



## **Safer Recruitment Policy**

### **Recruitment, Selection and Disclosures Policy and Procedure**

#### **1. General**

St Helen and St Katharine ("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 Human Resources Department.

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 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.

#### **2. Scope of this Policy**

This Policy herewith refers and applies to staff directly recruited and employed by the School. In the Education (Independent Schools Standards - ISI) (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 should set out their safeguarding requirements in the contract between the organisation and the School and must 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.

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure – renewed every three years, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus in line with Keeping Children Safe in Education (KCSIE), two references, declaration of medical fitness and 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 seen 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 St Helen and St Katharine this would be the Head.
- 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 St Helen and St Katharine this would be the Director of Finance and Operations.

Being disqualified means that a person cannot 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 circumstance be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

The same vetting checks that apply to staff will apply to volunteers in regulated activity (with some exceptions). Where volunteers are not in regulated activity, as they are supervised by a member of School staff, the School will risk assess and make any appropriate checks which may include an Enhanced DBS check (excluding Barred List).

The School will check the suitability of all visiting speakers with due regard to its Prevent duty. These records will be monitored by the School's Designated Safeguarding Lead.

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.

### **3. Advertising**

**The job description and person specification for the job role should include the following information;**

- the skills, abilities, experience, attitude, and behaviours required for the post, and
- the safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children. In summary, a person will be engaging in regulated activity with children if, as a result of their work, they:
  - will be responsible, on a regular basis at the school, for teaching, training instructing, caring for or supervising children
  - will be working on a regular basis at the school, where the work gives opportunity for contact with children,

**The advert should include:**

- the school's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken
- the safeguarding responsibilities of the post as per the job description and personal specification, and
- whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974. The amendments to the ROA 1974 (Exceptions Order 1975, (amended 2013 and 2020)) provide that when applying for certain jobs and activities, certain spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

#### 4. Application Form

All applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of a completed application form.

The School includes date of birth on the application form for the express purpose of performing due diligence checks on a candidate's education and work career, to enable identification of any gaps that may be present so these can be discussed with the candidate.

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 and Person Specification for the role applied for. The School's Child Protection Policy is available to download from the website and can be printed and forwarded to applicants on request.

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.

The successful applicant will be required to complete a Disclosure application with the Disclosure and Barring Service ("DBS") for the position, and where appropriate, a check of the Barred List will be undertaken. Any offer of employment will be conditional on obtaining such satisfactory checks. 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 staff who are disqualified from childcare or registration.

The statutory guidance "Disqualification under the Childcare Act 2006" applied 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 or Director of Finance and Operations 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 a waiver is confirmed.

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

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

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

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

## **5. Invitation to Interview**

The School will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. At least two people will carry out the shortlisting exercise, consider any inconsistencies, look for gaps in employment and reasons given for them, and, explore all potential concerns. 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.

Shortlisted candidates should be asked to complete a self-declaration form in relation to their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. Applicants will be asked to sign a declaration confirming that the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview.

In addition, as part of the shortlisting process the School will carry out an on-line search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that the School may wish to explore with the applicant at interview.

The School will always endeavour to obtain references prior to interview. This allows any concerns raised to be explored further with the referee and can be taken up with the shortlisted candidate at interview.

All formal interviews will have a panel of at least two people chaired by the Head, the Director of Finance and Operations or another designated senior member of staff. It is recommended that at least one person who has been involved in the shortlisting process is also on the interview panel. It is 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 Head and Director of Finance and Operations' appointments. 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 including where appropriate, any discussion of information shared by a candidate in their self-declaration form. Candidates for teaching posts will be required to teach an observed lesson.

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 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 applicable, proof of entitlement to work and reside in the UK.
5. From 6 April 2022 holders of biometric cards will only be able to demonstrate their right to work in the UK using the Home Office online service.

**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.

## **6. Conditional Offer of Appointment: Pre-Appointment Checks**

Any offer to a successful candidate will be conditional upon:

1. The agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment;
2. Receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory
3. Verification of identity and qualifications, where appropriate, including, evidence of the right to work in the UK (if not already received). From 6 April 2022 holders of biometric cards will only be able to demonstrate their right to work in the UK using the Home Office online service. Evidence of identity should include the candidate's birth certificate;
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 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;
6. Verification of professional qualifications, including Qualified Teacher Status (QTS), where appropriate;
7. Verification of successful completion of statutory induction periods (for teaching posts – applies to those who obtained QTS after 7 May 1999);
8. **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. 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;
9. Evidence of satisfactory medical fitness;
10. For a candidate to be employed into a senior management position as set out above under "Scope of this Policy", receipt of a signed "senior charity manager positions: automatic disqualification declaration" confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities;
11. 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.

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 and processed in accordance with the Staff Privacy Notice and Data Protection policy. 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.

## **7. References**

The School will seek the references referred to in section 5 above for shortlisted candidates (including internal applicants) and may approach previous employers for information to verify particular experience or qualifications, before interview. One of the references must be from the applicant's current or most recent employer. References must be received by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations). 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 only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials. The School will verify all references. Where references are received electronically, the School will ensure they originate from a legitimate source.

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.

## **8. Disclosure and Barring 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 ("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.

In addition, before the School uses the Update Service, they will:

- check that the certificate matches the individual's identity;
- examine the original certificate to ensure that it is for the appropriate workforce and level of check, e.g., enhanced certificate/enhanced including barring information for the children's workforce.

If the DBS Update Service check indicates that there has been a change then a new disclosure certificate will be sought. If the original check did not include barring information for the children's workforce, a separate barred list check will be obtained.

### **If disclosure is delayed**

A short period of work is allowed under controlled conditions, at the Head or Director of Finance and Operations' discretion. However, if an 'enhanced disclosure' is delayed, the Head or Director of Finance and Operations 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 every two weeks by the Head or 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.

## **9. Retention, Security of Records and Data Protection Obligations**

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. 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 Staff Privacy Notice and the Data Protection policy.

## **Appendix**

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

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

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules, please see below:

#### **DBS filtering rules**

Since 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

#### **For those aged 18 or over at the time of an offence**

An adult conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

1. (a) eleven years have elapsed since the date of conviction;
2. (b) it is the person's only offence; and
3. (c) it did not result in a custodial sentence.

It will not be removed under any circumstances if it appears on a list of "**specified offences**" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over for an offence committed in the United Kingdom will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

#### **For those aged under 18 at the time of an offence**

A conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

1. (a) five and a half years have elapsed since the date of conviction;
2. (b) it is the person's only offence; and
3. (c) it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record.

A caution received when a person was aged under 18 for an offence committed in the United Kingdom will not be disclosed if two years have elapsed since the date it was issued and if it does not appear on the list of "specified offences".



## The list of "specified offences" which must always be disclosed

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>.

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.

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after the employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

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 statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)".

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

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

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- 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 drink driving.

### **Assessment procedure**

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 carry out a risk assessment by reference to the criteria set out above. The risk assessment form must be signed by the Head and the Director of Finance and Operations before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

### **Referrals to the DBS and Teaching Regulation Agency**

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the School also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the School despite being barred from working with children; or
- has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the Teaching Regulation Agency.