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Responsibility: Principal/Bursar/Head of HR

DAME ALLAN'S SCHOOLS

RECRUITMENT & SELECTION POLICY AND DISCLOSURE PROCEDURE

This policy should be read in conjunction with the following documents:

- Equal Opportunities Policy
- Policy on Recruitment of Governors and Trustees
- Policy on Recruitment of Ex-Offenders
- Induction Policy
- Data Protection Policy
- Retention of Records Policy
- Staff and Supplier Privacy Notices
- Recruitment Privacy Notice
- Child Protection and Safeguarding Policy

The policies above can be found on the Schools' website.

1. Policy Statement

Dame Allan's Schools are committed to ensuring the best possible environment for children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.

Dame Allan's Schools aim to recruit staff that share and understand our commitment and ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

The Schools operate a Safer Recruitment Policy to ensure all staff are committed to safeguarding and promoting the welfare of children at risk.

Any queries on the Recruitment, Selection and Disclosures Policy and Procedure should be directed to the Head of HR.

An entry will be made on the Single Central Record for all current members of staff at the Schools, the proprietorial 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 completed before appointment or commencement, except where legislation and statutory guidance expressly permit an individual to begin work subject to a documented risk assessment and appropriate safeguards. The exception for a delayed DBS certificate does not apply to anyone working or volunteering within the Schools' early-years provision. .

2. Scope

The Recruitment, Selection and Disclosures Policy and Procedure herewith refers and applies to staff directly recruited and employed by the Schools. In the Education (Independent Schools Standards) (England) Regulations 2014, staff are defined as:

> *Any person working at the Schools 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.*

Senior management disqualification

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 Dame Allan's Schools this would be the Principal.
- 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 Dame Allan's Schools this would be the Bursar and Clerk to the Governors.

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.

Agency and third-party staff

In the case of agency staff, we will obtain written confirmation from the supply agency that the required checks have been carried out (identity, enhanced disclosure – ideally renewed every 3 years , right to work in the UK, children's barred list, prohibition, qualifications, overseas checks plus those checks set out in KCSIE as 'pre-employment' checks).

In respect of the enhanced DBS check, we will ensure that the written notification from the agency confirms that the certificate has been obtained either by them or another such business. If the check discloses any matter or information, we will obtain a copy of the certificate before the individual starts work. We will also confirm that the enhanced DBS certificate was issued no more than three months before the individual is due to begin work, unless the individual has worked in a school in England during those three months (the 'three-month rule') or is registered with the DBS Update Service (in which case a status check should be carried out instead).

We will always check the identity of agency staff members on arrival.

The Single Central Record will record that these checks have been conducted and detail any necessary information in line with KCSIE.

Contractors

Where we use contractors to provide services, we should set out our safeguarding requirements in the contract between the contractor (or the contractor's organisation) and will ensure that any contractor (or employee of the contractor) who is to work at the School has been subject to the necessary safer recruitment checks in accordance with KCSIE. Where an individual working at the School is self-employed, the School will either obtain the DBS check itself or request to see an existing certificate to ensure it is at the level required.

Unchecked contractors will under no circumstances be allowed to work unsupervised in Schools. The Schools will determine the appropriate level of supervision depending on the circumstances. The School will always check the identity of contractors on arrival.

Staff transferring under TUPE

Any staff who TUPE transfers 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 Record that details have been accepted under TUPE.

3. Application form

The Schools **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 Schools will make candidates aware that all posts in the Schools 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.

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.

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 Schools if they have been appointed, and a possible referral to the police and/or DBS.

4. Invitation to interview

The Schools 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 their relevant skills and experience will be discussed in more detail.

Shortlisted candidates will 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 the point of interview.

The Schools will carry out online searches on all shortlisted candidates. This forms part of the School's wider safeguarding due diligence. This may help to identify any incidents or issues that are publicly and freely available online as part of a simple online search. The search may include search engines, social media and other publicly accessible sources and is limited to identifying information relevant to suitability to work with children, for example, offensive or inappropriate behaviour or language, drug or alcohol misuse, inappropriate images, discriminatory behaviour, and any other information that may raise concern as to an applicant's suitability to work with children. This search is recorded internally.

Online searches will only be carried out as part of the shortlisting process (i.e. on shortlisted applicants); not on all applicants that apply for a position. Searches will be carried out in advance of the interview so that any identified issues or incidents can be raised with the applicant during the interview, if felt necessary. Searches will only be carried out by a member of staff not directly involved in the decision-making process (i.e. a member of the HR team).

The Schools will 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. See Section 6 for further detail.

All formal interviews will have a panel of at least two people chaired by the Principal/ Bursar or another designated senior member of staff. At least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Governors will chair the panel for the Principal's/ Bursar'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 including where appropriate, any discussion of information shared by a candidate in their self-declaration form.

