



SAFER RECRUITMENT AND SELECTION POLICY AND PROCEDURE

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Keeping Children Safe in Education 2024

Equality Act 2010

Agency Workers Regulations 2010

General Data Protection Regulation (GDPR) and Data Protection Act 2018

Safeguarding and Vulnerable Groups Act 2006

Rehabilitation of Offenders Act 1974 (as amended)

Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000

Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002Immigration,

Asylum and Nationality Act 2006

Flexible Working Regulations 2014

RECRUITMENT AND SELECTION POLICY AND PROCEDURE

1.0 PURPOSE/INTRODUCTION

Sibford School is committed to achieving the highest standards of education and development of children and young people, ensuring the best possible environment for those in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.

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.

To support this the School has a recruitment and selection policy and procedure, in line with 'Safer Recruitment' requirements, and this policy should be read in conjunction with other relevant policies including the School's Equal Opportunity Policy, Data Protection Policy, and Child Protection and Safeguarding Policy.

This policy will be held on the Sibford School website, and on our internal shared areas as appropriate, and will apply to both internal and external recruitment (and highlighted to candidates as part of the process).

2.0 SCOPE

This policy is applicable to the recruitment and selection of people to be employed by Sibford School and Sibford Trading Limited, Sibford Ferris irrespective of whether contracted for a temporary, fixed term or permanent duration. It also applies to the recruitment and selection of people for contracts for services (as defined in the Education (Independent Schools Standards) (England) Regulations 2014).

2.1 Agency Workers / Contractors/Volunteers

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, right to work in the UK, barred list, prohibition from teaching or management, qualifications, overseas checks plus in line with KCSIE two references, declaration of medical fitness, check of previous employment history). The Single Central Record 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).

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.

Volunteers who have contact with children will be asked to provide current Identity documentation, an original up to date Enhanced DBS check and two satisfactory professional references to ensure that they are suitable to work with children.

2.2 Senior Management Positions

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 School Committee, and who carries overall responsibility for the day-to-day management and control of the charity. At our School this would be the Head.
- A person who is accountable only to the Head or the School Committee, and who is responsible for the overall management and control of the charity's finances. At our School this would be the Business Manager.

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

2.3 Staff transferred in/out under 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 information will be passed to the new employer and a note made on the Single Central Record that details have been accepted under TUPE.

3.0 PRINCIPLES

The following principles will apply whenever recruitment and selection for positions takes place.

- Existing staff will be given every opportunity to apply for vacancies as they arise and their applications will be considered fairly and equally with those from external candidates.
- Candidate information on protected characteristics will be collected in order to monitor the number of applications from different groups; this data will not be used in the selection process or for any other purpose and will be collated/recorded in anonymous format.

- Names, addresses and other personal data will be removed from all applications during the shortlisting process to help protect against unconscious bias.
- Selection methods will be consistently and fairly applied to all candidates for the vacancy, and will relate only to the job requirements as identified in a job description and person specification.
- Reasonable adjustments will be made in order to facilitate disabled candidates' participation in the recruitment and selection process; and the selection process should take into account such adjustments to working arrangements or physical features of the vacant job's workplace/station/premises as are reasonable to accommodate the needs of the individual.
- Candidates will only be required to divulge medical information after they have been appointed, hence this information will not form part of the selection process.
- Those involved in selecting for positions will be trained in the selection processes being used such as interviewing, and at least one interviewer should have received training within the last 5 years in relation to 'Safer Recruitment'.
- At interview stage, candidates will be asked to provide documentary evidence of their identity, current address and, where appropriate, their qualifications; along with evidence of their right to live and work in the UK.
- Written records of interviews, and reasons for decisions taken at each stage of the process including reasons for appointment and non-appointment will be kept for six months following the selection activity (or the duration of employment plus 6 years for internal candidates). Records will then be disposed of confidentially.
- All external appointments will be conditional, pending satisfactory completion of all necessary pre-employment checks (see Procedure section 4.5).
- All checks will be completed in advance of appointment or (only in the case of a DBS disclosure) as soon as practicable after appointment.
- An entry will be made on the Single Central Record for all current members of staff at the School, the School Committee and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

4.0 PROCEDURE

The recruitment and selection process should proceed with the following steps in accordance with the principles set out above.

4.1 Determining the vacancy

- Authority to recruit must be obtained from the Head, Business Manager or School Committee if appropriate, before any recruitment activity starts
- A thorough analysis of the job should be undertaken by senior management which takes into account current and future needs, in order to inform a recruitment decision i.e. not to replace the post; recruit into the same job on the same terms and conditions; or recruit but change the job i.e. restructure, change its scope, level, reporting arrangements, duties and responsibilities, hours, terms and conditions. Account should also be taken of any relevant information obtained from an exit interview with the previous job incumbent, where applicable, and where that person has given their permission for this information to be passed on
- The job description should be reviewed and amended according to the job analysis; and relevant qualifications, skills, experience, and competencies set out using standard job description and person specification proforma

4.2 Advertising and Attraction

- Job advertisements must be based on the job description and person specification. Posts will normally be advertised internally. Where additional external advertising is required appropriate local or national press will be used together with relevant online advertising. Positions will, where appropriate, be advertised simultaneously internally and externally.
- For external applicants a standard application form will be sent or accessed via the School website. For internal applicants a standard internal process will be followed, usually involving a letter of application of regulated length. All applicants should receive details about the School, a job description and relevant application form. If possible, applicants will be encouraged to apply online/electronically (as long as 'Safer Recruitment' standards can be maintained).

