



3.28 SAFER RECRUITMENT POLICY AND PROCEDURES (18a)

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1. Introduction and Purpose

The purpose of the Safer Recruitment policy is to ensure the practice of safe recruitment of staff appointed to the School. It also sets out the minimum requirements to:

- attract the best possible applicants to vacancies;
- deter prospective applicants unsuitable for work with children;
- identify and reject applicants unsuitable for work with children.

The recruitment and selection process applies to everyone who works at the School and the Head must be satisfied that all have undergone the appropriate pre-employment checks. This document is in line with the School's Safer Recruitment policy. It is essential that those involved in the recruitment and selection have received the appropriate training.

Safer recruitment practice starts with planning the recruitment and ensuring that the advertisement makes it clear the School's commitment to safeguarding children. It requires a consistent and thorough process of obtaining, collating, analysing and evaluating information from and about applicants. It is important not to rely solely on the DBS and Barred List checks to screen out unsuitable applicants.

There are several elements of this process, including:

- *obtaining comprehensive information from applicants*, scrutinising the information and satisfactorily resolving any discrepancies or anomalies;
- *obtaining two independent professional references* that answer specific questions to help assess an applicant's suitability to work with children and following up any concerns;
- *holding a face to face interview* that explores the candidate's suitability to work with children as well as his/her suitability for the post;
- *checking* previous employment history and experience;
- *carrying out pre-employment checks*, such as the mandatory check of List 99 (Barred List) and DBS enhanced check.

2. The Legal Framework

The Equality Act 2010

The Equality Act came into force on 1 October 2010 and it aims to provide a simpler, more consistent and more effective legal framework for preventing discrimination. The stated aim of the Act is to reform and harmonise discrimination law, and to strengthen the law to support progress on equality. It replaces the following equality legislation:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976

- the Disability Discrimination Act 1995
- the Employment Equality (Religion or Belief) Regulations 2003
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Age) Regulations 2006
- the Equality Act 2006, Part 2
- the Equality Act (Sexual Orientation) Regulations 2007

Protected Characteristics

The Equality Act covers the following groups and refers to them as 'protected characteristics':

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation
- marriage and civil partnership
- pregnancy and maternity

Types of Discrimination

- **Direct discrimination** - Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic
- **Indirect discrimination** - Indirect discrimination can occur when you have a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.
- **Discrimination by association** - This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- **Perception discrimination** - This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.
- **Victimisation** - Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

- **Harassment** - Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual". Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Further Information about the Protected Characteristics: Key Points under the Equality Act 2010

- **Age** - The Act protects people of all ages. However, there may be grounds to justify that different treatment because of age was not unlawful direct or indirect discrimination if you can demonstrate that it was a proportionate means of meeting a legitimate aim.
- **Disability** - The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.

An employer is required to make reasonable adjustments when recruiting, selecting, inducting and promoting disabled employees. The Act puts a duty on the employer to make reasonable adjustments for staff to help them overcome disadvantage resulting from an impairment (e.g. by providing assistive technologies to help visually impaired staff use computers effectively). The Act includes a new protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it was a proportionate means of achieving a legitimate aim. Additionally, indirect discrimination now covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement you have in place disadvantages people with the same disability. Unless you could justify this, it would be unlawful. The Act also includes a new provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

- **Gender reassignment** - The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – e.g. a woman who decides to live as a man, but does not undergo any medical procedures, would be covered.

It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

- **Marriage and civil partnership** - The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

- **Pregnancy and maternity** - A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. You must not take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.
- **Race** - For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins.
- **Religion or belief** - In the Equality Act, religion includes any religion. It also includes no religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief, including no belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.
- **Sex** - Both men and women are protected under the Act.
- **Sexual orientation** - The Act protects bisexual, gay, heterosexual and lesbian people.

Equality & Human Rights Commission (EHRC)

Established on 1 October 2007, the EHRC brought together the work of the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission. It will enforce equality legislation on gender, race, disability and health, age, religion, sexual orientation and transgender status and encourage compliance with the Human Rights Act 1998. It will campaign for social change and justice, has extensive legal powers and may take legal action on behalf of individuals.

For further information visit: <http://www.equalityhumanrights.com>

Other Legislation

Fixed-Term Employment

Legislation: Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002

Fixed-term employees should not be treated less favourably than comparable permanent employees on the grounds that they are fixed-term employees, unless this is objectively justified in accordance with the legal framework.

Employment of Ex-Offenders

Legislation: Rehabilitation of Offenders Act 1974

Under this Act an individual who has had a conviction for an offence may, with some exceptions, be rehabilitated and allowed to treat the conviction as if it had never occurred. A conviction will become 'spent' where the person has not, after a period of time, committed another serious offence.

