



RECRUITMENT, SELECTION AND DISCLOSURES POLICY AND PROCEDURE

1. General

- 1.1 James Allen's Girls' 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.
- 1.2 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.
- 1.3 All queries about the School's Application Form and recruitment process must be directed to the Head of HR.
- 1.4 An entry will be made on the Single Central Register for all current members of staff at the School, the proprietorial body and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.
- 1.5 All checks will be made in advance of appointment.

2. Scope of this Policy

- 2.1 The Recruitment, Selection and Disclosures Policy and Procedure herewith refers and applies to staff directly recruited and employed by the School.

3. Applications

- 3.1 All candidates must complete the relevant School application form in full. CVs will not be accepted in substitution for completed application forms.
- 3.2 The School will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post.
- 3.3 Candidates for employed posts will receive a Job Description and Person Specification for the role applied for.

4. Interviews

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

- 4.2 All formal interviews processes will have a panel of at least two people chaired by the Director of Operations/Head, 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 should chair the panel for the Head/Director of Operations/Director of Finance appointment.
- 4.3 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.
- 4.4 The interview will be conducted in person wherever possible and will include exploration of the candidate's suitability to work with children.
- 4.5 All candidates invited to interview must bring
- Documents confirming any educational and professional qualifications which they have declared on their application form, whether or not they are relevant or required for the role. 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.
 - Photographic identity documents, such as a passport or driving licence;
 - Proof of their right to work in the UK.

Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient.

- 4.6 Candidates with a disability or medical condition who are invited to interview should inform the School of any necessary reasonable adjustments or arrangements to assist them in attending the interview.
- 4.7 References will be sought for shortlisted candidates prior to interview wherever possible. Any concerns or discrepancies arising from references will be discussed with the candidate.
- 4.8 If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying.
- 4.9 The School will ask all referees if the candidate is suitable to work with children.
- 4.10 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.
- 4.11 Shortlisted candidates will be required to submit a declaration prior to interview setting out details of any unspent and unfiltered criminal records and details of any barring decisions made about them. See section 0 for further details.

5. Conditional Offer of Appointment: Pre-Appointment Checks

- 5.1 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 Level DBS check and check of the Children's Barred List, where relevant;
 - Satisfactory medical fitness. The School is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the candidate and considering reasonable adjustments;
 - For a candidate to be employed as a teacher, confirmation that the candidate is not subject to a prohibition order issued by the Secretary of State. Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:
 - Planning and preparing lessons and courses for pupils
 - Delivering and preparing lessons to pupils
 - Assessing the development, progress and attainment of pupils
 - Reporting on the development, progress and attainment of pupils;
 - Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999);

- Where the successful candidate has worked or been resident overseas for more than three months in the last five years, such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered;
- Where the successful candidate will be employed in Early Years, and/or be involved in the provision of childcare to children under the age of 8, or involved in the day to day management thereof, confirmation that they are not disqualified from providing childcare under the Disqualification under the Childcare Act 2006 (June 2016).
- Where the successful candidate will directly report to the Board of Governors or be responsible for reporting financial information to the Board of Governors, confirmation that they are not disqualified from being a Senior Manager of a charity;
- Where the successful candidate will be taking part in the management of the school, confirmation that they are not prohibited from doing so 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; and
- A satisfactory check of the candidate's publicly available online presence.

6. DBS Update Service

- 6.1 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 and provide the School with sight of the original DBS certificate.
- 6.2 If the applicant does not provide consent, a new DBS application will be required.
- 6.3 A separate children's barred list check will be required if the original DBS check did not include this.

7. If receipt of the DBS Disclosure is Delayed

- 7.1 A short period of work is allowed under controlled conditions, at the Head's discretion. However, if receipt of the Enhanced disclosure is delayed, a Head may allow the member of staff to commence work:
- Without confirming the appointment;
 - After a satisfactory check of the children's barred list if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
 - Provided that the DBS application has been made in advance;
 - With appropriate safeguards taken (for example, loose supervision);

- Safeguards reviewed at least every two weeks by the Head/Director of Operations and member of staff;
- The person in question is informed what these safeguards are; and
- It is recommended, but not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

8. Criminal Records

- 8.1 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 Disclosure and Barring Service checks.
- 8.2 The successful applicant will be required to undertake an Enhanced Level DBS check prior to appointment.
- 8.3 Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However, amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.
- 8.4 As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the School with legally accurate answers. Upfront disclosure of a criminal record will not automatically debar a candidate from appointment. The School shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors.
- 8.5 If candidates would like to discuss this beforehand, they are asked to please telephone in confidence to the Head of HR for advice.
- 8.6 Failure to declare any convictions that are not subject to DBS filtering may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light during employment.

9. Suitability for Working with Children

- 9.1 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.
- 9.2 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 Director of Operations/Head for more details.

- 9.3 The School has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment.
- 9.4 If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.
- 9.5 If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the School may request character references which may include references from the candidate's school or university.
- 9.6 All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal by the School if they have been appointed, and a possible referral to the police and/or DBS.
- 9.7 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>.

10. Self-employed individuals

- 10.1 Self-employed individuals who are engaged by the school will be subject to the same vetting checks as staff.
- 10.2 Self-employed individuals supplied by a third party will be checked in line with section 0.

11. Employees of third parties, including supply staff

- 11.1 The School will check with the relevant company that the required checks have been carried out:
- Receipt of at least two satisfactory references;
 - Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK;
 - A satisfactory Enhanced Level DBS check and if appropriate, a check of the Children's Barred List. If the certificate contains information, the School must have sight of the certificate on or before the individual's first day of work;

- Satisfactory medical fitness;
- For individuals who will be working as a teacher, confirmation that the individual is not subject to a prohibition order issued by the Secretary of State.
- Where the individual has worked or been resident overseas for more than three months in the last five years, such checks and confirmations as the employer considers appropriate so that any relevant events that occurred outside the UK can be considered;
- Where the individual will be working in Early Years, and/or be involved in the provision of childcare to children under the age of 8, or involved in the day to day management thereof, confirmation that they are not disqualified from providing childcare under the Disqualification under the Childcare Act 2006 (June 2016).
- Where the individual will be taking part in the management of the school, confirmation that they are not prohibited from doing so 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.

11.2 Confirmation of receipt of this information from the third party will be recorded on the Single Central Register.

11.3 The School carries out its own identity check on arrival.

12. Contractors

12.1 Unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

13. Volunteers

13.1 Volunteers whether in regulated activity or not will be subject to the appropriate checks according the age group they will be with.

13.2 For policies and procedures relating to volunteers or visiting speakers please refer to the Visiting Speakers Policy.

14. Transfer of Undertakings (Protection of Employment) Regulations (TUPE)

14.1 Any staff who TUPE transfer into the School will be subject to new safer recruitment checks in line with regulatory requirements.

14.2 If staff are transferred under TUPE but there is a gap of three months or less between their last day of work for the previous organisation and their first day of work at the School, vetting check information will be passed to the School and a note made on the Single Central Register that details have been accepted under TUPE. Where checks are incomplete at the point of transfer, the School will carry out any that are missing.

15. Retention and Security of Records

- 15.1 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.
- 15.2 Copies of DBS certificates will not be retained for longer than 6 months.

16. References

ISI Commentary on the Regulatory Requirements September 2022

DfE Statutory Guidance 'Keeping Children Safe in Education', September 2022: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

EYFS Statutory Framework 2021

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974907/EYFS_framework_-_March_2021.pdf

Appendix

Policy on the Recruitment of Ex-Offenders

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

All 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 Disqualification under the Childcare Act 2006 (June 2016).

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

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

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

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

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