

This school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.



PARKSIDE
SCHOOL

Edition: 15 April 2020

RECRUITMENT & SELECTION POLICY

**This policy is applicable to the whole school,
including the Early Years Foundation Stage (EYFS)**

References:

ISI: Commentary on the Regulatory Requirements 2019-09 (September 2019)
Keeping Children Safe in Education (September 2019) (*KCSIE*)
Working Together to Safeguard Children (August 2018) (*WT*)
Statutory Framework for the Early Years Foundation Stage (Childcare Act 2006) (revised April 2017)
Disqualification under the Childcare Act 2006 (July 2018)
Revised Code of Practice for Disclosure and Barring Service Registered Persons (November 2015)
Prevent Duty Guidance: for England and Wales (July 2015) (*Prevent*)
Section 26 of the Counter-Terrorism and Security Act 2015
Education (Independent Schools Standards) (England) Regulations 2014
S.128 Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014
Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013)
Teachers' Disciplinary (England) Regulations 2012
Equality Act 2010
The Transfer of Undertakings (Protection of Employment) Regulations 2006 (*TUPE*)

1. Introduction

Parkside School (the School) 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.

The School is governed by:

Parkside School Trust - Registered in England Number: 667817; Registered Charity Number: 312041

2. Scope of this Policy

The Policy herewith refers and applies to staff directly recruited and employed by the School. In the latest iteration of the **Education (Independent Schools Standards) (England) Regulations**, 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.

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, 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 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 this School this would be the Head.
- A person who is accountable only to the Head, and who is responsible for the overall management and control of the charity's finances. At this School this would be the Bursar.

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.

TUPE. 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.

3. Aims

The School 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** (as above).

All queries on the School's Application Form and recruitment process must be directed to the Head or Bursar.

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

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

Links to other policies:

- Conflict of Interest Policy
- Data Protection Policy
- Equal Opportunities Policy
- Ethos and Aims
- IT Acceptable Use Policy
- Induction Policies
- Privacy Notices
- Safeguarding Policy
- Staff Code of Conduct
- Staff Development Policy
- Staff Handbook
- Staff Social Media Policy
- Storage & Retention of Records Policy
- Whistleblowing Policy

4. Recruitment & selection procedure

Advertisements for all posts – whether in newspapers, journals or online – will include this statement:

SAFER RECRUITMENT STATEMENT: *Parkside School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Applicants must be willing to undergo child protection screening, including checks with past employers and the Disclosure & Barring Service.*

Applicants will receive the following:

- An Application Form (including the Application and Recruitment Process Explanatory note)
- Equal Opportunities Monitoring Form
- Job Description
- Person Specification
- Link to access our: Safeguarding Policy, Recruitment and Selection Policy and the Recruitment Privacy Notice

5. Application Form

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

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. 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.

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 Head or Bursar. If candidates would like to discuss this beforehand, they are asked to please telephone in confidence to the Head/Bursar for advice.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However, the latest iteration of the **Rehabilitation of Offenders Act Exceptions Order 1975 (2013)** (as amended) 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. Additionally, successful applicants should be aware that they are required to notify the School immediately if they are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration.

The latest iteration of the **Disqualification under the Childcare Act** 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.

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. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive. He/she must also notify the School immediately if he/she is living in a household where anyone lives or works who has been disqualified from working with children or from registration for the provision of childcare.

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 or Bursar for more details.

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.

The School has a legal duty under the latest iteration of **Section 26 of the Counter-Terrorism and Security Act** 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: www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf].

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.

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.

6. Invitation to Interview

The School 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.

All formal interviews will have a panel of at least two people chaired by the Head and/or Bursar. The Chair of Governors will chair the panel for the Bursar's/Head'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. There will always be at least one person on the appointment panel who has undertaken Safer Recruitment training.

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

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.

The School requests that all candidates invited to interview also bring with them:

1. A current driving licence including a photograph or a passport;
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Documentation confirming their National Insurance Number (P45, P60 or National Insurance Card);
4. Where appropriate any documentation evidencing a change of name;
5. Where the candidate is not a citizen of a country within the European Economic Area or Switzerland, proof of entitlement to work and reside in the UK.

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

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.

Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient.

7. 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, where appropriate, evidence of the right to work in the UK;
3. A satisfactory enhanced DBS check and if appropriate, a check of the 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. Teaching work is defined in the latest iteration of **The Teachers' Disciplinary (England) Regulations** to encompass:
 - a. Planning and preparing lessons and courses for pupils
 - b. Delivering and preparing lessons to pupils
 - c. Assessing the development, progress and attainment of pupils

- d. Reporting on the development, progress and attainment of pupils;
5. Verification of professional qualifications, where appropriate;
6. Verification of successful completion of 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 checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered;
8. Satisfactory medical fitness;
9. Receipt of a signed Staff Suitability Declaration Form showing that you are not disqualified from providing childcare under the latest iteration of the **Disqualification under the Childcare Act**;
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 the School, a check will be carried out under the latest iteration of **Section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations**. This applies to all Governors, Senior Leadership Team and teaching heads of department; and
12. For a candidate that has lived or worked outside the UK, (since 2016) an EEA check using the Teaching Regulation Agency (TRA) for information about any teacher sanction or restriction.

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 and processed in accordance with the School's 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 layout of the School.

The School is aware of its duties under the latest iteration of the **Equality Act**. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.

8. References

The School will seek the references referred to in section 7 above for shortlisted candidates (including internal applicants) 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 School to take up references in advance of the interview, they should notify the School at the time of applying.

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

The School 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.

The School will telephone all referees to ask if there is any reason the applicant should not work with children.

9. Criminal Records checks

The School will refer to the latest iteration of **KCSIE** 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: www.gov.uk/government/publications/dbs-code-of-practice

There are limited circumstances where the School will accept a check from another educational institution which are as follows:

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 the school may apply for a disclosure but is 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 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, through the carrying out of risk assessment and close supervision [and never left alone with a pupil]);
- The person in question is informed what these safeguards are; and
- The risk assessment is reviewed on a weekly basis by the Head or the Bursar and member of staff;
- 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.

10. Retention, Security of Records and Data Protection Obligations

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. Please refer to the Storage & Retention of Records Policy.

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

11. Monitoring, Evaluation and Review

This Policy is monitored, evaluated and reviewed on an annual basis by the Senior Leadership Team.

DRW

Reviewed: Spring Term 2020

Approved by the Board of Governors: 15.4.20

Next review: Autumn Term 2020

Appendix 1:

Policy on the Recruitment of Ex-Offenders

(February 2020)

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.

1. 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 latest iteration of the **Disqualification under the Childcare Act** whether by association, or otherwise.
2. 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:
 - a. the School receives an application from a disqualified person;
 - b. the School is provided with false information in, or in support of an applicant's application; or
 - c. the School has serious concerns about an applicant's suitability to work with children.
3. 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.
4. 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.
5. 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.
6. If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink or drug driving.