Employers may not, under the Act, ask prospective employees if they have 'spent' convictions during the recruitment process.

Legislation: Rehabilitation of Offenders 1974 (Exceptions Order) 1975

However there are exemptions to the Act and it does not apply to certain posts or professions including medical practitioners, dentists, nurses, and those concerned with providing elderly, sick or disabled people with health or social services.

Criminal Records Checks

Pre-employment criminal records checks will be required for certain posts, particularly those working

- with vulnerable groups, such as the under 18s and people with mental health issues
- within clinical situations.

Safeguarding Children and Vulnerable Adults

Legislation: The Safeguarding Vulnerable Groups Act 2006

This provides the legislative framework for a vetting and barring scheme for people working with children and vulnerable adults. The Act establishes a central database of offenders in respect of people working, or applying to work, with children or vulnerable adults. Any person named on the list will be barred from working with children and/or vulnerable adults, or subject to monitoring.

Eligibility to Work in the UK

Legislation: the Immigration, Asylum and Nationality Act 2006

These provisions came into force on 29 February 2008 and aim to prevent illegal migrant working in the UK. Failure to comply with these regulations can result in the University becoming liable to pay a civil penalty of up to £10,000 for every illegal worker.

Data Protection

Legislation: The Data Protection Act 1998The act defines certain types of information as "sensitive data" and restrictions are imposed on employers in relation to the collection and use of such data, including in the recruitment process e.g. seeking information on spent criminal records is restricted to certain posts.

3. Pre Recruitment Planning

Recruitment Timeline

It is essential to plan the recruitment exercise, identifying who should be involved, assigning responsibilities and setting aside sufficient time for the work needed at each stage to be completed so that the safeguards are not overlooked.

It is important to organise the selection process to allow references to be obtained on shortlisted candidates *before* interview. Appendix 1 sets out the various steps in the recruitment and selection process.

The use of a recruitment and selection checklist is good practice and enables you to tell at a glance where you are in the recruitment process and ensures that no steps are omitted. See Appendix 2

Posts should not be offered as temporary unless for a justifiable reason, for example:

- maternity cover
- fixed-term funding
- long term sickness
- pending permanent recruitment.

Job Evaluation

If the vacancy is a new support staff role and a generic job description does not exist, it will be necessary for job evaluation to take place. Job evaluation will also need to take place if the responsibilities and day to day duties of the role have significantly changed since the post was last filled.

Writing the Job Description and Person Specification

When preparing to recruit, the job description, person specification and all other material that will form part of the candidate information pack should be reviewed to ensure that it is up to date and still meets the requirements of the School.

Job descriptions and person specifications are the key documents which underpin the recruitment and selection process and should be clear and concise.

A well-constructed person specification will enable you to make an effective and justifiable appointment. It is important to be clear about what mix of skills, abilities, knowledge, qualifications and experience are required to carry out the role successfully. You will also need to consider how these will be tested at interview.

These documents should also clearly set out the extent of the relationships/contact with children and degree of responsibility for children. The time and effort spent at this stage of the process should help minimise the risk of making an unsuitable appointment.

The job description should clearly state:

- the main duties and responsibilities of the post
- the individual's responsibility for promoting and safeguarding the welfare of children and young people that s/he is responsible for, or comes into contact with

The person specification should include:

- the qualifications and experience, and any other requirements needed to perform the role and in relation to working with children and/or young people

- the competences, skills and qualities that the successful candidate should be able to demonstrate
- an explanation of how these requirements will be tested and assessed during the selection process

The person specification must be specific, relevant to the requirements of the posts, measurable (i.e. criteria which can be tested or assessed) and justifiable.

A job description and person specification template can be found at Appendix 3 and an example of a completed job description and person specification is at Appendix 4.

4. Recruitment process

Stage 1: Advertising and Inviting Applications

All advertisements for all posts will include the following statement:

“The Governors of Queen Mary’s School are committed to safeguarding and promoting the welfare of children and applicants must be willing to undergo child protection screening appropriate to the post, including checks with past employers and the Disclosure and Barring Service”

A sample job advert can be found at Appendix 5. The advert should also include:

- Job title
- Location (i.e. school)
- Salary and hours (include pro rata salary)
- Details of the job
- Qualifications, experience, skills and abilities - summarising the details in the person specification
- How to apply

Stage 2: Pre -Application Pack

Prospective applicants are supplied with the following:

- Application Form – that includes a self-disclosure form
- DBS Enhanced disclosure requirement
- School information and the setting
- Recruitment timeline
- Job description
- Person specification
- Safer Recruitment Policy
- Safeguarding Children Policy

All applicants must complete the application form in full.

