

# TORMEAD

## RECRUITMENT, SELECTION & DISCLOSURE POLICY

*This whole school policy also applies to the Early Years Foundation Stage*

### 1. Introduction

Tormead is committed to providing the best possible care and education to its girls. Safeguarding and promoting the welfare of children and young people is our highest priority. The School is also committed to providing a supportive and flexible working environment for all its members of staff. The School recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The aims of the School's recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability, age, or any other protected characteristic as defined within the Equality Act 2010;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**) - *Keeping Children Safe in Education (September 2016)*, *Disqualification Under The Childcare Act 2006 (February 2015)* (the **Guidance**), and *Prevent Duty Guidance for England and Wales (July 2015)* and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks as specified by the relevant guidance and legislation.

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

### 2. Recruitment and Selection Procedure

All applicants for employment will be required to complete an **application form** containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. A curriculum vitae will not be accepted in place of the completed application form but may be appended to a completed form.

Applicants will receive a job description for the relevant role. Application forms, job descriptions and the School's Safeguarding Policy are available to download from the School's website and can be printed and forwarded to applicants on request.

Selected applicants may then be invited to attend a **formal interview** at which his / her relevant skills and experience will be discussed in more detail. In accordance with recommended best practice, we seek to ensure that at least one person on the interview panel has completed safer recruitment training. Interviews are conducted in person and areas explored include suitability to work with children

If it is decided to make an offer of employment following the **formal interview**, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment;
- the receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;
- verification of identity and qualifications including, where appropriate, evidence of right to work in the UK;
- the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- for a candidate to be employed as a teacher, a check that the candidate is not subject to a prohibition order issued by the Secretary of State (see sections 4.2 and 4.3 below);
- where the successful candidate has worked or been resident overseas, such checks as the school may consider appropriate so that any relevant events that occurred outside the UK can be considered (see section 4.8 below);
- Confirmation, by means of a self-declaration, that the applicant is not disqualified from childcare or registration, including by 'association' (see section 4.4 below and Appendix 1);
- verification of the applicant's medical fitness for the role (see section 3 below); and
- where the position amounts to "regulated activity" (see section 4.7 below) confirmation that the applicant is not named on the Children's Barred List administered by the DBS\*

**\*A check of the Children's Barred List is not permitted if an individual will not be undertaking "regulated activity". Whether a position amounts to "regulated activity" must therefore be determined by the School in order to decide which DBS checks are appropriate. It is, however, likely that in nearly all cases a Children's Barred List check will be carried out.**

### **3. Medical Fitness**

The School is legally required to verify the medical fitness of anyone to be appointed to a post at the School, **after** an offer of employment has been made but **before** the appointment can be confirmed.

It is the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. The School might arrange for the information contained in the Health Questionnaire to be reviewed by the School's medical advisor. 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 timetable, extra-curricular activities, layout of the School etc. If the School's medical advisor has any doubts about an applicant's ability to fulfil the physical or mental requirements of the role, the School will consider all reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

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

### **4. Pre-Employment Checks**

In accordance with the recommendations set out in the Guidance, and the requirements of The Education (Independent School Standards) (England) Regulations 2014 (the ISSRs) the School carries out a number of pre-employment checks in respect of all prospective employees.

#### **4.1 Verification of Identity and Address**

Identity checks are made against an official document such as a passport, a driving licence or a birth certificate. Photographic identity must always be included, together with proof of address (for example, a recent utility bill, bank statement or similar).

Where an applicant claims to have changed his / her name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) he / she will be required to provide documentary evidence of the change.

The School asks for the date of birth of all applicants (and proof of this) in accordance with the Guidance. Proof of date of birth is necessary so that the School may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The School does not discriminate on the grounds of age.

#### **4.2 Prohibition from Teaching Orders**

The School is required to check that anyone employed to carry out 'teaching work' is not subject to a prohibition order issued by the Secretary of State. The check is completed using the NCTL Teacher Services' system and, for a member of staff without QTS, the School checks by means of an alphabetical search by name. This requirement applies to all appointed to 'teaching work' on or after April 2012. 'Teaching work' comprises:

- Planning and preparing lessons and courses for pupils;
- Delivering and preparing lessons for pupils;
- Assessing the development, progress and attainment of pupils; and
- Reporting on the development, progress and attainment of pupils

Whilst the School decides on a case by case basis whether or not a Prohibition Order check is required, as a matter of course we complete Prohibition Order checks on all teachers, peripatetic music teachers, sports coaches and activity leaders.

