

Recruitment, Selection and Disclosure Policy and Procedure

1. Introduction

Edgbaston High School for Girls (the School) is committed to providing the best possible care and education for its pupils and to safeguarding and promoting the welfare of children and young people. The School is also committed to providing a supportive and flexible working environment for all its members of staff. The School recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The aims of the School's recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant recommendations and guidance including the statutory guidance of the Department of Education DfE, Keeping Children Safe in Education – September 2016 KCSIE, Disqualification under the Childcare Act 2006, The Prevent Duty Guidance for England and Wales 2015(the Prevent Duty Guidance) and the code of practice published by the DBS Disclosure and Barring Service; and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves and complying with the provisions of this policy.

2. Recruitment and Selection Procedure

All applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant when the deadline for completed application forms has not passed. A curriculum vitae will not be accepted in place of the completed application form.

Applicants will receive a job description for the role applied for.

The applicant may then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

3. Offers of Employment

If it is decided to make an offer of employment any such offer will be conditional on the following

- The receipt of two satisfactory references, (one of which must be from the applicant's most recent employer) which the school considers to be satisfactory.
- For teaching positions confirmation from the NCTL that the applicant is not subject to a prohibition order.
- When the position amounts to regulated activity the receipt of an enhanced disclosure from the DBS which the school considers satisfactory.
- Where the position amounts to regulated activity confirmation and that the applicant is not on the Children's Barred List.
- Confirmation that the applicant is not subject to a direction under the section 142 of the Education Act 2002 which prohibits disqualifies or restricts them working in a position which involves regular contact with children.
- Confirmation that the applicant is not subject to a direction under EEA professional regulatory authority through the NCTL teacher Services system.
- Confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits or disqualifies or restricts them from being involved in the management of an independent school.
- Confirmation that the applicant is not disqualified from working in connection with early or later years provision.
- Verification of the applicant's medical fitness for the role.
- Verification of the applicant's right to work in the UK.
- Any further checks which are necessary as a result of the applicant having lived or worked outside of the UK.
- Verification of the professional qualifications which the school deems a requirement for the post, or which the applicant cites in support of their application.
- The School asks for the date of birth of all applicants (and proof of this) in accordance with the DfE guidance in Safeguarding Children and Safer Recruitment in Education. 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.

4. References

References will be taken up on short listed candidates prior to appointment. No questions will be asked about health or medical fitness prior to an offer of employment being made.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. One of the references must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will be sent a copy of the job description and

person specification for the role which the applicant has applied for. If the referee is a current or previous employer, they will also be asked to confirm the following:

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

The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant nor on open references or testimonials. The referees of the applicant will be contacted by telephone following receipt of the reference as a validity check.

The School will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

5. **Criminal Records Check**

For all positions in regulated activities, the School requests an enhanced disclosure and a Children's Barred List (previously known as List 99) check from the Disclosure and Barring Service

All volunteers are also asked to undergo a DBS check unless they are in school to assist a member of staff or give a talk to a group of supervised children.

The spouse or partner of an employee living on site is required to undergo a DBS disclosure.

In the event of a teacher takes up their position prior to an enhanced disclosure a Barred List clearance will need to be obtained and the teacher allowed to teach under supervision and monitoring as specified in a formal risk assessment, providing an enhanced disclosure has been applied for and the school is awaiting its return.

6. **Childcare Disqualification Guidance**

The Childcare Act and the The Childcare Act 2006 (the Act) and the Childcare (Disqualification) Regulations 2009 (the Regulations) state that it is an offence for the School to employ anyone in connection with our early years provision (EYP) or later years provision (LYP) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP.

- EYP includes usual school activities and any other supervised activity for a child up to 1 September after the child's 5th birthday, which takes place on the school premises during or outside of the normal school day.
- LYP includes provision for children not in EYP and under the age of 8 which takes place on school premises outside of the normal school day, including, for example breakfast clubs, after school clubs and holiday clubs. It does not include extended school hours for co-curricular activities such as sports activities.

