority.
3. Verification of identity and qualifications including, where appropriate, [evidence of the right to work in the UK](#). Schools will: keep appropriate proof of right to work from the outset, keep track of when repeat checks are required (if necessary), be aware that an employee's immigration status might change over time and additional or alternative documents may be required. From 1 July 2021, EU, EEA and Swiss candidates will need to demonstrate that they have the right to work in the UK through the EU Settlement Scheme (EUSS).
4. A satisfactory enhanced DBS check and, if appropriate, a check of the Barred List maintained by the DBS.
5. For a candidate to be employed as a teacher, a check that the candidate is not subject to a prohibition order by EEA Member States although it should be noted that after 31 December 2020, the Teaching Regulation Agency (TRA) will no longer automatically receive or maintain details of those teachers who have been sanctioned in EEA Member States. Therefore, staff responsible for recruitment will need to do these checks in other ways. If recruiting staff from the EEA to start after 1 Jan 2021, schools cannot use the EEA Overseas Check, and will need to do individual Overseas Checks as they have been doing for non-EEA staff. Additional guidance about this matter can be found [here](#).
6. For a candidate to be employed as a teacher, a check 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;
7. Verification of professional qualifications, where appropriate.
8. Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999).
9. 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.
10. Satisfactory medical fitness, i.e. verifying a candidate's mental and physical fitness to carry out the professional responsibilities required of the advertised role.
11. For contact with pupils under the age of eight, receipt of a signed Staff Suitability Declaration form showing that the candidate is not disqualified from providing childcare under the Childcare (Disqualification) Regulations 2009. This cannot be part of the Application Form. (KCSIE 2022)
12. 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 Directors, Senior Management Team and teaching Heads of Department. This applies to any internal appointments.

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, layout of the school.

Shortlisted candidates should note that it is the school's practice under KCSIE 2022 requirements to carry out an online search.

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.

## 10 References

The school will seek the references referred to in section 9 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.

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.

## **11 Criminal Records Policy**

The school will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education 2020' with effect from September 2020, 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 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 ("M") has worked in:

- a. A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- b. A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M 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 M'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.

### If disclosure is delayed

A short period of work is allowed under controlled conditions, at the Headteacher's discretion. However, if an 'enhanced disclosure' is delayed, a Headteacher 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) in all cases with a written risk assessment in place;
- Safeguards reviewed at least every two weeks;
- The person in question is informed what these safeguards are;
- A note should be added to the single central register and evidence kept of the measures put in place.

## **12 Safe to Start Form**

Prior to the new employee starting work, the Head and Business Manager will complete the 'Safe to Start' form (Appendix 1) to verify that all appropriate checks have been satisfactorily completed. This is required for all new members of the school's staff.

## **13 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 six months (although the top part can be retained for reference).

## **14 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 Childcare (Disqualification) Regulations 2009.

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.

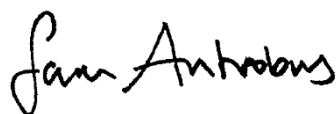
If the post involves some driving responsibilities, it is the school's normal policy to consider it a high risk to employ anyone who has been convicted of drink-driving or other serious driving offences.

## **15 Agency and Third-Party Staff, Contractors, Trainee/Student Teachers and Volunteers**

A short guide to the recruitment and employment of people in these categories is included at Appendix 2 to this policy.

## **16 Approval & Review**

This policy was approved by the Proprietor. It will be reviewed every two years or as necessary following a change in regulation.



Signed: Sam Antrobus

Executive Chairman

**APPENDIX 1: SAFE TO START FORM**

NAME OF NEW EMPLOYEE: \_\_\_\_\_ START DATE: \_\_\_\_\_

	Date	Initials
<b>Part A: Application Stage</b>		
Application received and complete including any disclosures		
Employment history checked (any gaps noted and written on application form)		
Provided job description and person specification		
<b>Part B: Recruitment Stage</b>		
Date of shortlisting meeting		
References requested prior to interview		
Online search done for a shortlisted candidate	Date	Sites searched
First reference received and accepted		
Follow up verbal reference/confirmation obtained (if required)		
Second reference received and accepted		
Follow up verbal reference/confirmation obtained (if required)		
Identity checked at interview (or at the time of the first visit)		
Right to work		
Proof of address		
Relevant qualifications checked and copied (confirm all qualifications on app form)		
Self-disclosure form received and stored confidentially prior to interview <sup>2</sup>		
<b>Part C: Pre-Appointment Check Stage</b>		
Conditional offer of employment sent		
Barred List check completed (confirm the latest date prior to employment)		
Prohibition Order from Teaching completed if required		
S128 Management Check completed if required		
DBS ID checked and application completed		
Original DBS certificate seen		
DBS reference number received and original seen		
Additional overseas checks completed if required		
Alternative EEA restriction check if required		
Staff Suitability Declaration		
Signed medical statement received		
Risk assessment completed if required (made person specific and not a generic one)		
Signed contract received		
Single Central Register completed		
Payroll forms received and passed on		
<b>Part D: Induction Stage</b>		
Induction forms completed		



	Date	Initials
Safeguarding induction completed		
<b>Head's Approval</b> <b>Date:</b>	<b>SBM or HR Lead</b> <b>Date:</b>	

## **APPENDIX 2: UTILISATION OF AGENCY AND THIRD-PARTY STAFF, CONTRACTORS, TRAINEE/STUDENT TEACHERS AND VOLUNTEERS**

### **Agency and third-party staff**

Schools will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. They will also check that the person presenting themselves for work is the same person on whom the checks have been made.

### **Contractors**

Schools will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children

Schools will obtain the DBS check for self-employed contractors but will not keep copies of such checks for longer than 6 months. Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances. Schools will check the identity of all contractors and their staff on arrival at the school. For self-employed contractors such as music teachers or sports coaches, schools with pupils aged under 8 must also ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. When a school decides that a candidate falls outside of the scope of these regulations and does not carry out such checks, they will retain a record of the assessment. This will include an evaluation of any risks and control measures put in place, and any advice sought.

### **Trainee/student teachers**

Where applicants for initial teacher training are paid by the school, we will ensure that all necessary checks are carried out. Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. Schools with pupils aged under 8 must also include checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

### **Volunteers**

Schools must:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment

Schools with pupils aged under 8 must also:

- Ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where they decide that a candidate falls outside of the scope of these regulations and do not carry out such checks, they will retain a record of our assessment. This will include an evaluation of any risks and control measures put in place, and any advice sought