Stage 3: Applicant Selection/ Short-Listing

All applications received will be scrutinized in a systematic way by the short-listing panel and candidates deemed suitable for the post will be short-listed following consultation between the Head, leading the recruitment process, and the panel consisting of the Head of Finance & Estates and relevant Head of Department.

A standard template will be used to record the outcome of the initial sift of applicants for any post (see Appendix 1). Telephone interviews may be used at the short-listing stage to establish suitability for interview but will not be a substitute for a face-to-face meeting as part of the final selection/interview process.

Application Forms should contain the following:

- full identifying details of the applicant including current and former names, date of birth, current address, and National Insurance Number.
- *Note: to ask for date of birth is not discriminatory in these circumstances. This information is required to ensure correct identification of the candidate but must not be used for short listing purposes.*
- a statement of any relevant education/training/qualifications
- a full history in chronological order since leaving secondary education, including periods of any post-secondary education or training, and part-time and voluntary work as well as full-time employment, with start and end dates
- details/explanations for periods not in employment, education or training, and reasons for leaving employment;
- a safeguarding declaration (this may be a separate form)
- a section where the individual gives their permission for a copy of their DBS to be retained on a confidential file for the period of their employment and for the employer to carry out on line DBS Update Service checks where applicable/eligible
- details of referees. Two employment references are required, one of which should be the applicant's current or most recent employer. The reference form must make it clear that references will not be accepted from work colleagues, relatives or from people writing solely in the capacity of friends;
- a statement of the applicant's personal qualities;
- any experience that the applicant believes is relevant to his or her suitability for the post advertised and how they meet the person specification and/or job description.

The application form should also require a signed statement (or declaration form) that the person is not disqualified from work with children through the ISA's Barring Lists (List 99) or subject to sanctions imposed by a regulatory or professional body and has no convictions, cautions, or bind-overs.

If an individual has a conviction, caution or bind-over then they should be asked to attach details of their record in a sealed envelope marked confidential. This gives the applicant an opportunity to flag up something that may not be relevant in a confidential way. It also encourages the applicant to be open about any issues so that, if necessary, it can be discussed with them either prior to or at interview, rather than having to wait for a DBS disclosure.

The declaration demonstrates that the organisation takes safe recruitment seriously. Having a written declaration means that if successful candidate has deliberately lied about his or her criminal background, it is easier for the police, regulatory agency or organisation to take action against the person. The signed statement should also confirm that all information provided on the application form is true.

Scrutinising and Shortlisting Applications

At least two people must be involved in the process of scrutinising applications and short listing candidates. It is recommended that at least one member of the panel should have undertaken Safer Recruitment Training*. An objective approach should always be taken and subjective judgments avoided. Two people will also mean that it is much less likely that any key information or gaps in employment will be missed if both individuals separately scrutinise the applications.

All applications should be checked to ensure that they are fully and properly completed, that the information provided is consistent, does not contain any discrepancies and to ensure that any gaps in employment are identified. Incomplete applications should not be accepted and should be returned for completion. Any anomalies or discrepancies or gaps in employment identified should be noted so that they can be taken up as part of the consideration of whether to short list the applicant. As well as obtaining reasons for gaps in employment, the reasons for any repeated changes of employment without any clear career or salary progression, or a mid-career move from a permanent post to supply teaching or temporary work should also be explored and verified.

All candidates should be assessed equally against the criteria contained in the person specification without exception or variation.

Where possible, references are taken up **before** the interview stage. However, should a candidate progress to selection and interview stage prior to their receipt, satisfactory references will always be taken up prior to any appointment being made.

Stage 4: Interview

Prior to embarking on the interview process and on point of arrival, candidates selected for interview will have to provide:

- photographic proof of identity
- actual certificates of qualifications although these maybe deferred to the offer stage
- eligibility to live and work in the UK

The interview process will seek to assess candidates in terms of whether their appointment would be in line with safer recruitment and fulfil the requirements of the post. A competency-based interview will be conducted with evidence gathered against both the technical and behavioural competencies that are most relevant for that post.

Significantly, in terms of safer recruitment practices, at least one representative involved in the interview process, will have successfully completed safer recruitment training and there will be one further interviewer present to watch the responses given by the applicant when asked probing safer recruitment interview questions.

The template for the Safer Recruitment part of the interview process is included as Appendix 2 and this both records the verification of identity and professional background and probes the motivations for working with children, their emotional maturity and values and ethics.

