



**Chafyn Grove School  
Recruitment, Selection & Disclosure Policy**

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## Introduction

Chafyn Grove 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 also committed to providing a supportive and flexible working environment to 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 all job applicants are considered equally and consistently
- to ensure that no job applicant is treated unfairly on any grounds for any protected characteristics as listed in Section 4 of the Equalities Act 2010, including: race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, pregnancy and maternity, any gender reassignment, marital or civil partner status, disability or age
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**), *Keeping children safe in education (KCSIE, Sept 2023)*, *Disqualification under the Childcare Act 2006 (DUCA)*, the Prevent Duty Guidance for England and Wales 2015 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); 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 with and complying with the provisions of this policy.

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

## 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 where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of a completed application form.

All applicants will receive a job description and person specification for the role applied for. Applicants will be advised that the School is committed to the safeguarding and promoting the welfare of children and young people and that any previous employer of an applicant may be contacted at agreed and appropriate stages of the application. All applicants will be sent a link to the school website to access the policy on Recruitment, Selection and Disclosure and Safeguarding Policy.

Shortlisted applicants will be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail. All shortlisted applicants will be questioned at interview about their suitability to work with children. The interview panel will be conducted by a panel of at least two people and at least one member will be trained in safer recruitment as required by 'School Staffing (England) Regulations (2009).

Any inconsistencies, gaps or anomalies in the information on academic or employment history and references received will be examined and discussed in detail.

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

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment
- verification of the applicant's identity (where that has not previously been verified)
- verification of qualifications, whether professional or otherwise, which the School takes into account in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not
- verification of the applicant's employment history
- having regard to KCSIE (Sept 2023) a minimum of two references will be sought, one of which will be from a senior person with appropriate authority (such as a School or College Head/Principal) from the appointee's current or most recent employer, or educational establishment, if currently in full time education. This will be for both internal and external candidates. References will be sought prior to interview on shortlisted candidates, wherever possible. The only exception to this is where an applicant has indicated that they do not wish their current employer to be contacted prior to appointment being confirmed.
- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (TRA) which renders them unable or unsuitable to work at the School
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure with barred list check from the DBS which the School considers is satisfactory. If the applicant is registered to the DBS update service at Enhanced level this is checked online. Confirmation is also required that the applicant is not named on the Children's Barred List.
- A satisfactory check that the applicant is not subject to a teaching prohibition order issued by the Secretary of State.
- for management positions, confirmation that the applicant is not subject to a direction under section 128 of the Independent Education Provision in England (Prohibition in management) Regulations 2014 which prohibits, disqualifies or restricts them from being involved in the management of an Independent School. The School will carry out this check on all appointment to management positions even if the applicant is internal. For the purposes of this check, management positions will include Head Teachers, department heads, all staff on the senior management team (including non-teaching staff) and Governors.
- confirmation that the applicant is not disqualified from acting as a trustee / governor or senior manager of a charity under the Charities Act 2011
- confirmation that the applicant is not disqualified from working in connection with early or later years provision, if applicable to the position.
- verification of the applicant's medical fitness for the role via the receipt of a satisfactory health questionnaire so that the School can satisfy itself that an applicant has the appropriate level of physical and mental fitness in accordance with the Education (Health Standards) (England) Regulations 2003.

- Verification of the applicant's right to work in the UK
- any further checks which the School decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references.
- Other pre-employment checks as the School is required to complete in accordance with its statutory or regulatory obligations, including the National Minimum Standards for Boarding Schools (NMS) or Early Years Foundation Stage (EYFS).

In exceptional circumstances, such as a delay in the return of a DBS Disclosure, a successful applicant will only be permitted to commence employment at the School in accordance within KCSIE guidelines. In such circumstances a barred list check will be carried out before starting and a risk assessment will be undertaken and signed by the Head. The risk assessment will identify suitable supervision arrangements pending the DBS disclosure and will be reviewed weekly. The Risk assessment will be placed in the applicants personnel file.

### **Pre-employment checks**

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations 2014 and the Boarding schools: national minimum standards) the School carries out a number of pre-employment checks in respect of all prospective employees.

In addition to the checks set out below, the School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. This may include internet and social media searches.

In fulfilling its obligations under the Equalities Act 2010, the School does not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sex.

### **Verification of identity, address and qualifications**

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

- one document from Group 1; and
- two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address; and
- original documents confirming any educational and professional qualifications referred to in their application form.

**Please note that originals of the above documents are required. Photocopies or certified copies are not sufficient.**

Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

The School asks for the date of birth of all applicants to assist with the vetting of the applicants. 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 on the grounds of age.

