



NEWCASTLE UNDER LYME SCHOOL

Recruitment, Selection and Disclosure Policy and Procedure (Safer Recruitment Policy)

This Document applies to the whole School including EYFS and is published to parents and prospective parents on the School's website and is available upon request to parents and prospective parents.

This Safer Recruitment Policy should be read along with the School's Child Protection and Safeguarding Policy.

1. Introduction

Newcastle-under-Lyme School, including the Early Years Foundation Stage, is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. In this context it is vital that the School applies recruitment and selection procedures that identify people who are unsuited to work with children. The measures described in this policy should be applied in relation to everyone who has sole responsibility for the care of children and those who regularly come into contact with children in a supporting or voluntary capacity. The policy aims:

1. To help deter, reject or identify people who might abuse children or are otherwise unsuited to working with them by having appropriate procedures for appointing staff.
2. To operate such procedures consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants.
3. To seek to secure an ongoing safe and secure environment for children by ensuring all staff are suitably trained in recognising and responding to signs of abuse.

The School ensures that all appropriate checks are completed for each new member of staff (including volunteers).

As both good practice and statutory requirements are subject to frequent change in this area, the School strives to ensure that it is always up to date with latest guidance and requirements and that it follows best practice. This Safe Recruitment Policy complies with the Independent Schools Standards Regulations in respect of safe recruitment. Newcastle-under-Lyme School Safer Recruitment Policy draws upon DFE guidance, *Safeguarding Children and Safer Recruitment in Education*, the *Prevent Duty Guidance for England and Wales*, and *Keeping Children Safe in Education* (September 2016).

This Safer Recruitment Policy refers and applies to staff directly recruited and employed by the School. In the Education (Independent Schools Standards) (England) Regulations 2010, 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.
- Any staff who TUPE transfer into the School's staff, will be required to undertake the statutory requirements with regard to safer recruitment checks. In the event of employees being transferred under TUPE with a gap of three months or less and with complete information will be passed on to the new employer and a note made on the register that the details have been accepted under TUPE.

The School aims to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

2. Advertisement

Advertisements for all posts at the School will demonstrate the School's commitment to safeguarding and promoting the welfare of children by including the following statement about Safeguarding Children: "Newcastle-under-Lyme School is committed to safeguarding and promoting the welfare of children, and applicants must be willing to undergo child protection screening, including an enhanced DBS disclosure and other standard pre-employment safeguarding checks." Whilst the exact wording of the statement may change over time, it will always demonstrate the School's commitment to safeguarding.

Advertisements will also specify the application procedure (to include a completed application form and wither within or separately from the form, a letter of application) and the closing date.

3. Information for Applicants

Prospective applicants will be sent, or will be able to download from the School's website, the following information:

- The School's standard Application Form
- The 'Information for Applicants' including general information about the School,

information pertaining to the post (for example, information about the department in the case of a teaching post in the Senior School), a detailed Job Description, where available, a Person Specification, guidance for applicants about the School's recruitment and selection procedures including details of pre-employment checks and the requirement for satisfactory references. The 'Information for Applicants' makes reference to the responsibility for safeguarding and promoting the welfare of children and young people and, where included, the Person Specification makes reference to suitability to work with children.

- A reminder of the statement in the advertisement about Safeguarding Children, the School's Statement on the Recruitment of Ex-Offenders, Safeguarding (Child Protection)

The School's policies on Equal Opportunities and Race Equality are published on the School's website.

4. Application Form (and declarations)

The School will only accept applications from candidates completing the relevant standard Application Form in full. The School has regard to *KCSiE* (September 2016) and therefore requires that candidates complete an application form including comprehensive information and disclose their previous employment history to enable the School take up and satisfactorily resolve any discrepancies or anomalies. CVs will not be accepted in substitution for completed Application Forms. The School's form includes a reminder to applicants that two references are required, one of which must be from their current or most recent employer.

The School will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the School with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the School 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 Headmaster. No other member of staff will have knowledge of its contents. If candidates would like to discuss this beforehand, they are asked to telephone, in confidence, the Headmaster.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However, amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website. The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the position.