Candidates will always be required to:

- explain satisfactorily any gaps in employment or significant periods of time working or living abroad
- explain satisfactorily any anomalies or discrepancies in the information available to the interviewers
- declare any information that is likely to appear on an Enhanced DBS disclosure
- demonstrate their capacity to safeguard and protect the welfare of children and young people

To summarise, a Safer Recruitment Interview Form (Appendix 2) will be completed for all staff appointments.

Stage 5: References

References are sought directly from the referee. References or testimonials provided by the candidate are never accepted. Open references 'To whom it may concern' will not be accepted.

In all cases where applicants are invited to interview, referees will be contacted by telephone or e-mail in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges and retained on the personnel file of the individual appointed.

Furthermore, previous employers who have not been named as referees may be contacted in order to clarify any anomalies or discrepancies and again a detailed written note of such exchanges will be retained on the personnel file of the individual appointed.

Stage 6 – Successful Candidate

Pre-Employment Checks

Further to those checks at the point of interview the candidate will be required to provide all of the following prior to taking up the post being undertaken:

- receipt of at least two satisfactory references (one must be from last employer, and one last position if involved working with children)
- verification of the candidate's identity
- completion of the Early Years declaration form as required
- a satisfactory Enhanced DBS disclosure
- a satisfactory check on QTS status and the DfE Prohibition Order list (for all staff backdated to April 2012)
- verification of the candidate's medical fitness via a confidential health questionnaire
- verification of qualifications
- verification of professional status where required, e.g. GTC registration, QTS status (unless properly exempted)
- the production of evidence of the right to work in the UK

The manager responsible for the recruitment of a new member of staff will ensure that the recruitment checklist is filled in and returned on the new employee's file (see Appendix 4).

Stage 7 – Induction

All staff who are new to the School are required to undertake induction training in line with the **Induction Policy**. This will include the following:

- Health and Safety training
- Safeguarding training
- provision of KCSIE information, Safeguarding and Child Protection Policy and the Code of Conduct and checking these have been read and understood
- signing off on standardised induction checklist, thus providing another level of safeguarding check
- Visitors

5. Retention of Recruitment Records

There is a statutory requirement for the provision of the Protection of Children Act and appropriate DBS checks to be applied where employees work in the provision of care services to children. Employees who are dismissed, who resign in circumstances which may have led to dismissal or where a disciplinary transfer has occurred on grounds of misconduct which harmed or placed a child at risk of harm, even if a compromise agreement forms part of the dismissal process, will be referred to the Disclosure and Barring Service, PO Box 181, Darlington, DL1 9FA.

Notes

Queen Mary's School will:

- maintain a central record of recruitment and vetting checks, in line with the ISI's requirements (see below)
- require staff who are convicted or cautioned for any offence during their employment with the School to notify the Head or Head of Finance and Estates in writing of the offence and penalty
- ensure that the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this procedure,. The School will monitor the compliance with these measures
- respond to changes in legislation required to ensure the safeguarding of children and review policy and practice in the light of developments for instance the Disclosure and Barring Service (formed by the merger of the CRB and ISA in 2013)
- carry out an annual review of the Safeguarding and Safer Recruitment policies (or more frequently if key changes in legislation or ISI requirements necessitate this)
- in addition to the various staff records kept in school and in individual personnel files, a single central record of recruitment and vetting checks is kept, with the Designated Safeguarding Lead having overall accountability and undertaking regular audits. This is kept current and accurate by the HR Assistant

The Single Central Register contains details of checks for:

- All staff who are employed to work at the school, including staff provided by an agency, such as catering and cleaning staff
- All others who have been chosen by the School to work in regular contact with children. This will cover volunteers, governors who also work as volunteers within the school, and people brought into the school to provide additional teaching or instruction for pupils but who are not staff members, e.g. a specialist sports coach and cover staff

Rehabilitation of Offenders Disclosure

The Rehabilitation of Offenders Act 1974 (ROA) was revised following implementation of change to the ROA included in the Legal Aid and Sentencing and Punishment of Offenders Act 2012. As of May 2013, amendments made to the Exceptions Order of the ROA resulted in certain old and minor cautions and spent convictions not being subject to disclosure or appearing on a standard or enhanced DBS disclosure certificate. As such, the school has added the following wording to all its application forms:

“As the job for which you are applying involves substantial opportunity for access to children, it is important that you provide us with legally accurate answers. Upfront disclosure of a criminal record may not debar you from appointment as we shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Please submit information in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Head of Finance and Estates. If you would like to discuss this beforehand, please telephone in confidence to the Head of Finance and Estates for advice. Please disclose any unspent convictions, cautions, reprimands or warnings. Please note that the amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are ‘protected’ and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service. Failure to declare any convictions (that not subject to DBS filtering) may disqualify you for appointment or result in summary dismissal if the discrepancy comes to light subsequently. I have nothing to declare/I enclose a confidential statement (please delete as appropriate).”

