

# Brookland School

## Safer Recruitment Policy

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of our children. Brookland School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. This is to be achieved through effective recruitment and retention of competent, motivated staff members who are suited to, and competent in their roles. The School recognises the value of and seeks to achieve a diverse workforce comprising different backgrounds, skills and abilities. As such it is committed to a recruitment and selection process which is systematic, efficient, effective and equal. In doing so, it upholds its obligations as defined within the Equality Act 2010 to not discriminate against applicants on grounds of age, sex, sexual orientation, marital status, disability, race, colour, nationality, ethnic origin, religion or creed.

### Introduction

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

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

### Scope of Policy

This policy refers and applies to staff directly recruited and employed by the School. 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, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. The School conducts identity checks on agency and contract workers on arrival in School and, in the case of agency workers which includes supply staff, the School must be provided with a copy of the DBS check for such staff. Where the agency has obtained an enhanced DBS certificate before the person is due to work at the school, which has disclosed any matter or information or any information was provided to the school. The school must obtain a copy of the certificate from the agency.

The School 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/list 99, prohibition, qualifications, overseas checks plus in line with KCSIE two references, declaration of medical fitness, check of previous employment history). The Single Central Register shows these checks have been made and the School carries out its own identity check and has a copy of the disclosure.

In respect of contractors, 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.

Any staff who TUPE transfer into the School'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 Register that details have been accepted under TUPE.

## **Practices**

The following procedures and practices are in place to ensure the safe recruitment of staff. All queries on the School's application form and recruitment process must be directed to the Administration Manager or Finance Manager.

### *Stage 1: Advertising and Inviting Applications*

All advertisements for all posts will clearly stipulate the stance adopted by the school by the inclusion of the following statement: "Timeout Children's Homes Limited is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. It is our aim that all pupils fulfil their potential. All post-holders are subject to a satisfactory enhanced DBS disclosure."

### *Stage 2: Pre -Application Pack Prospective applicants are supplied with the following:*

- Application Form;
- Job Description & Person Specification;
- School Introduction;
- Safer Recruitment Policy;
- Child Protection Policy.

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

### *Stage 3: Applicant Selection/ Short-Listing*

Candidates for the post and suited to the job description and person specification following analysis of their applications will be short-listed following consultation between the Head of Education and other staff involved in the interviews process. Telephone interviews may be used at the short-listing stage to establish suitability for interview but will not be a substitute for a face-to-face meeting as part of the final selection/interview process.

Where possible references are taken up before the short-listing stage. However, should a candidate progress to selection and interview stage prior to their receipt, references will remain a matter of scrutiny and be probed during interview. The school may approach previous employers for information to verify particular experience or qualifications before interview and will ask all referees.

if the candidate is suitable to work with children. 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. All appointments are subject to satisfactory references

#### *Stage 4 Interview*

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

- proof of identity (a current driving licence including a photograph or a passport)
- utility bill or financial statement issued within the last 3 months showing the candidate's current name and address
- actual certificates of educational or professional qualifications that are necessary or relevant for the post
- eligibility to live and work in the UK

**Please note that originals of the above are necessary. Photocopies are not sufficient**

Candidates with a disability who are invited to interview should inform the school of any necessary reasonable adjustments or arrangements to assist them in attending the interview

The interview process will seek to assess each candidate in terms of fulfilling the requirements of the post and the questions will range to encompass subject knowledge, skills and competence, ability to fulfil the requirements of the role, and to contribute to the extra and extended curriculum.

Significantly in terms of safer recruitment practices at least the Head of Education or Proprietor will be involved in the interview process and will meet personally with each applicant with the specific responsibility of exploring attitudes towards working with children. However, it is likely that other interviewers will probe such issues and also have training in safe recruitment procedures. In any event all formal interviews will have a panel of at least two people, at least one of whom will be safer recruitment trained. Candidates will always be required:

- to explain satisfactorily any gaps in employment;
- to explain satisfactorily any anomalies or discrepancies in the information available to the interviewers;
- to declare any information that is likely to appear on a DBS disclosure;
  - Upfront disclosure of a criminal record may not debar a candidate from appointment. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Head. If candidates would like to discuss this beforehand, they are asked to please telephone in confidence to the Head for advice. 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 considered. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.
- to demonstrate their capacity to safeguard and protect the welfare of children and young people.