The School asks for this information at interview to ensure that the person attending interview is who they claim to be, to ensure that they are permitted to work at the school if appointed and that they hold the qualifications that have been requested (if applicable).

### **References**

The school will endeavour to obtain references to be taken up on short listed applicants prior to interview.

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

All offers of employment will be subject to the receipt of a minimum of two references (in most cases three references will be sought) which are considered satisfactory by the School as follows:

1. One of the references must be from the applicant's current or most recent employer.
2. If the current / most recent employment does / did not involve work with children, then a reference should be obtained from the relevant employer from the last time the applicant worked with children
3. Verification of the most recent period of employment and reasons for leaving should be obtained
4. The second reference should be from the employer with whom the applicant most recently worked with children. Both references are to be completed by a senior person with the appropriate authority (or Headteacher/Principle if from a School or College) and should not 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 for which the applicant has applied. 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 (questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made)
- 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), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated or malicious
- 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, except where the allegation or concerns were found to be false, unsubstantiated or malicious

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 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.

Where a reference is not received prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the School. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.

If factual references are received i.e. those which contain limited information such as job title and dates of employment, this will not necessarily disadvantage an applicant although additional references may be sought before an appointment can be confirmed.

The School will always verify any information with the person who provided the reference or request further information if required.

All internal candidates who apply for a new role at the School will have their application assessed in accordance with this procedure. References will be taken up on all internal candidates as part of the

application process but can be provided by colleagues as the School will be the most recent employer.

### **Criminal records checks**

Prior to 29 May 2013 an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at the School.

### **DBS filtering rules**

With effect from 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The filtering rules developed by the DBS and the Home Office designate certain spent convictions and cautions as "protected". "Protected convictions and cautions are not included in a DBS certificate and job applicants are not required to disclose them during the recruitment process. It is unlawful for an employer to take into account a conviction or caution that should not have been disclosed. If a protected conviction or caution is inadvertently disclosed to the School during the recruitment process it must be disregarded when making a recruitment decision.

The rules were updated on 28<sup>th</sup> November 2020 as follows:

- warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
- the multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed.

Please refer to the Ministry of Justice DBS Filtering Guidance 19 November 2020:

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

#### **For those aged 18 or over at the time of an offence**

A spent criminal conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- eleven years have elapsed since the date of conviction;
- it is the person's only offence; and
- it did not result in a custodial sentence.

It will not be removed under any circumstances if it appears on a list of "**specified offences**" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over for an offence committed in the United Kingdom will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

#### **For those aged under 18 at the time of an offence**

A spent conviction for an offence committed when a person was under the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- (a) five and a half years have elapsed since the date of conviction;
- (b) it did not result in a custodial sentence
- (c) it was not imposed for a "specified offence"

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified

offences", or if a person has more than one offence their criminal record.

A caution received when a person was aged under 18 for an offence committed in the United Kingdom will not be disclosed if two years have elapsed since the date it was issued and if it does not appear on the list of "specified offences".

### **The list of "specified offences" which must always be disclosed**

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

### **Regulated activity**

The School applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the School which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. Any position undertaken at, or on behalf of the School will amount to "regulated activity" if as a result of their work, they:

- will be responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children.
- Will be working on a regular basis where the work gives opportunity for contact with children
- Engage in intimate or personal care or any overnight activity, even if this happens only once

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

It is for the School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the School amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the School office outside of term time or voluntary posts which are supervised.

### **The DBS disclosure certificate**

The Data and Barring Service issues the DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School within two weeks of it being received by the applicant.

Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

### **DBS Update Service**

Individuals can join the DBS Update Services at the point when an application for a new DBS check is made, enabling future checks to be carried out to confirm that no new information has been added to the certificate since its issue. This allows for portability of a certificate across employers. The School would still need to obtain the original certificate.

### **Starting work pending receipt of the DBS disclosure**

If there is a delay in receiving a DBS disclosure the Head has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place.

## Applicants moving from previous post

There is no requirement for the School to obtain an Enhanced DBS Certificate or carry out checks for any events that may have occurred outside the UK if during a period which ended not more than three months before the persons appointment, the applicant has worked, in a school in England in a post:

- Which brought the person regularly into contact with children.
- To which the person was appointed on or after 12 May 2006 and which did not bring the person regularly into contact with children or young persons.
- In another institution within the senior/further education sector in England in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

Whilst there is no requirement to carry out an enhanced DBS check in the circumstances described above, the School may choose to request a new Enhanced DBS check. All other relevant pre-employment checks including where the individual is engaging in regulated activity with children, a barred list check will be carried out.

