

Safer Recruitment, Selection and Disclosures Policy 2023-2024

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Policy Contact: Mr William Yates, Deputy Head

SAFER RECRUITMENT, SELECTION AND DISCLOSURES POLICY

Introduction

1. Seaford College 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.
2. The College aims to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.
3. All queries on the College's Application Form and recruitment process must be directed to the HR Manager.
4. An entry will be made on the Single Central Register for all current members of staff at the College, the proprietorial body and all individuals who work in regular contact with children and young people including volunteers, supply staff and those employed as third parties.
5. All checks will be made in advance of appointment or as soon as practicable after appointment.

Scope of this Policy

6. The Safer Recruitment, Selection and Disclosures Policy refers and applies to all staff directly recruited and employed by the College.

In the Education (Independent Schools Standards) (England) Regulations 2014, staff are defined as 'Any person working at the College, whether under a contract of employment, under a contract for services or otherwise than a contract, but does not include supply staff or a volunteer'.

7. In the case of agency or contract workers, the College shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. The College conducts identity checks on agency and contract workers on arrival at the College and, in the case of agency workers, which includes supply staff, the College must be provided with a copy of the DBS check for such staff.
8. The College 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, medical fitness, check of previous employment history). The Single Central Register shows these checks have been made and the College carries out its own identity check and has seen a copy of the disclosure (whether or not it discloses any information).

9. 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 Seaford College this would be the Headmaster.
- A person who is accountable only to the Head or the governors, or who is responsible for the overall management and control of the charity's finances.

10. Being disqualified means that a person cannot take on, or stay in, a senior management position – even on an interim basis – unless the Charity Commission has removed (or 'waived') the disqualification.

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

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

13. 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.

Application Form

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

15. The College will make candidates aware that all posts in the College 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.

16. 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.

17. The successful applicant will be required to undertake a DBS (Disclosure and Barring Service) check 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 the College 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.

18. The statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)” applies to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 and to those who are directly concerned in the management of that childcare.

19. The College 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 College immediately. This will include notification of any convictions, court orders, reprimands or warnings he/she may receive.

20. 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 HR Manager for more details.

21. The College 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 know 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.

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

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

24. 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 College if they have been appointed, and a possible referral to the police and/or DBS.

Invitation to Interview

25. The College will short-list applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

26. At formal interview, a candidate may be interviewed by more than one panel or by more than one individual separately, but in accordance with best practice, at least one of the interviewers will have undertaken safer recruitment training. The Chair of Governors should chair the panel for the Head's appointment. The interviewers involved will be required to state any prior personal relationships 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.

27. The interview will be conducted, where possible, in person and the areas which it will explore will include suitability to work with children.

28. All candidates invited to interview should 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.

29. The College requests that all candidates invited to interview bring with them, or make available after interview, if successful:

- A passport or a full birth certificate
- A current driving license including a photograph
- A utility bill or financial statement issued within the last three months showing the candidate's current name and address
- Where appropriate, any documentation evidencing a change in name
- 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.

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

Conditional Offer of Appointment: Pre-Appointment Checks

31. Any offer to a successful candidate will be conditional on:

- Receipt of at least two satisfactory references
- Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK
- A satisfactory DBS check and, if appropriate, a check of the Barred List maintained by the DBS
- For any candidate that has worked or been resident overseas for 6 months or more (whether continuously or in total) in the last 10 years, while aged 18 or over, (an) appropriate overseas criminal record certificate(s)
- For a candidate to be employed as a teacher (which includes planning and preparing lessons and courses for students; delivering and preparing lessons to students; assessing the development progress and attainment of students; and reporting on the development,

progress and attainment of students) a check 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

- For a candidate that has lived or worked outside the UK to be employed as a teacher, such checks and confirmations as the College may consider appropriate so that any relevant events that occurred outside the UK can be considered
- Verification of successful completion of statutory induction period (for teachers who obtained QTS after 7 May 1999)
- 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
- Where the successful candidate will be taking part in the management of the College (including all Governors, Senior Management Team, Directors and teaching Heads of Department) a check that the candidate is not subject to a direction made by the Secretary of State under s.128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014
- Evidence of satisfactory medical fitness
- Digital Footprint; potential candidate’s social media or other online activity will be checked prior to interview in order to identify any incident or issues that have happened and are publicly available online which the College may wish to explore with the applicant at interview.

32. It is the College’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 College in the strictest confidence. 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, layout of the College etc.)

33. The College is aware of its duties under the Equality Act 2010 (see the College’s Equal Opportunities Policy). No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.

References

34. The College will seek the references referred to in the section “Pre-Appointment Checks” above for shortlisted candidates and may approach previous employers for information to verify particular experience or qualifications, before interview. One of the references must be from the applicant’s current or most recent employer. References must be received by a senior person with appropriate authority. If the candidate does not wish the College to take up references in advance of the interview, they should notify the College at the time of applying.

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

36. The College 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 College will verify all references. Where references are received electronically, the College will ensure that originate from a legitimate source.

37. The College will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies will be discussed with the candidate.

Criminal Records Policy

38. The College will refer to the Department for Education document “Keeping Children Safe in Education” and any amended version in carrying out the necessary required DBS checks.

39. The College complies with the provisions of the DBS Code of Practice, a copy of which may be obtained at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/474742/Code_of_Practice_for_Disclosure_and_Barring_Service_Nov_15.pdf

40. Where the College relies on an existing DBS check undertaken by another educational establishment under the three-month rule, a barred list check will still be required.

41. Where an applicant subscribes to the DBS Update Service, the applicant must give consent to the College to check there have not been changes since the issue of a disclosure certificate. A Barred List check will still be required.

42. If an enhanced disclosure is delayed the Headmaster 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 the DBS application has been made in advance
- With the appropriate safeguards taken (for example loose supervision)
- Safeguards reviewed at least every two weeks by the Headmaster and member of staff
- The person is informed what these safeguards are
- A note is added to the Single Central Register and evidence kept of the measures put in place

Retention and Security of Records

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

44. The College will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Data Protection Policy.

Appendix – Policy on the Recruitment of Ex-Offenders

1. The College will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The College 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 College. Instead each case will be decided on its merits in accordance with the objective assessment criteria set out below.

2. 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.

3. Under the relevant legislation, it is unlawful for the College 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 College 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 acts of violence. It is also unlawful for the College to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the Disqualification under the Childcare Act 2006 (July 2018).

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

- The College receives an application from a disqualified person
- Is provided with false information in, or in support of, an applicant's application
- The College has a serious concern about an applicant's suitability to work with children.

5. 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 College 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

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

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

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