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 Schools request that all candidates invited to interview also bring with them:

1. A current photocard driving licence **or** 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.

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

5. Conditional offer of appointment: pre-employment 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 (if not already received);
3. A satisfactory enhanced DBS check and, if appropriate, a check of the Children's Barred List maintained by the DBS;
4. Evidence of satisfactory medical fitness;
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; and
    - Reporting on the development, progress and attainment of pupils;
6. Verification of professional qualifications, including Qualified Teacher Status, where appropriate;
7. Verification of successful completion of statutory induction period (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 further checks and confirmations as the Schools may consider appropriate so that any relevant events that occurred outside the UK can be considered. This shall include the candidate providing the Schools with proof of their past conduct in the form of a letter of professional standing from the professional regulating authority in the country in which they have lived or worked.
9. Confirmation that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006" **OR** Receipt of a signed Self-Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006";
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 Schools, 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 Schools in strictest confidence and processed in accordance with the Recruitment 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, and/or layout of the Schools.

The Schools are aware of their 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.

The successful applicant will be required to complete a Disclosure Form from 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. The Schools 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 Principal or Bursar immediately. This will include notification of any convictions, arrests and charges, cautions, court orders, reprimands or warnings they may receive before or during their employment.

The statutory guidance "Disqualification under the Childcare Act 2006" 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.

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 Head of HR for more details.

The Schools have 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 understand the factors that lead people to support terrorist ideologies or engage in terrorist related activity, be able to confidently recognise susceptibility to terrorism and be aware of what action to take in response. We also ensure that those at risk of radicalisation are identified and appropriate support is provided. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment. [more guidance for schools from the DfE on this can be found at: Prevent duty guidance: for England and Wales (March 2024).

6. References

The Schools will seek the references referred to in section 5 above for shortlisted candidates (including internal applicants) and will 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. If a shortlisted candidate has lived or worked overseas, the Schools will request for a third

reference (preferably from the country concerned). References must be received by a senior person with appropriate authority. If the candidate does not wish the Schools to take up references in advance of the interview, they should notify the Schools at the time of applying.

The Schools will ask all referees if the candidate is suitable to work with children and to provide facts of any substantiated safeguarding concerns or allegations that meet the harm threshold set out in Part 4 of the statutory guidance 'Keeping Children Safe in Education'. Substantiated allegations that meet the harm threshold should be included in references. Any repeated concerns or allegations which do not meet the harm threshold or which have been found to be false, unfounded, unsubstantiated, or malicious should not be included in any reference.

If the candidate is currently working with children, on either a paid or voluntary basis, the Schools 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.

For any appointment within the Schools' early-years provision, at least one written reference will be obtained before the individual begins work. The Schools will not accept an open reference, a reference from a family member or a reference obtained and supplied by the applicant.

If the candidate is not currently working with children but has done so in the past, the Schools will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the Schools will still ask the current employer about the candidate's suitability to work with children.

Where the candidate has no previous employment history, the Schools may request character references which may include references from the candidate's school or university.

The Schools 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 Schools will verify all references. Where references are received electronically, the Schools will ensure they originate from a legitimate source.

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

7. Criminal records policy

The Schools will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education' and any amended version in carrying out the required DBS checks.

The Schools comply with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here: DBS code of practice.

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

This is 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 Schools may apply for a disclosure but are not required to do so. A new, separate barred list check will be obtained.

8. DBS Update Service

When an applicant subscribes to the DBS Update Service, they must provide the original DBS certificate used to subscribe to the service and give consent to the Schools 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 Principal's/ Bursar's discretion following the appropriate risk assessment carried out by the Head of HR. However, if an 'enhanced disclosure' is delayed, the Principal 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, supervision);
- Safeguards reviewed at least every week by the Head of HR/Bursar and member of staff;
- The person in question is informed what these safeguards are; and
- It is recommended, but is not a requirement, that a note is added to the Single Central Record and evidence kept of the measures put in place.
- This arrangement does not apply where any part of the individual's role involves the Schools' early-years provision. Such individuals, including volunteers, must not begin work until the enhanced DBS and children's barred-list check has been received.

9. Retention and security of records and data protection

The Schools will comply with their obligations regarding the retention and security of records in accordance with the DBS Code of Practice and their obligations under the recruitment privacy notice on the Schools' staff application forms, the Privacy Notices for Staff, and Suppliers, the Retention of Records Policy and the Data Protection Policy.

Copies of DBS certificates will be retained in line with government guidance and our records retention policy.

Appendix A

Policy on the Recruitment of Ex-Offenders

The Schools will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The Schools make 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 Schools. 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 Schools 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 Schools 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 Schools 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 ”.

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

- The Schools receives an application from a disqualified person;
- Is provided with false information in, or in support of, an applicant's application; or
- The Schools have 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 Schools 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 Schools' 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 Schools' 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 Schools' normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.