### **Applicants with periods of overseas residence**

DBS checks will be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. The School will take into account the "DBS unusual addresses guide" in such circumstances: <https://www.gov.uk/government/publications/dbs-unusual-addresses-guidance/dbs-unusual-addresses-guide>

For applicants who are living overseas, or who have lived overseas previously, obtaining a DBS certificate may be insufficient to establish their suitability to work at the School. In such cases the applicant will be required to provide additional information about their suitability from the country (or countries) in which they have lived. The School's policy is to request such information from each overseas country in which the applicant has lived for a period of three months or more in the previous five years. The School recognises that Education (Independent School Standards) Regulations 2014 do not specify that a minimum period of overseas residence is required, therefore will assess each applicant's situation on its individual merits.

The School recognises that formal checks are not available from some countries, that they can be significantly delayed or that a response may not be provided. In such circumstances the School will seek to obtain further information from the country in question, such as:

- references from any employment held
- overseas criminal record checks (via the applicant)
- a letter from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach (via the applicant)

This evidence will be considered together with information obtained through other pre-appointment checks to help assess their suitability.

Some overseas qualified teachers can apply to the RTA for the award of qualified teacher status (QTS) in England. However, this does not provide exemption from further checks being made.

If this information is not available the School will seek alternative methods of checking suitability and will undertake a risk assessment that supports informed decision making. The School will also consider circumstances that lead to the restriction or sanction being imposed when considering a candidate's suitability for employment.

Work can only commence once sufficient overseas information has been received and only if the School has



considered that information and confirmed that the applicant is suitable to commence work at the School.

### **Prohibition from teaching check**

The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. The School uses the Teaching Regulation Agency's (TRA) Employer Access Service to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation.

In addition, the School asks all applicants for roles which involve "teaching work" (and their referees) to declare in the self-declaration form if shortlisted for interview whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the TRA or other equivalent body in the UK.

It is the School's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves "teaching work". Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the TRA (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

The School carries out this check, and requires associated information, for roles which involve "teaching work". In doing so the School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012 which states that the following activities amount to "teaching work":

- planning and preparing lessons and courses for pupils
- delivering lessons to pupils
- assessing the development, progress and attainment of pupils; and
- reporting on the development, progress and attainment of pupils.

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the Head. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches.

### **Individuals who have lived or worked outside the UK**

All applicants who have carried out teaching work outside of the UK the School will be asked to declare on the self-declaration form upon being shortlisted whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work.

### **Secretary of State Section 128 Management Check**

The School is required to check whether any applicant participating in the management of an independent school is subject to a direction under section 128 of the Education and Skills Act 2008.

- headmaster
- teaching posts on the senior leadership team
- teaching posts which carry a departmental head role; and
- support staff posts on the senior leadership team.
- appointments to the governing body.

The relevant information is contained in the enhanced DBS disclosure certificate (which the School obtains for all posts at the School that amount to regulated activity). It can also be obtained through the Teacher Services System (TRA). The School will use either, or both, methods to obtain this information.

In addition, the School asks all applicants for management roles to declare on the self-declaration form if shortlisted for interview, whether they have ever been the subject of a referral to the Department for Education, or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.

It is the School's position that in order to fully assess the suitability of an applicant for a management role it

must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

### **Disqualification from acting as a charity trustee or senior manager**

#### **Background**

Under the Charities Act 2011 it is a criminal offence for a person to act as a trustee or senior manager of a charity when disqualified from doing so. The Charities Act 2011 sets out the grounds on which a person can be disqualified from acting as a trustee or senior manager. These include various spent and unspent criminal offences and other sanctions.

#### **Who is covered**

A person is considered to be a charity trustee if they are one of the people who have general control and management of the administration of the charity. In an independent school the trustees will typically be the governors of the school.

Senior managers include those employees who report directly to the charity trustees or have responsibility for the overall management and control of the charity's finances. At the School the disqualification rules will be applicable to all governors, the Head, Bursar and potentially other senior staff who report directly to the governors.

#### **Self-declaration form**

All applicants who are shortlisted for interview will be required to complete a self-declaration form confirming whether they meet any of the criteria for disqualification under the Regulations. 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 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.**

**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 "to the best of their knowledge".**

#### **Waiver of a disqualification**

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.

### **Retention of disqualification information**

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.

### **Continuing duty to disclose change in circumstances**

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.

### **Medical fitness**

The School is legally required to verify the medical fitness of anyone to be appointed to a post at the School, after an offer of employment has been made but before the appointment can be confirmed.