- to provide references:
  - References are sought directly from the referee. References or testimonials provided by the candidate are never accepted. Open references “To whom it may concern” and so on will not be accepted if they fail to include date evidence or are without obvious organisation authorisation. In all cases of applicants being invited to interview, referees will be contacted by telephone or e-mail to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges and retained on the personal file of the individual appointed by the Head of Education.

#### *Stage 5 Successful Candidate / Conditional Offer of Appointment / Pre-Appointment Checks*

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

- receipt of at least two satisfactory references (if not already received)
- verification of the candidate’s identity
- a list 99 check (Barred List)
- a satisfactory Enhanced DBS disclosure
- 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
- verification of qualifications
- verification of professional status where required e.g. GTC registration, QTS status (unless properly exempted), successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7/5/99)
- the production of evidence of the right to work in the UK
- where the successful candidate has worked or been a resident overseas such checks and confirmations as the school may consider appropriate so that any relevant events that occurred outside the UK can be considered. Including criminal records checks for overseas applicants inline with Government advice or obtaining a letter from the professional regulating authority in the country (or countries) in which the applicant has 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.
- where the successful candidate will be taking part in the management of the school, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014.
- for a candidate that has lived or worked outside the UK, an EEA check using the NCTL Teacher Services system for information about any teacher sanction or restriction.
- Where reasonable and practicable, an online search and social media review will be carried out. Any incidents or issues that are publicly available online will be explored further.

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 (more guidance for schools from the DfE on this can be found at:

[https://www.safeguardingschools.co.uk/wpcontent/uploads/2015/01/DBS\\_referrals\\_guide\\_-\\_relevant\\_offences\\_v2.4-September-2014.pdf](https://www.safeguardingschools.co.uk/wpcontent/uploads/2015/01/DBS_referrals_guide_-_relevant_offences_v2.4-September-2014.pdf)

- 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
- ensure that the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this procedure. The school will monitor the compliance with these measures.
- respond to changes in legislation required to ensure the safeguarding of children and review policy and practice in the light of carry out an annual review of this policy irrespective of legislation

### **DBS Update Service**

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. A barred list check will still be required.

### **If 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 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
- 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

### **Central Record of Pre Employment Checks**

In addition to the various staff records kept in school and in individual personnel files, a single central record of recruitment and vetting checks is kept. This is kept up to date and retained on the personal file of the individual by the Head of Education. This record contains details of checks:

- All staff who are employed to work at the school;

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

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

### **Rehabilitation of Offenders Disclosure**

All posts within Brookland School are exempt from the Rehabilitation of Offenders Act 1974. Applicants will be required to declare spent and unspent convictions, cautions and bind-overs, including those regarded as spent and have an Enhanced Disclosure and Barring Service check. A previously issued Criminal Records Disclosure Certificate will only be accepted in certain restricted circumstances. Such disclosures will not be considered as part of the short-listing process. They will become part of the interview process in order to allow the candidate the opportunity to discuss the matter. As stated above, such information will not necessarily bar a candidate from employment. If the candidate is not successful, then the information will not be retained and destroyed after six months.

The Disclosure and Barring Service has published a Code of Practice with accompanying explanatory guide for information. Brookland School is committed to ensuring that it meets the requirements of the Disclosure and Barring Service in relation to the processing, handling and security of Disclosure information. Copies of DBS certificates will not be retained for more than 6 months. 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
- the School has serious concerns about an applicant's suitability to work with children
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In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question
- the seriousness of any offence or other matter revealed
- the length of time since the offence or other matter occurred

- whether the applicant has a pattern of offending behaviour or other relevant matters
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any 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

#### **Data Protection Issues**

Employees are entitled to see and receive, if requested, copies of their employment references. Further disclosed information will be treated in confidence and not used against applicants unfairly, including adherence to the ISA code of practice.

#### **Supply Staff**

For the purposes of creating the record of checks for supply staff provided through a supply Agency, the school will request written confirmation from the supply Agency that it has satisfactorily completed all relevant checks. Access to the check is only required where there is information contained in the DBS Disclosure. Information disclosed as part of a DBS Disclosure will be treated as confidential. Identity checks will be carried out by Brookland School to confirm that the individual arriving at the school is the individual that the agency has referred.

#### **Peripatetic Staff**

For the purposes of creating the record of checks for peripatetic staff (for music, sports etc.) the school will require all necessary checks and DBS requirements are fulfilled.

This policy has been written with reference to the DfES Publication Safeguarding Children and Safer Recruitment in Education Safeguarding guidance.