



Recruitment, Selection and Disclosures Policy

Introduction

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 recognises that in order to achieve this aim it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The aims of the School's Recruitment, Selection and Disclosures Policy is as follows:-

- 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 equally and consistently;
- to ensure that no job applicant is treated unfairly because of any protected characteristics under the Equality Act 2010, a full list of which are available here: <https://www.gov.uk/discrimination-your-rights>
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSIE), Disqualification Under the Childcare Act and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- 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 and by conducting the recruitment process in a way which prevents as far as possible the recruitment of individuals who are unsuitable to work with children.

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

Scope of this Policy

The Recruitment, Selection and Disclosures Policy outlines the procedures to be followed when recruiting staff on a Contract of Employment or a Contract for Services or when recruiting agency staff or receiving staff under TUPE regulations. The Recruitment of Governors is outlined in a separate policy.

Application Stage

The School will only accept applications from candidates completing the School's Application Form in full. CVs will not be accepted in substitution for completed application forms.

Candidates for employed posts will receive a Job Description, Person Specification and/or Candidate Pack for the role applied for.

Checks will be made during the application stage 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 School will make candidates aware on the Application Form 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. Given that all the School's positions involve 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 bar 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 on convictions should be submitted in confidence with details being provided either on the Application Form or in a sealed envelope which will be seen and then destroyed by the Heads or Director of Finance and Operations.

The amendments to the Exceptions Order 1975 (2013) provides that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account during the selection stage. Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website.

All candidates are made aware that provision of false information or failure to disclose a conviction is an offence and could result in the application being rejected or the candidate being dismissed by the School if they have been appointed, and a possible referral to the police and/or DBS.

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

Disqualification from Childcare

The School takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect their suitability to work with children must notify the School immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings they may receive. Applicants who are successful in being offered a role, and all current staff, are made aware that they are required to notify the school immediately if there are any reasons why they should not be working with children or if they are disqualified from providing childcare.

The Disqualification under the Childcare Act 2006 (July 2018) applies to those providing 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.

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;

- who provides false information during the application process; or
- who the School has serious concerns about, in relation to their suitability to work with children.

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 concerns with the Director of Finance and Operations for more detail.

Disqualification from Senior Management Positions in a Charity

Certain individuals are automatically disqualified from acting as a charity trustee or holding a senior management position within a charity. 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.

Senior Manager positions are 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 ***Heads***.
- A person who is accountable only to the Heads 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***.

Anyone applying for either a role as the Head or the Director of Finance and Operations will be checked by the Governors to ensure that they are not disqualified from acting in a senior management position within a charity. The checks carried out for Governors are covered in the Schools Recruitment of Governors Policy.

Invitation to Interview

The School will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. During the shortlisting process the School may carry out an online search as part of the due diligence on the shortlisted candidates to identify any incidents or issues which are publicly available online and which the School might want to explore with the applicant at interview.

Short-listed applicants will then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail. Candidates will also be asked questions relating to child protection at interview to ascertain the level of their knowledge and the suitability of their answers. It is recognised that not all candidates will have child protection experience within schools. In such cases, questions will be adapted to test applicants’ responses to hypothetical safeguarding scenarios.

All formal interviews will have a panel of at least two people, although for teaching appointments this is more usually three people. At least one member of the Schools Senior Leadership Team or their deputy will be involved in every interview. For teaching positions the Head will interview all candidates. 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 roles of Director of Finance and Operations and the Head(s).

In all cases, 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 as to whether or not an interviewer should withdraw from the panel.

All candidates invited to interview are asked to bring documents confirming any educational and professional qualifications which 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 bring with them:-

1. A current driving licence including a photograph and 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 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.