The School takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the School immediately. Successful applicants

should be aware that they are required to notify the School immediately if there are any reasons why they should not be working with children. Successful applicants are required to confirm that they are not on the Barred List or disqualified from working with children, and that they have no convictions, cautions, reprimands or final warnings that are not “protected” as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) or other orders of the courts made against them. This will include:

- cautions for, convictions of or charges with certain violent and sexual criminal offences against children and adults, at home or abroad,
- other orders have been made against them relating to their care of children
- cancelled registration in relation to childcare or children’s homes or disqualification from private fostering

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.

Successful applicants will also be required to inform the School whether they live in the same household where another person who is disqualified or barred from working with children (included on the children’s barred list) or disqualified from registration for the provision of childcare lives. The Childcare (Disqualification) Regulations 2009 apply to those providing supervisory work with children who have not attained the age of eight outside teaching hours (including before school or after school clubs), or who manage the supervision of childcare for children under the age of eight. This is referred to as ‘by association’ and refers to living in the same household (or someone is employed in their household) who has been disqualified from working with children under the Childcare Act 2006 or who has unspent cautions or convictions for a relevant offence (please see a list of the relevant offences) set out here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384712/DBS_referrals_guide_-_relevant_offences_v2.4.pdf.

If there is nothing to declare then the employee will sign a declaration to this effect. Staff and/or successful candidates who are disqualified from childcare or registration, including ‘by association’, 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 Headmaster for more details.

If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate's suitability to work with children. Where the

candidate has no previous employment history, the School may request character references which may include references from the candidate's school or university.

Anyone employed to carry out teaching work since April 2012 will also be checked against the Secretary of State's Prohibited List.

Where an applicant is living/has lived outside the UK then the School will undertake whatever checks are available from that country to ensure that no relevant offences have been committed abroad.

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

5. Selection Panel

The selection panel will always include at least two members of staff and/or governors. A member of the panel will have undertaken safer recruitment training.

6. Short-Listing

The selection panel will meet to consider all valid and completed applications in accordance with the School's Equal Opportunities Policy. The School does not discriminate on grounds of disability and will make reasonable adjustments, so far as is practicable, to ensure that people with disabilities can be considered for employment and, if successful, able to carry out their duties effectively.

On receipt of an application, the completeness of the employment history is checked to ensure that there are no discrepancies or gaps. The Headmaster (for Senior School teaching staff), Head of Junior School (for Junior School teaching staff) and the Bursar (for non-teaching staff) double-checks this when drawing up a shortlist. The candidates whose applications most closely match the requirements of the School as described in the Information for Applicants will be selected for interview. A record will be made of the decisions made at this meeting. The School will not normally consider applications received after the closing date.

Applicants currently residing overseas may be interviewed online on a preliminary basis, before being called for interview, if the application matches the School's requirements as described above.

7. References

All offers of employment will be subject to the receipt of a minimum of two satisfactory references, one of which (for those who have an employment record) must be from the applicant's current or most recent employer. References are sought for short-listed teaching candidates before interview. If the current/most recent employment does/did not involve work with children, then one reference should be from the employer with whom the applicant most recently worked with children. No referee should be a relative or someone known to the applicant in the capacity of a friend. When a reference is taken over the

telephone then detailed notes will be taken, dated and signed.

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. A reference template is sent to referees. If the referee is a current or previous employer, they will also be asked to confirm by answering specific questions to help assess an applicant's suitability to work with children, and follow up any concerns by telephone if necessary, the following:

- the applicant's dates of employment, salary and job title/duties, reason for leaving, performance, sickness and disciplinary record.
- whether the applicant has ever been the subject of disciplinary procedure involving issues related to the safety or welfare of children (including any in which the disciplinary sanction has expired).
- whether any allegations or concerns have been raised about the applicant that relate to the safety or welfare of children or young people or behaviour towards children or young people.

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 open references or testimonials. When references are received, they will be checked to ensure that all specific questions have been answered satisfactorily and the School will follow up incomplete information. A written reference will be followed up by a telephone call to the referee. The School will compare all references with any information given on the form. Any discrepancies or inconsistencies in the information will be taken up with the applicant before any appointment is confirmed.

