



The Dean Close Foundation

Independent, Co-educational, Day and Boarding School

Recruitment, Selection and Disclosures Policy and Procedure (W030)

Registered Charity No: 1086829

Date of Issue: Sep 18
Review Date: Aug 19
Owner: HR Manager

THE DEAN CLOSE FOUNDATION

RECRUITMENT SELECTION AND DISCLOSURES POLICY AND PROCEDURE

This policy has been authorised by the Trustees of The Dean Close Foundation (the "Charity") for all of its schools, (the "School").

This policy will be reviewed periodically by the Bursar (or the Finance and General Purpose Committee) on behalf of the Board of Trustees.

General

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

All queries on the Foundation's Application Form and recruitment process must be directed to the Human Resources Manager (hr@deanclose.org.uk).

An entry will be made on the Single Central Register for all current members of staff at the Foundation, 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 made in advance of appointment or as soon as practicable after the offer of appointment has been made.

Scope of this Policy

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

Any person working at the Foundation whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not

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include supply staff or a volunteer. This policy also applies to staff who are recruited to temporary, part time roles and peripatetic staff and these staff will be subject to the same checks outlined in this policy.

Supply Staff and Agency Staff

In the case of agency or contract workers, the Foundation shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. The Foundation conducts identity checks on agency and contract workers on arrival in the Foundation and, in the case of agency workers which includes supply staff, the Foundation must be provided with a copy of the DBS check for such staff. The supply agency must provide written assurance that the appropriate checks have been carried out.

The Foundation will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure – renewed every three years, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus in line with Keeping Children Safe in Education (2018), two references, declaration of medical fitness, check of previous employment history).

The Single Central Register shows these checks have been made and the Foundation carries out its own identity check and has seen a copy of the DBS disclosure (whether or not it discloses any information).

Certain individuals are automatically disqualified from acting in senior management positions within a charity. Whether an individual falls into the category of a senior management position is judged using the following criteria:

- A person who is accountable only to the Trustees and who carries overall responsibility for the day-to-day management and control of the charity.
- A person who is accountable only to the Head or the Trustees, and who is responsible for the overall management and control of the charity's finances.

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.

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in the Foundation. The Foundation will determine the appropriate level of supervision depending on the circumstances.

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Any staff who TUPE transfer into the Foundation's staff will be required to undertake the statutory requirements with regard to safer recruitment checks.

If staff are transferred under TUPE (with a gap of three months or less and where information is complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

Application Form

The Foundation 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 Application Form must be completed in full and show any gaps in employment history. 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 will be discussed with the candidate.

The Foundation will make candidates aware that all posts in the Foundation 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 for the role applied for.

All regular work for schools with opportunity for contact with children is defined as a regulated activity and the Foundation will therefore require an enhanced disclosure and barring Service check with a barred list check. A barred list check is not required if the person is not required to work in a regulated activity.

As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the Foundation with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the Foundation shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Bursar. If candidates would like to discuss this beforehand, they are asked to please telephone in confidence to the Bursar for advice.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the Foundation. 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,

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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 position. Additionally, successful applicants should be aware that they are required to notify the Foundation 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.

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

The Foundation 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 their manager immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.

Staff and/or successful candidates who are disqualified from childcare or registration, may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please speak to the Bursar for more details.

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 subsequently.

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

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

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

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

Invitation to Interview

The Foundation will short list applicants 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 chaired by the Head (Academic roles), Bursar (Administrative roles) or another designated senior member of staff. The Warden should chair the panel for the Head's appointment and for cross Foundation roles (e.g. Chaplain). The Chair of Trustees will chair the panel for the Warden's appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates or if there is any conflict of interest. If so, 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. It is recommended best practice that at least one person on the appointment panel will have undertaken safer recruitment training.

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 the candidate from the awarding body.

The Foundation requests that all candidates invited to interview also bring with them:

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1. A current driving licence including a photograph or a passport;
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Where appropriate any documentation evidencing a change of name;
4. Where the candidate is not a citizen of 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 Foundation 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:

1. Receipt of at least two satisfactory references (if these have not already been received);
2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK;
3. A satisfactory enhanced DBS check and if appropriate, a check of the Barred List maintained by the DBS;
4. 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. 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.

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5. Verification of professional qualifications, where appropriate;
6. Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999);
7. Where the successful candidate has worked or been resident overseas such checks and confirmations as the Foundation may consider appropriate so that any relevant events that occurred outside the UK can be considered;
8. Satisfactory medical fitness by the completion of a medical questionnaire and declaration and if considered necessary, the receipt of a doctor's report;
9. Where appropriate confirmation that a candidate is not disqualified from providing childcare as set out in the statutory guidance 'Disqualification under the Childcare Act 2006 (July 2018) **OR** Receipt of a signed Staff Suitability Declaration form showing that you are not disqualified from providing childcare as set out in the statutory guidance 'Disqualification under the Childcare Act 2006 (July 2018);
10. Where the successful candidate will be taking part in the management of the Foundation, 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 Trustees, Senior Management Team and teaching heads of department;
11. For a candidate to be employed into a senior management position as set out above, 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;
12. For a candidate that has lived or worked outside the UK, an EEA check using the Teaching Regulation Agency employer access system for information about any teacher sanction or restriction.

It is the Foundation's practice that a successful candidate must complete a pre-employment health questionnaire and declaration. The information contained in the questionnaire and declaration will then be held by the Foundation in strictest confidence and processed in accordance with the Data Protection Policy. This information will be reviewed against the

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Job Description for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extracurricular activities, layout of the Foundation.

The Foundation is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.

References

The Foundation will seek the references referred to above (see Conditional Offer of Appointment: Pre-Appointment Checks) above for shortlisted candidates (including internal applicants) and may approach previous employers for information to verify particular experience or qualifications, before interview. One of the references must be from the applicant's current or most recent employer. References must be received by a senior person with appropriate authority. If the candidate does not wish the Foundation to take up references in advance of the interview, they should notify the Foundation at the time of applying.

The Foundation will ask all referees if the candidate is suitable to work with children.

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

The Foundation 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.

Criminal Records Policy

The Foundation 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 Foundation complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request or accessed here:

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<https://www.gov.uk/government/publications/dbs-code-of-practice>.

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

Where the new member of staff ("M") has worked in: -

- (a) A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- (b) A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
- (c) An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons, during a period which ended not more than three months before M's appointment.

In these circumstances the Foundation may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.

DBS Update Service

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the Foundation to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required.

Steps taken if a disclosure is delayed:

A short period of work is allowed under controlled conditions, at the discretion of the Head. If an 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 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 and member of staff;
- The person in question is informed what these safeguards are; and

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- A risk assessment is in place;
- 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.

Retention and Security of Records

The Foundation 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.

The School will comply with its data protection obligations in respect of the processing of criminal records information.

Training

Staff who are involved in recruitment are required to keep up to date with their recruitment practice and complete On-line safer recruitment training at least every 5 years.

Policy on the Recruitment of Ex-Offenders

The Foundation will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The Foundation 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 Foundation. 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 Foundation 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 Foundation 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 Foundation 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 (June 2018),

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

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

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