With effect from January 2016, the School also checks, again via the NCTL Teacher Services' system, that a prospective employee to be engaged in teaching work is not subject to an EEA Prohibition Order.

#### **4.3 Prohibition from Management of Independent Schools Directions (s. 128 directions)**

With effect from 1<sup>st</sup> August 2015, the School is required to check whether staff appointed to management positions from that date are subject to a s.128 direction. For staff in regulated activity, the check is completed via the DBS as a s.128 direction would show on the DBS barred list check. For Governors not in regulated activity, the check is made via the NCTL Teacher Services' system. We complete s.128 checks on all Governors, the Headmistress, all members of SMT (including non-teaching staff) and all staff appointed to teaching positions with department headship.

#### **4.4 Disqualification by Association**

Successful applicants will be required to complete a "disqualification by association" form under the Disqualification Act 2006 (Early Years and later years under 8's). This regulates

the disqualification of individuals under the Childcare Act 2006, including by association with others, and explains the effect of the Childcare (Disqualification) Regulations 2009. The key requirement on schools is that they must not knowingly employ people to work in childcare, if they or others who live or work in their households are “disqualified”. Please refer to the appendix for further information on Disqualification under the Childcare Act 2006 (March 2015).

#### **4.5 Previous Employment History and References**

The School identifies any gaps in employment history from the Application Form and candidates are required, on the Application Form, to explain any such gaps; the School will follow up with questions at interview as appropriate.

References will be taken up on short-listed candidates prior to interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend. References will be checked on receipt to confirm that all specific questions have been answered satisfactorily.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will be sent a copy of the job description and person specification for the relevant role. If the referee is a current or previous employer, s/he will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, sickness\* and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated, unfounded or malicious; and
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated, unfounded or malicious.

The School 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 School will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

#### **4.6 Qualifications**

Where qualifications are claimed as part of the application process, the School checks original qualification certificates in advance of appointment.

#### **4.7 Criminal Records Check (Enhanced DBS and Barred List)**

The School applies for an enhanced disclosure from the DBS and a check of the Children's Barred List in respect of all positions at the School which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012).

**The School recognises that if it knows, or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity.**

Any position undertaken at, or on behalf of, the School (whether paid or unpaid), will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2am and 6am; or
- satisfies the "period condition", meaning four times or more in a 30 day period; and
- provides the opportunity for contact with children.

This definition will cover nearly all posts at the School. Limited exceptions could include an administrative post undertaken on a temporary basis in the School office outside of term time.

It is for the School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School within two weeks of it being received by the applicant. Original certificates should not be sent by post. Applicants must instead bring the original certificate into the School within two weeks of it being received. A convenient time and date for doing so should be arranged with Human Resources Administrator as soon as the certificate has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to Human Resources Administrator. Where a certified copy is sent, the original disclosure certificate must still be provided prior to the first day of work or on the first working day. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

With effect from June 2013, applicants have been able to subscribe to the DBS Update service. The School requires sight of the original certificate, checks that it matches the individual's identity and, with consent from the applicant, runs an Online update check (which provides any changes since the certificate was issued). In the event the update indicates that there have been changes, the School requires the applicant to apply for a new certificate.

If there is a delay in receiving a DBS disclosure the Headmistress has discretion to allow an individual to begin work pending receipt of the disclosure. This will only be allowed if the Enhanced DBS has been applied for, all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place. The supervision will be recorded in a risk assessment noting the controlled conditions and safeguards that have been put in place, that the safeguards will be reviewed every two weeks and that the person in question has been informed what the safeguards are.

There are also limited circumstances in which the School will accept an Enhanced Disclosure from another educational institution - for example, where the new member of staff worked in a school or maintained school in England in a position which brought the individual regularly into contact with children or young children. In the event that a portable DBS is accepted, a separate check of the Children's Barred List will always be made.