6. Data Protection

Employees are entitled to see and receive, if requested, copies of their employment references. Further disclosed information will be treated in confidence and not used against applicants unfairly, including adherence to the DBS Code of Practice (www.gov.uk).

Jo Wright
Head of Finance & Estates

Carole Cameron
Head

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APPENDIX 1 - APPLICATION AND RECRUITMENT PROCESS EXPLANATORY NOTES

1. General

Queen Mary's School ("the School") is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.

The School aims to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

Pre-planning – before any application process a meeting is held between the Head, Head of Finance & Estates and the relevant Head of Department to agree the details of the post.

All queries on the School's Application Form and recruitment process must be directed to the Head of Finance & Estates.

2. Application Form

Applications will only be accepted from candidates completing the relevant Application Form in full. CVs will not be accepted in substitution for completed Application Forms.

Candidates should be 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. Applicants will receive a Job Description and Person Specification for the role applied for.

As the job for which you are applying involves substantial opportunity for access to children, it is important that you provide us with legally accurate answers. Upfront disclosure of a criminal record may not debar you from appointment as we shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Please submit information in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Head or the Head of Finance & Estates. If you would like to discuss this beforehand, please telephone in confidence to the Head or the Head of Finance & Estates for advice.

Please disclose any unspent convictions, cautions, reprimands or warnings. Please note that the amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the post. 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 including 'by association' i.e. they live in the same household (or someone is employed in their household) as someone who has unspent cautions or convictions for a relevant offence (please see a list of the relevant offences set out here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384712/DBS_referrals_guide_-_relevant_offences_v2.4.pdf). The 'by association' requirement also applies if you live in the same household as or someone is employed in your household who has been disqualified from working with children under the Childcare Act 2006.

The Childcare (Disqualification) Regulations 2009 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 8 AND to those who are directly concerned in the management of that childcare.

The school takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the School immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive. He/she must also notify the School immediately if he/she is living in a household where anyone lives or works who has been disqualified from working with children or from registration for the provision of childcare.

Staff and/or successful candidates who are disqualified from childcare or registration, including 'by association', 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 or the Head of Finance & Estates for more details.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify you for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

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

If you are not currently working with children but have done so in the past, that previous employer will be asked about those issues. Where neither your current nor previous employment has involved working with children, your current employer will still be asked about your suitability to work with children. Where you have no previous employment history, we may request character references which may include references from your school or university.

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

3. Invitation to Interview

Applicants will be short-listed according to the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

All formal interviews will have a panel of at least two people chaired by the Head or another designated senior member of staff. The Chair of Governors should chair the panel for the Head's appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should therefore withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

The interview will be conducted in person and the areas which it will explore will include suitability to work with children.

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by you from the awarding body.

All candidates invited to interview must also bring with them:

- A current driving licence including a photograph and paper counterpart or a passport or a full birth certificate
- A utility bill or financial statement issued within the last three months showing the candidate's current name and address
- Where appropriate any documentation evidencing a change of name
- Where the candidate is not a citizen of a country within the European Economic Area or Switzerland, 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 School of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

- Conditional Offer of Appointment: Pre-Appointment Checks

Any offer to a successful candidate will be conditional upon:

- Receipt of at least two satisfactory references (if these have not already been received)
- Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK
- A satisfactory enhanced DBS check and if appropriate, a check of the Barred List maintained by the DBS
- For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State

- Verification of professional qualifications
- Verification of successful completion of a statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999) where relevant
- 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

and

- Satisfactory medical fitness
- Receipt of a signed Staff Suitability Declaration form showing that you are not disqualified from providing childcare under the Childcare (Disqualification) Regulations 2009
- If you are undertaking a leadership role, evidence that you have not been prohibited from participating in the management of independent schools

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, 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.

5. References

We will seek the references referred to in section 4 above for shortlisted candidates and may approach previous employers for information to verify particular experience or qualifications, before interview. If you do not wish us to take up references in advance of the interview, please notify us at the time of submitting your application.

All referees will be asked 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.

6. Criminal Records Policy

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

The School complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request or accessed here: <https://www.gov.uk/government/publications/dbs-code-of-practice>.

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 6 months.

6.1 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, whether by association, or otherwise.

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
- 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
- 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 drink driving.