Tormead School

RYDES HILL PREPARATORY SCHOOL & NURSERY

Tormead Family

Recruitment, Selection & Disclosures Policy

Tormead Limited includes two schools with one Governing Body:

- Tormead School (Preparatory and Senior School), Cranley Road, Guildford, GU1 2JD ("**Tormead**") and
- Rydes Hill Preparatory School and Nursery, Aldershot Road, Guildford, GU2 8BP ("**Rydes Hill**")

This Recruitment, Selection & Disclosures Policy applies to both schools.

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1. Introduction

Tormead Limited 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.

We aim 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 regarding our Application Form and recruitment process must be directed to the **Head of HR, Emma Mitchell**.

An entry will be made on the relevant Single Central Register for all current members of staff at Tormead and Rydes Hill, the proprietorial body and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

The Board of Trustees govern Tormead Limited.

All checks will be made in advance of appointment or as soon as practicable after appointment.

2. Scope of this Policy

This Policy refers and applies to staff directly recruited and employed by Tormead and Rydes Hill. In the Education (Independent Schools Standards) (England) Regulations 2014, staff are defined as:

> *Any person working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract but does not include supply staff or a volunteer.*

In the case of agency or contract workers, we should set out our safeguarding requirements in the contract between the organisation and Tormead Limited and must obtain written confirmation from the agency or company that it has carried out the same checks as we would otherwise perform on any individual working at Tormead or Rydes Hill (or who will be providing education on Tormead Limited's behalf, including through online delivery). We conduct identity checks on agency and contract workers on arrival in School and, in the case of agency workers (which includes supply staff), we must be provided with a copy of the appropriate level of DBS check.

We will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure – renewed every 3 years, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus those checks set out in KCSIE as 'pre-employment' checks). The Single Central Record shows these checks have been made and we carry out our own identity check and have seen a copy of the 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 governors, and who carries overall responsibility for the day-to-day management and control of the charity. At Tormead Limited, this would be the **Head, David Boyd**.
- A person who is accountable only to the Head or the governors, and who is responsible for the overall management and control of the charity's finances. At Tormead Limited, this would be the **Director of Finance & Operations (DFO), Piers Johnson.**

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 School. We will determine the appropriate level of supervision depending on the circumstances.

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

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

3. Application Form

We will only accept applications from candidates completing the relevant Application Form in full. CVs will not be accepted in substitution for completed Application Forms but are permitted to be submitted alongside an Application Form.

We will make candidates aware that all posts in Tormead and Rydes Hill involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts will receive a Job Description and Person Specification for the role applied for.

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service (**DBS**) for the position and, where appropriate, a check of the Barred List will be undertaken. Any offer of employment will be conditional on obtaining such satisfactory checks. Additionally, successful applicants should be aware that they are required to notify us 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" 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.

We take our responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect their suitability to work with children must notify us immediately. This will include notification of any convictions, cautions, court orders, reprimands, or warnings they 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 Head of HR for more details.

If the candidate is currently working with children, on either a paid or voluntary basis, we 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. Any information about past disciplinary action or substantiated allegations should be considered in the circumstances of the individual case.

If the candidate is not currently working with children but has done so in the past, we will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, we will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, we 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 Tormead Limited if they have been appointed, and a possible referral to the police and/or DBS.

4. Invitation to Interview

We will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. At least two people will carry out the shortlisting exercise, consider any inconsistencies, look for gaps in employment and reasons given for them and explore all potential concerns.

As part of the shortlisting process, we will consider carrying out an online search on shortlisted candidates as part of our due diligence. This may help to identify any incidents or issues that have happened, and are publicly available online, which we may want to explore with an applicant at interview. This forms part of our wider safeguarding due diligence which aims to prevent and/or deter individuals who may be unsuitable to work with children from working in a school environment.

Shortlisted applicants will then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail.

Shortlisted candidates should be asked to complete a self-declaration form in relation to their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. Applicants will be asked to sign a declaration confirming that the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at the point of interview.

We will, where possible, obtain references prior to interview. This allows any concerns raised to be explored further with the referee and can be taken up with the shortlisted candidate at interview.

