



MANOR HOUSE SCHOOL RECRUITMENT, SELECTION AND DISCLOSURES POLICY & PROCEDURE INCL. EYFS

Date of Issue: **December 2022**

Date of Review: **December 2024**

Responsibility: **HR Officer**

References:

The Data Protection Act 2018

GDPR (EU)

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) ("the exceptions order")

Human Rights Act 1998

KCSIE 2022

MHS Child Protection and Safeguarding Policy

Statutory framework for EYFS 2017

ISI Inspection Framework & Regulatory Compliance 2021

General

Manor House School ('the School') is committed to the safeguarding and welfare of children and young people and all staff share this responsibility. We have an extensive safer recruitment policy and procedure, which ensures those unsuitable for working with children are identified at the initial stages. All staff in regulated activity with pupils are subject to the standard employment checks including an enhanced DBS check. Volunteers and visitors are also subject to identity checks.

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 2010.

All queries on the School's application form and recruitment process must be directed to the current HR Officer.

Scope of Policy

The Recruitment, Selection and Disclosures Policy and Procedure herewith 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 view the DBS for such staff before commencing any work.

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 school. 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 School. At Manor House School this would be the Headteacher.
- A person who is accountable only to the Head or the governors, and who is responsible for the overall management and control of the finances. At Manor House School this would be the Bursar.
- A person who has responsibility for a department. At Manor House School this is the Head of Department or a member of the Senior Leadership Team.

Being disqualified means that a person can't take on, or stay in, a senior manager position – even on an interim basis, unless the Secretary of State for Education has removed (or 'waived') the disqualification.

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.

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 statutory guidance "Disqualification under the Childcare Act 2006 (August 2018)".

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 whether the information is spent or protected.

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 a drink driving offence.

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.

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. Checks will also include online searches as part of diligence checks on shortlisted candidates.

Self-Disclosure and Disqualification from working in childcare

The statutory guidance "Disqualification under the Childcare Act 2006 (August 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.

The school records all checks of staff employed to work in or manage relevant childcare on the Single Central Register. This includes the date disqualification checks were completed.

Where a member of staff is found to be disqualified or if there is doubt over that issue then, pending resolution, the school will remove them from the work from which they are working or may be disqualified. Suspension or dismissal will not be an automatic response; the school will consider if there is scope in principle to redeploy them with other age groups or in other work from which they are not disqualified, subject to assessing their risks and taking advice from the designated officer when appropriate.

Employees who work in EYFS and later years and those directly involved in the management of such provision will be informed annually of this legislation and must self-declare if this legislation applies to them or their circumstances change.

Prevent

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 on this can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf].

References

The School will seek the references 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 sought from 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. 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.

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 on open references or testimonials. The School will verify all references. All references received will be verified by telephone call.

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.

In the case of non-teaching staff, there may be situations where the candidate cannot provide references. If professional or personal references cannot be sourced for any particular reason the Head of Department alongside the HR Officer or Bursar will decide on the risk posed to the school and alongside all other checks being placed may allow the employee to work in the school under supervised conditions until it is remedied or other conditions are in place. They can however withdraw the offer subject to the usual terms and conditions.

Invitation to interview

The School will short list applicants to the relevance and applicability of their professional attributes and personal qualities to the role. Short listed candidates will be invited to attend a formal interview where the skills and experience can be discussed further. The School requests the following original documents on arrival (photocopies are not acceptable);

- A current photographic driving licence or paper counterpart or passport
- Original certificates of teaching qualifications
- Proof of entitlement to work and reside in the UK.

Interviews will be held by at least two suitably senior members of staff, dependant on the role. At least one of the panel will be safer recruitment trained. For the Headteacher and Bursar roles, the Chair of Governors should chair the panel. Should the chair have a conflict of interest the Vice Chair shall decide whether the Chair should sit on the panel. All interviews must be conducted in person and the areas of suitability of working with children will be explored.

If you consider yourself to have a disability and need any adjustments for the interview, please contact the HR Officer.

If you have any further queries regarding the interview, please contact the HR Officer.

Conditional Offer of Appointment: Pre-Appointment Checks

Any offer to a successful candidate will be conditional upon pre-employment checks which may (if needed) be recorded on the Single Central Register as follows;

- ID, Date of Birth & Address checks
- Professional Qualifications Check
- Enhanced DBS check
- Barred List Check
- Right to work in the UK
- Overseas Check
- EEA Sanctions Check via the TRA
- Prohibition from Teaching
- Prohibition from Management
- Receipt of at least two satisfactory references
- Employment history, any gaps will be scrutinised

- Childcare Disqualification Check-under the Childcare Regulations 2009 apply 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
- Medical Fitness Check

DBS

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 Headteacher immediately. This will include notification of unspent or unprotected convictions, cautions, court orders, reprimands or warnings he/she may receive. 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. 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.

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>.

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

In addition to the DBS check, 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.

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

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 or supervised in EYFS);
- Safeguards reviewed at least every two weeks by the Head/Bursar and member of staff;
- The person in question is informed what these safeguards are; and
- 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.

Criminal Records Policy (See Appendix also)

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>.

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

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

- (a) A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;

(b) A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or

(c) An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

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

In these circumstances the school may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.

Retention and Security of Records

Manor House 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.

Appendix 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.

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- 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, Thea Hynes HR Officer Reviewed and Updated: September 2010, September 2016 September 2019, May 2022, April 2023