8. Interview and Selection

Candidates who are called for interview will be given written information about the arrangements for the day of the interview with the invitation. Candidates for teaching posts will be given a tour of the School by current pupils, and will normally be required to teach a lesson or make a presentation as part of the selection process. Candidates for other posts may also be given a tour of the School.

There may be one or more separate interviews for each candidate. Each interview will be conducted by at least two members of the selection panel. The selection panel will meet prior to the interview process to agree areas of focus for each member of the panel. One area of focus for one member of the selection panel will concern the attitude of the candidate towards safeguarding children. At least one panel member will have undertaken Safer Recruitment training to explore the candidate's suitability to work with children as well as his/her suitability for the post. The Headmaster, Deputy Heads, Head of Junior School, Bursar and HR Manager have undergone Safe Recruitment training so as to be assured, through questioning, of the candidate's suitability for working with children. Where there are gaps in employment, the School will ascertain that they are satisfactory and take up any discrepancies at interview.

The framework for the interview(s) will be the same for all candidates, with consistent questioning of candidates, but follow-up questions will also be asked to enable candidates

to elaborate on their answers. A record will be made of the responses given by candidates. Following CIPD factsheet, July 2015, 'Retention of HR Records', application forms and interview notes are kept for at least six months and destroyed after one year.

The selection panel will meet following the completion of the interview process. The decisions made will be communicated to candidates as soon as possible, and a written record will be kept of the outcomes of the interviews.

Notes:

- (a) For some posts there may be more than one round of interviews.
- (b) For some posts an external consultant may be used to advise the selection panel.
- (c) In exceptional circumstances overseas applicants may be provisionally appointed on the basis of an online interview.

9.Pre-Employment Checks

Candidates called for interview are asked to bring with them to the interview documentation to confirm their identity, (using passport, driving licence or birth certificate), documentary evidence of address, entitlement to work in the UK, noting the need to have regard to the rules for employing migrant workers (2008), and qualifications which are checked from original documents. A record will be made of these checks and copies retained.

Any offer of employment will be made only after satisfactory completion of the checks below. A Contract of Employment will then be issued following verbal acceptance of an offer of employment. This contract remains subject to receipt of a satisfactory enhanced disclosure from the DBS. An Enhanced Disclosure is obtained for staff who will be involved in regulated activity.

Unsupervised access to children in any school is classed as regulated activity. Anyone who is engaged in regulated activity must undergo a DBS check. Please click below for the Government's definition of regulated activity with regard to children. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/377519/DBS_referrals_guide_summary_of_regulated_activity_with_children_v2.2.pdf

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. Where an applicant claims to have changed his/her name by deed poll or any other mechanism (eg marriage, adoption, statutory declaration), he/she will be required to provide documentary evidence of this change;
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, either prohibition from

- teaching or prohibition from the management of an independent school;
5. Check of management disqualification;
 6. Verification of professional or vocational qualifications, where claimed and where appropriate;
 7. Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999);
 8. Where the successful candidate has worked or been resident overseas (for three months in the last five years) such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered; and
 9. Satisfactory medical fitness.
 10. Confirmation from the candidate that the successful candidate is not disqualified from providing childcare under the Childcare (Disqualification) Regulations 2009 or receipt of a signed Staff Suitability Declaration form showing that the candidate is not disqualified from providing childcare under the Childcare (Disqualification) Regulations 2009 or disqualified by association in the provision or management of child care for children under the age of eight years.

It is the School's practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence. This information will be reviewed against the Information for Applicants and Job Description and where in place, the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, co-curricular activities, layout of the School.

When the School employs staff from a supply agency, it will contact the agency to confirm and receive assurances that the following checks have been carried out on their staff as required by the Independent Schools Regulations:

- Identity,
- Enhanced Disclosure, renewed every three years,
- Right to Work in the UK,
- Barred List,
- Prohibition Order,
- Qualifications,
- Overseas checks, where appropriate,
- Medical fitness,
- Previous employment history,
- Two references meeting the requirements of *KCSiE* (September 2016)

A record of these checks will be made on the Single Central Register and the School will carry out its own identity check and will take a copy of the Disclosure.