4.3 Applications

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 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.

4.4 Selection

- All applications will be initially processed by the HR Advisor and/or Business Administrator ensuring the removal of equal opportunities monitoring forms and other personal data and appropriate recording and storage of this data. Applications,

including internal applications, will then be shared with the recruiting manager and the Head or Business Manager.

- When reviewing applications the recruiting manager and the other senior member of staff involved in the recruitment process will compare the applicants' details against the requirements set out in the job description and person specification and draw up a shortlist of not normally more than 6 candidates who most closely match the requirements. Notes must be made and kept of reasons for decisions taken at this stage, and passed to the HR Advisor for record keeping. The manager should identify anomalies and gaps in career history for candidates being invited to interview.
- Interviews will be conducted by at least 2 interviewers and will normally involve the Head for teaching staff or the Business Manager for associate staff. An up to date list of those who have completed online training in "Safer Recruitment" can be obtained from the HR Manager, however this will include as a minimum the Head, Deputy Head, Head of Junior School, the Director of Studies the Business Manager and the HR Manager.
- An interview question sheet will be prepared prior to interview which sets out relevant questions against the job and person specification criteria. The interview questions must be covered consistently for all candidates (allowing for further probing where necessary).
- 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 at either interview or as soon as the information is available after offer.
- Interviewers comments must be recorded and notes kept using the standard proforma. Notes should be returned for storage to the HR Advisor with the candidate application forms and will be retained for six months.
- If other selection methods such as tests are used these must be administered by appropriate staff members qualified and trained to administer them. For teaching posts selection will usually include teaching a lesson under observation, and will also include a short panel interview discussion with a small group of pupils.
- External candidates visiting the school for interview will normally receive a tour of the school and will be introduced to relevant staff where possible.

4.5 Offer and Pre-employment Checks

Upon selection of a suitable candidate the recruiting manager will liaise with the Head and/or Business Manager to identify an appropriate starting salary, hours and terms and conditions, benchmarked against salaries for comparable posts currently on payroll.

The HR Manager will prepare a letter of offer and contract of employment. All offers of employment must be approved by the Head or Business Manager prior to any offer being made or confirmed in writing.

The successful candidate will receive a letter of offer, full statement of written particulars plus a copy of Employment Procedures prior to joining. The recruiting manager will review these details with the new recruit as part of the first week's induction, referring to separate induction checklists available from the HR Advisor/Business Administrator.

For successful internal candidates an agreed start date will be set taking into account the requirements of their existing job.

Once a job offer has been accepted all remaining interviewees will be contacted by telephone by the Head, Business Manager or HR Manager and feedback provided if required.

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), normally from current/most recent employers if applicable (see also section 4.6);
2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK (if not already received);
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 or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012. Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:
 - Planning and preparing lessons and courses for pupils;
 - Delivering and preparing lessons to pupils;
 - Assessing the development, progress and attainment of pupils; and
 - Reporting on the development, progress and attainment of pupils;
5. Verification of essential professional qualifications, including Qualified Teacher Status, 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. ***For an EEA teaching candidate:*** This

shall include the candidate providing the School with proof of his/her past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which s/he has worked;

8. Evidence of satisfactory medical fitness; as identified by completing a pre-employment health questionnaire and any other follow up discussions or medical opinions.

The information contained in the medical questionnaire will be held by the School in strictest confidence and processed in accordance with the 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/or layout of the School.

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. The questionnaire also allows the employer to be aware of any needs or special conditions of the employee in order to support that person throughout the course of their employment.

9. Receipt of a signed Staff Suitability Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)” confirming that they have not been disqualified from working with children under the age of 8 (nor members of their household if in Houseparent or Resident Graduate positions)
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 section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Governors, Senior Management Team and teaching heads of department.

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.

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 for more details.

The School has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent Duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology.

Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment - more guidance for schools from the DfE on this can be found at:

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

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.

4.6. References

The School will seek the references referred to in section 4.5 above for shortlisted candidates (including internal applicants) and may approach previous employers for information to verify particular experience or qualifications, before interview; provided permission is indicated on the application form.

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

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. Where references are received electronically, the School will ensure they originate from a legitimate source.

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.

4.7. 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>.

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.

4.7.1 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.

Casual or ad hoc working roles within the School will require subscription to the DBS Update Service (to be reimbursed by the School) upon appointment in order to support ongoing checking as appropriate, where gaps of 3 months or more take place between assignments.

4.7.2 If disclosure is delayed

If an 'enhanced disclosure' is delayed, the 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, supervision);
- Safeguards reviewed at least every two weeks by the Head/nominated SLT member and the member of staff;
- That the person in question is informed what these safeguards are.

This decision will be subject to a formal risk assessment and will be recorded on file on the appropriate form, and a note added to the Single Central Record.

4.7.3 Repeat of DBS Disclosure checks

DBS checks may be repeated at any point during employment for any employee, in line with appropriate guidelines.

5.0 APPEALS AND COMPLAINTS PROCEDURE

Employees who have concerns about any aspect of this policy or its operation should use the School's Grievance Procedure. Any complaints received from external applicants will be investigated by the HR Advisor who will then report findings to the Head and/or Business Manager.

6.0 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.

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 the Data Protection Policy.

7.0 APPENDIX 1: POLICY ON THE RECRUITMENT OF EX-OFFENDERS

Appendix 1

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. Please refer to the flowchart below to understand what must be disclosed and what need not be disclosed.

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 (July 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 the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- 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.