#### **4.8 Overseas Check**

If a disclosure is not considered sufficient to establish suitability to work in a school (because it would not cover offences committed abroad), we undertake overseas check where possible (either from the individual's country of origin or any other country in which he or she has lived and/or worked), prior to appointment. We follow NSPCC advice and obtain an overseas check on any individual who has lived overseas for three months or more in the past five years. We are not required to complete an overseas check for a member of staff who has worked in a school in the UK since returning from overseas.

#### **4.9 Right to Work**

Right to work in the UK is checked prior to appointment with reference to an official document such as passport or birth certificate.

### **5. Contractors and Agency Staff**

Contractors engaged by the School must complete the same checks for their employees that the School is required to complete for its staff. The School requires confirmation that these checks have been completed before employees of the Contractor can commence work at the School.

Agencies who supply staff to the School must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires confirmation that these checks have been completed before an individual can commence work at the School. In certain circumstances an employee of an external contractor or agency may be allowed to commence work pending receipt of the Enhanced DBS subject a Barred List check having been completed, the Enhanced DBS having been applied for, an appropriate risk assessment having been undertaken and any interim safeguards such as supervision requirements put into place.

The School will independently verify the identity of staff supplied by contractors or an agency in accordance with section 4.1 above.

### **6. Governors**

Prior to confirming the appointment of potential new Governors, the School completes the following checks:

- Verification of identity
- Enhanced DBS disclosure
- If the Governor will be undertaking regulated activity, a check of the Children's Barred List
- Confirmation that the Governor is not subject to a s.128 direction
- If applicable, a self-declaration re disqualification (including by association)
- Confirmation of right to work in the UK and, if applicable, overseas check
- Confirmation that they are not disqualified from acting as a Charity Trustee or Company Director

For the Chair of Governors, the Enhanced DBS is undertaken by the Secretary of State.

## **7. Volunteers**

Vetting checks required for volunteers vary by individual and activity. As the first step, we assess whether or not the individual will be in regulated activity; **any unsupervised volunteer, whose presence is frequent and regular, is in regulated activity and an Enhanced DBS with Barred List check is always obtained.** We also ask for references, hold an informal interview and check the school community for any concerns.

An enhanced DBS, without Barred List check, may be undertaken on supervised volunteers and we use our professional judgement and experience to determine whether or not to undertake an Enhanced DBS check for volunteers not in regulated activity.

## **8. Visitors**

Visitors to the school are required to sign in and out at reception, where they will be given an identity badge which also contains safeguarding information. Appropriate controlled conditions are put in place for the supervision of visitors, with all external speakers supervised by a member of staff throughout their visit. Balance is sought in the recruitment of external speakers to ensure their suitability, whether invited by staff or pupils, and all speakers are vetted via an internet search before arrival.

## **9. Policy on Recruitment of Ex-offenders**

### **9.1 Background**

The School will not unfairly discriminate against any applicant 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 applicant 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 in paragraph 6.2 below.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except for those to which the DBS filtering rules apply (see paragraph 4.3 above). A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the School to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to attempt to apply for a position at the School. The School will make a report to the Police and / or the DBS if:

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

### **9.2 Assessment Criteria**

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; 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; or
- 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 (or drug) driving within the last ten years.

### **9.3 Assessment Procedure**

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 carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Headmistress before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he / she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School will, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

### **9.4 Retention and Security of Disclosure Information**

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information, but is under no obligation to do so.

In particular, the School will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the School's senior management team;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;

- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- prohibit the photocopying or scanning of any disclosure information.

## **10. Retention of Records**

If an applicant is appointed, the School will retain any relevant information provided on his / her application form (together with any attachments) on his / her personnel file. The School complies with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its data protection obligations; in particular, copies of DBS certificates are retained for no longer than 6 months. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

## **11. Queries**

If an applicant has any queries on how to complete the application form or any other matter he / she should contact the Bursar/Head.