In the case of appointing a proprietor (i.e. Chair of Governors for the School) the School will confirm that the person is registered with the DfE as being responsible for the management of the school and will make all appropriate checks in advance of appointment.

In line with the guidance in KCSiE, (September 2016) and the Child Protection (Safeguarding Policy) when students are being hosted by a family, (e.g. on sports tours) the School takes all reasonable steps to check the family's suitability.

The School 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.

10. Induction

The Teaching Staff Induction Policy provides further detail on the induction process.

All newly-appointed members of staff are invited and expected to make preliminary visits to the School in preparation for taking up post. In addition, they are invited and expected to attend Induction to the School before they start work. Teachers will also be expected to attend the School's induction course. For support staff their induction is completed on their first day where possible and certainly within their first week of employment. As part of this Induction staff will be familiarised with *KCSiE* (September 2016), the School's Child Protection (Safeguarding) Policy, Staff Behaviour Policy, Whistleblowing Policy and receive induction training with the Designated Safeguarding Lead or Deputy Designated Safeguarding Lead on child protection and safeguarding.

After all checks are completed and a six month probationary period is completed, support staff employees receive a confirmation of employment letter.

11. Delayed DBS Checks

Where an Enhanced Disclosure is not received in advance of a member of staff starting work in a regulated activity, then a separate Barred List check will be undertaken. This is also the case where a "portable" Enhanced Disclosure is used. Where a Disclosure is delayed, [See Regulation 221], the Headmaster may decide to allow the member of staff to commence work without confirming the appointment after a satisfactory Barred List check has been provided. No member of staff will be allowed to start work in the School without a satisfactory List-99 check, the outcome of which will be recorded in the staff file.

The School expects to be in receipt of a satisfactory DBS clearance before the commencement of employment. In the event of a delay in receiving the enhanced DBS check, a newly-appointed member of staff may be allowed to start work, but only in strictly controlled conditions, as follows:

- Access to groups of pupils will only be permitted under the close supervision of the line manager and only in a room that is close to the line manager and that is easy for the line manager to monitor.
- The line manager will make a weekly written report to the Headmaster, in which he/she will comment on any concerns or otherwise that he /she has about this access to groups of pupils.
- The Headmaster and/or a Deputy Head or Head and/or Deputy Head of Junior School will maintain a high visible profile in the vicinity of lessons taught by the newly-appointed teacher by making frequent visits to the area. The Headmaster will make a

fortnightly written assessment of the risk being posed by allowing this access to groups of pupils. This access to groups of pupils will be removed if any concerns arise.

- Under no circumstances will the member of staff be allowed unsupervised access to individual pupils on a one-to-one basis or to accompany pupils on a trip or visit.
- These arrangements will remain in force until satisfactory receipt of the DBS check.
- A briefing will be arranged for the member of staff to inform them of the measures in place.
- A note to this effect will be added to the Single Central Register and evidence kept of the measures put in place. All records of precautions taken to safeguard children in the event of a DBS check that is late arriving will be kept in the file of the member of staff.

12. Criminal Records Policy

The School will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education' and any amended version in carrying out the necessary required DBS checks. The School complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request [or accessed here: <https://www.gov.uk/government/publications/dbs-code-of-practice>].

13. Single Central Register

The School maintains a Single Central Register of Appointments and records on it all current members of staff, the Governing Body and all individuals who work in regular contact with children. A spreadsheet includes volunteers, supply staff and those employed as third parties. [See regulation 263]

14. Retention and Security of Records

A checklist is completed for every appointment to ensure that all these stages have been completed satisfactorily. At the end-point of the process the appointment is confirmed and the documentation is filed for safekeeping in the appropriate places: the School's HR Manager keeps the register of DBS and other checks. The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months.

Author:	N A Rugg (2015), D M Williamson (2016)
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Governors:	Summer 2016
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Appendix to Recruitment, Selection and Disclosure Policy and Procedure (Safer Recruitment Policy)

Policy on the Recruitment of Ex-Offenders

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

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

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the Childcare (Disqualification) Regulations 2009, whether by association, or otherwise.

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

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

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

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

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

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

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

Author:	N A Rugg
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