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 a check of the Barred List maintained by the DBS;
4. For a candidate to be employed as a Teacher, a check that the candidate is not subject to a prohibition order, prohibiting them from teaching, 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. 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 a teaching candidate from an EEA country, the same checks should be undertaken. This may include the candidate providing the School with proof of their past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which they worked;
8. Satisfactory medical fitness through completion of a medical declaration;
9. Where the candidate will work with children who have not attained the age of 8 or where the candidate will be directly involved in the management of that age of child, confirmation is sought via the completion of a Staff Suitability Declaration Form 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 Section 128 check will be carried out. The check refers to the Education and Skills Act 2008 Section 128 in which the Secretary of State for Education is able to prohibit an individual from taking part in the management of an Independent School. This check is carried out for all Governors, the Senior Leadership Team and teaching Heads of Department;

Whilst KCSIE does not require schools to undertake enhanced DBS checks on volunteers who are not in regulated activity, (as outlined in point 3 above), 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, although 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 all successful candidates must complete a pre-employment medical declaration stating they are fit to undertake the role, as outlined in point 8 above. The information provided 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 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 to obtain factual information to support appointment decisions.

References should be requested and available prior to an interview wherever possible. If a candidate does not wish the School to take up references in advance of the interview they will notify the School at the time of applying, on the Application Form.

Referees will be sent details of the role being applied for and asked questions on the following areas:-

- How long the candidate has been known and in what capacity;
- Employment details including role, salary, reason for leaving;
- Suitability for the post and whether the candidate meets the requirements of the role;
- Suitability to work with children;
- Any disciplinary sanctions.

If a personal reference is being sought, information is requested on the character of the candidate and whether there are any reasons why the referee feels the candidate should not be employed to work with children.

If a reference is received by the School from a large HR department, the School will ask for a reference from a direct manager/supervisor.

If a reference is provided electronically, as is usual, the School will verify it is from a legitimate source i.e. from a school or relevant email address and from the person from whom the reference was requested. This may involve the School calling the referee directly to verify the source and content.

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.

The School may also, if it is felt necessary, as part of the referencing process, approach previous employers for information to verify particular experience or qualifications.

At least two satisfactory references are required before a successful candidate may commence employment with the School. The requirement for references applies to all staff, including those who are being employed on a temporary basis or a contract for services. References may also be taken for volunteers.

Criminal Records and DBS Checks

The School will refer to the Department for Education ('DfE') document, 'Keeping Children Safe in Education' (KCSIE) 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. A check from another educational establishment will be accepted where the new member of staff has worked in: -

- (a) A school or a maintained school in England in a position which brought them regularly into contact with children or young persons during a period which ended not more than three months before their appointment;
- (b) A maintained school in England in a position to which they were appointed on or after May 2006 and which did not bring them regularly into contact with children or young persons during a period which ended not more than three months before their 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 them regularly into contact with children or young persons during a period which ended not more than three months before their 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

If a DBS certificate is delayed then the Heads may allow the member of staff to commence work under the following circumstances:-

- 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 an appropriate risk assessment having been completed and safeguards put in place (for example to be supervised);
- Safeguards reviewed at least every two weeks by the Heads/Director of Finance and Operations and the 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.

Agency and TUPE Staff

In the case of agency or supply workers, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate recruitment checks. The school conducts identity checks

on agency and supply workers on arrival in school and must view the original DBS and make a note of the number.

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 will be updated to show these checks have been made and that the School carried out its own identity check and has made a note of the DBS certificate number (whether or not it discloses any information).

Any staff who transfer into the School under TUPE regulations will be required to undergo the statutory requirements with regard to safer recruitment checks as for all other staff on a contract of employment.

If staff are TUPE transferred out of the School, information will be passed to the new employer and a note made on the Single Central Register that details have been passed over and accepted under TUPE.

Record Keeping

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 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.

Recruitment of Ex-Offenders

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

All candidates should be aware that provision of false information is an offence and could result in the application being rejected. If a member of staff has already been appointed and it is found that false information was provided at the time of recruitment they may be subject to immediate dismissal and possible referral to the police and/or DBS.

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 is also 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 is disqualified from providing childcare under the Disqualification under the Childcare Act 2006 (July 2018).

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 of 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.

This policy is reviewed and updated at least every two years or when changes are made to KCSIE which relate to the recruitment of staff.

Policy Owners

Staff: Head of Compliance and HR
Governors: Finance and Operations Sub-Committee

Latest Reviews

Staff Policy Owners: May 2024
Compliance: May 2024
Board of Governors: June 2024