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

The interview will be conducted in person and the areas which it will explore will include suitability to work with children including, where appropriate, any discussion of information shared by a candidate in their self-declaration form.

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

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

1. A current driving licence including a photograph or a passport and a full birth certificate;
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Where appropriate any documentation evidencing a change of name;
4. Where applicable, proof of entitlement to work and reside in the UK.

Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient. Candidates with a disability who are invited to interview should inform us of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

5. 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 (if not already received);
3. A satisfactory enhanced DBS check and, if appropriate, a check of the Children's Barred List maintained by the DBS;
4. 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 or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012. Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:
    - Planning and preparing lessons and courses for pupils;
    - Delivering and preparing lessons to pupils;
    - Assessing the development, progress and attainment of pupils; and
    - Reporting on the development, progress and attainment of pupils;
5. Verification of professional qualifications, including Qualified Teacher Status (QTS), where appropriate;
6. Verification of successful completion of a 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 further checks and confirmations as we may consider appropriate so that any relevant events that occurred outside the UK can be considered. This shall include the candidate providing us with a letter from the professional regulating authority in the country (or countries) in which they have worked confirming that they have not imposed any sanctions or restrictions, and/or that they are aware of any reason why they may be unsuitable to teach;
8. Evidence of satisfactory medical fitness;

9. Receipt of a signed Self-Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006";
10. For a candidate to be employed into a senior management position as set out above under "Scope of this Policy", receipt of a signed "senior charity manager positions: automatic disqualification declaration" confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities.
11. Where the successful candidate will be taking part in the management of Tormead Limited, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Governors, Senior Management Team and teaching heads of department; and

It is our practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by us in strictest confidence and processed in accordance with the Recruitment Privacy Notice and Data Protection Policy. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, and/or layout of Tormead or Rydes Hill.

We are aware of our 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.

6. References

We will seek the references referred to in section 5 above for shortlisted candidates (including internal applicants) and will approach previous employers for information to verify particular experience or qualifications, before interview. One of the references must be from the applicant's current or most recent employer. References must be received by a senior person with appropriate authority. If the candidate does not wish us to take up references in advance of the interview, they should notify us at the time of applying.

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

We will only accept references obtained directly from the referee and will not rely on references or testimonials provided by the applicant or open references or testimonials. We will verify all references. Where references are received electronically, we will ensure they originate from a legitimate source.

We 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.

If the candidate is not currently working with children, Tormead Limited will secure a reference from a relevant employer in relation to employment in which the candidate worked with children. If the candidate never worked with children, Tormead Limited will obtain a reference from the candidate's current employer, training provider or education setting.

7. Criminal Records Policy

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

We comply 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
There are limited circumstances where we will accept a check from another educational institution which are as follows:

This is where the new member of staff (**M**) has worked in: –

(a) A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
(b) A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
(c) An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

during a period which ended not more than three months before M's appointment.

In these circumstances we may apply for a disclosure but are 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 us consent to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required.

If a disclosure is delayed

A short period of work is allowed under controlled conditions, at the Head's discretion. However, 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 engaging 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/DFO and member of staff;
- The person in question is informed what these safeguards are; and
- It is recommended, but is not a requirement, that a note is added to the single central record and evidence kept of the measures put in place.

8. Retention, Security of Records & Data Protection Obligations

We will comply with our obligations regarding the retention and security of records in accordance with the DBS Code of Practice and our obligations under our Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months.

We will comply with our data protection obligations in respect of the processing of criminal records information. More information on this is included in the Recruitment Privacy Notice and the Data Protection Policy.

9. Appendix: Policy on the Recruitment of Ex-Offenders

We will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. We make appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar them from employment within Tormead or Rydes Hill. 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 us 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 us 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 us to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006".

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

- we receive an application from a disqualified person;
- we are provided with false information in, or in support of, an applicant's application; or
- we have serious concerns about an applicant's suitability to work with children.

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

- whether the conviction or other matter revealed is relevant to the position in question;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is our 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 our 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 our normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.

Data Protection Obligations

We will comply with our data protection obligations in respect of the processing of criminal records information. More information on this is included in the Recruitment Privacy Notice and the Data Protection Policy.