## **12. Other Policies**

This policy should be read in conjunction with the following Tornead policies:

- Risk Assessment Policy
- Safeguarding Policy

**Date of Last Review:** November 2017

### **By Resolution of the Governing Body:**

MRS R HARRIS  
Chair of Governors

MRS C FOORD  
Headmistress

6 December 2017

## APPENDIX: Disqualification by Association

Early years and later years (under-8's) childcare - Disqualification under the Childcare Act 2006 (March 2015)

- *KCSIE now incorporates the above new statutory guidance, making the latter another document to which schools must have regard. It concerns how people can be disqualified under the Childcare Act 2006, including by association with others, and explains the effect of the Childcare (Disqualification) Regulations 2009.*
- *The key requirement on schools is that they must not knowingly employ people to work in childcare or allow them to be directly concerned in its management, if they or others who live or work in their households are “disqualified”.*
- *Early years childcare means education, care (excepting health care) and any supervised activity for a child from birth until the 1 September following their fifth birthday. It applies to all early years provision during and outside school hours, including in school nursery and reception classes.*
- *Later years childcare means childcare for children under the age of 8. To the extent that this overlaps with those in the early years, that category is dealt with above. For children who are older than “early years” but under the age of 8, the normal school day, after-school co-curricular educational clubs and health care are not within scope of the regulations. For this age group, therefore, only provision which would be considered “childcare” (rather than education) is within the scope of the regulations. This essentially means creche-like facilities before and after school.*
- *Although the word “employ” is used in the regulations, the guidance does not only apply to employees. Others such as volunteers, supply/agency staff, self-employed people, staff of other organisations contracted to provide childcare, governors who volunteer with the relevant groups or are directly concerned with their day to day management, are also potentially within the scope of the guidance. By contrast, those who are not involved in childcare are not within the remit of these regulations, for example, cleaners and kitchen staff.*

In brief, where people fall within the scope of the guidance, the onus is on the schools to either check themselves whether the individuals concerned are disqualified from childcare or ensure that others have done so.

The grounds for disqualification include, in summary: being on the DBS Children's Barred List;

- being cautioned for, convicted of or charged with certain violent and sexual criminal offences against children and adults, at home or abroad;
- being the subject of certain other orders relating to the care of children;
- refusal or cancellation of registration relating to childcare or children's homes or being prohibited from private fostering;
- living in the same household where another person who is disqualified lives or works.

Disqualification occurs as soon as the above criteria are met, for example, as soon as a caution or conviction occurs, even before the person is formally included on the children's barred list.

## IMPLEMENTATION:

In summary, in order to fulfil their duty to have regard to the guidance, schools must take three steps:

- ❑ inform relevant people of the legislation, including that they may be disqualified by association;
- ❑ take steps to gather sufficient and accurate information about whether any member of staff in a relevant childcare setting is disqualified, including by association;
- ❑ keep records, either on the Single Central Register (optional) or elsewhere, of staff employed to work in or manage relevant childcare and including the date disqualification checks were completed.

In terms of the requirement to gather information, staff are expected to disclose all their convictions and cautions including those which are spent but cannot be required to disclose spent convictions and cautions of those who live and work in their households

By definition, a person who is disqualified cannot lawfully do the work from which they are disqualified. If a person is found to be disqualified, including by association, or if there is doubt over that issue, then pending resolution they must be removed from the work from which they are or may be disqualified. There is no requirement automatically to suspend or dismiss all individuals found to be disqualified; there is scope in principle to redeploy them with other age groups or in other work from which they are not disqualified, subject to assessing the risks and taking advice from the LADO when appropriate.

Schools must inform Ofsted (not ISI, although ISI can be copied in) where they are satisfied that a person working in a relevant setting falls within one of the disqualification criteria. Staff who are disqualified, including by association, may apply to Ofsted for a waiver of disqualification, unless they are barred from working with children.

The precise steps which schools must take to disseminate and gather the required information are not prescribed. Schools are free to decide how they do so and inspectors have discretion to recognise any methods which are effective in reaching all relevant staff. Schools could vary their approach for existing staff and incoming staff, dealing with this issue for in-coming staff through pre-employment checks.

In deciding what measures to take, schools should bear in mind that the measures must result in a recordable date or dates when disqualification checks were completed for individuals. This could include dates of meetings, contracts, emails, individual letters etc. On inspection the onus will be on schools to demonstrate that the information they disseminated reached all relevant staff.