DUCA states that only those individuals who are employed directly to provide childcare are covered by the Regulations. "Childcare" means any form of care for a child, which includes education and any other supervised activity for a child who is aged 5 or under. "Childcare" in LYP does not include education during school hours but does cover before and after school clubs.

Roles which will be covered by the Regulations are teaching and teaching assistant positions in EYP, and those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Head, and may also include other members of the leadership team as well as those involved in the day to day management of EYP or LYP at the School.

DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

Some roles at the School may involve the provision of childcare in EYP or LYP on an occasional basis. They will not automatically be within the scope of the Regulations and the School will therefore consider whether they do on a case by case basis. The Regulations only apply to a limited number of roles within the School but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP.

The criteria for which a person will be disqualified from working in connection with EYP or LYP are set out in the Regulations. They are not only that a person is barred from working with children (by inclusion on the Children's Barred List) but also include:

- having been cautioned (after 6 April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;
- various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;
- having been refused an application for registration of a children's home or having had any such registration cancelled;
- having been prohibited, restricted or disqualified from private fostering; or
- living in the same household as another person who is disqualified from EYP or LYP, or living in a household where a disqualified person is employed (**disqualification by association**). A household is deemed to cover anyone sharing "living space", including the use of a shared kitchen.

All applicants to whom an offer of employment is made to carry out a relevant role in EYP or LYP will be required to complete a Self-Declaration Form confirming whether they, or anyone in their household, meet any of the criteria for disqualification under the Regulations. The School will decide whether a role is relevant and within the scope of EYP or LYP by having regard to the guidance in DUCA. Employment with the School in any relevant role will be conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified. The School cannot permit any person who is currently disqualified to start work in a relevant role. The School also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the School, any information disclosed in the Self-Declaration Form renders that person unsuitable to work at the School.

Applicants who have any criminal records information to disclose about themselves, or anyone in their household, must also provide the following information:

- details of the order, restriction, conviction or caution and the date that this was made;
- the relevant court or body and the sentence, if any, which was imposed; and
- a copy of the relevant order or conviction.

Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules

Applicants must not ask for information about spent convictions from any member of their household.

For the avoidance of doubt the School does not require applicants to request any criminal records information directly from the DBS. The School only requires applicants to provide relevant information about themselves and members of their household "to the best of their knowledge".

A person who discloses information which appears to disqualify them from working in a relevant role may apply to Ofsted for a waiver of the disqualification. The School may withdraw an offer of employment at its absolute discretion and is under no obligation to await the outcome of an Ofsted waiver application. If a waiver application is rejected the School will withdraw the conditional offer of employment.

The School will securely destroy any information which is provided by an applicant which is not relevant to the childcare disqualification requirements as soon as it is established that it is not relevant. Where a person appointed to a role at the School is found to be disqualified the School will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the School, after which it will be securely destroyed.

After making this declaration staff in a relevant role are under an on-going duty to inform the School if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information now, or of a future change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

7. Contractors and agency staff

Contractors engaged by the School must complete the same checks for their employees that the School is required to complete for its staff. The School requires confirmation that these checks have been completed before employees of the Contractor can commence work at the School.

The School will independently verify the identity of staff supplied by an agency in accordance with normal practice and will require the provision of the original DBS disclosure certificate before agency staff can commence work at the School.

8. Volunteers

The School will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the School.

Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with pupils.

It is the School's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the School for three consecutive months or more. Those volunteers who are likely to be involved in activities with the School on a regular basis may be required to sign up to the DBS update service as this permits the School to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition the School will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- formal or informal information provided by staff, parents and other volunteers;
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

9. Visiting speakers and the Prevent Duty

9.1 The Prevent Duty Guidance requires the School to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

9.2 The School is not expected to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the School or perform any other regular duties for or on behalf of the School.

9.3 All visiting speakers will be subject to the School's Security procedures. This will include signing in and out at Reception, the wearing of a visitors badge at all times and being escorted by a fully vetted member of staff between appointments.

- 9.4 The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the School. The school will check all presentations in advance and the speaker will always be accompanied. In doing so the School will always have regard to the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

""Extremism" is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

In fulfilling its Prevent Duty obligations the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

Approved by Council: _____

Date: _____