It is the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. The School will arrange for the information contained in the Health Questionnaire to

be reviewed by the Bursar. 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 timetable, extra-curricular activities, layout of the School etc. If the Bursar has any doubts about an applicant's fitness the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. If an applicant prefers to discuss this with the School instead, or to attend an occupational health assessment to consider their fitness for the role, they should speak to the Bursar so that appropriate arrangements can be made.

The School is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence, considering reasonable adjustments and suitable alternative employment.

### **Contractors and agency staff**

The School must complete the same checks for contractors and their employees undertaking regulated activity at the School as it does for its own employees. The School requires written confirmation from the contractor that it has completed these checks on all of those individuals whom it intends will work at the School before any such individual can commence work at the School.

Agencies who supply staff to the School must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires confirmation that these checks have been completed before an individual can commence work at the School.

The School will independently verify the identity of individuals supplied by contractors or an agency and requires the provision of the DBS disclosure certificate before those individuals can commence work at the School.

### **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.

The School will request an enhanced DBS disclosure without Children's Barred List information on all

volunteers who do not undertake regulated activity. This is likely to be because their volunteering duties are subject to regular, day to day supervision by a fully checked member of staff or by a volunteer who the School has deemed appropriate to supervise and ensure the safety of those pupils in their care.

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.

### **Visiting speakers and the Prevent Duty**

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.

The School is not permitted 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.

All visiting speakers will be subject to the School's usual visitor's protocol. 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.

Speakers from outside school are checked ahead of time to ensure that they will not use extremist material or footage within their presentation (using google search, checking the companies/charity who they work for, and only using tried and tested speakers who come recommended).

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.

### **Policy on recruitment of ex-offenders**

#### **Background**

The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The School makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the School.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the School to employ anyone who is barred from working with children. It is a criminal

offence for any person who is barred from working with children to apply for a position at the School. The School will make a report to the police and / or the DBS if:

- it receives an application from a barred person
- it is provided with false information in, or in support of an applicant's application; or
- it has serious concerns about an applicant's suitability to work with children.

### **Assessment criteria**

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; and
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.
- 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; or
  - 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 within the last ten years.

### **Assessment procedure**

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 carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Bursar or Head of the School before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

### **Retention and security of disclosure information**

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

The same policy applies to any suitability information obtained about volunteers involved with School activities.

### **Whistleblowing and Performance Reviews**

All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the School's policies (including the whistleblowing policy, the safeguarding policy and the Staff code of conduct). Safeguarding children is at the centre of the School's

culture and is accordingly considered formally during staff performance development reviews and appraisal.

### **Referrals to the DBS and Teaching Regulation Agency (TRA)**

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the School also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the School despite being barred from working with children; or
- has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the Teaching Regulation Agency (TRA).

### **School Child Protection Policy**

Chafyn Grove School has a child centred approach to safeguarding and recognise that it is their responsibility to provide a secure and caring environment so that every pupil can learn in safety. The School provides induction training for all staff including Governors, volunteers and supply staff and annual refresher training during inset in September. The latest copy of the School's Safeguarding Policy and Keeping Children Safe in Education can be found on the School website.

### **Data Protection**

The School is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to the School to enable the School to carry out the checks that are applicable to their role. The School will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency (previously known as the National College for Teaching and Leadership (**NCTL**)). Failure to provide requested information may result in the School not being able to meet its employment, safeguarding or legal obligations. The School will process personal information in accordance with its Staff Privacy Notice.

### **Data Protection Principles**

In relation to your personal data, we will:

- Process it fairly, lawfully and in a clear, transparent way
- Collect your data only for reasons that we find proper for the course of your employment
- Only use it in the way that we have told you about
- Ensure it is correct and up to date
- Keep your data for only as long as we need it
- Process it in a way that ensure it will not be used for anything that you are not aware of or have consented to

### **How we collect your data**

We collect data about you in a variety of ways including the information you would normally include in an application form, cover letter, references or notes made during the recruitment interview. Further information will be collected directly from you when you complete forms at the start of your employment, for example, bank and next of kin details. Other details may be in the form of official documentation such as your driving licence, passport or other right to work evidence.

In some cases, we will collect data about you from third parties, such as employment agencies, former employers whether gather references.

Personal data is kept in confidential personnel files within the School's HR department and IT systems.

### **Sharing your data**

Your data will be shared with colleagues within the School where it is necessary for them to undertake their

duties with regard to recruitment. This includes the Bursary department, Bursar, Head or any member of the Senior Management Team responsible for interviewing you.

### **Retention of data**

In-line with data protection principles, we only keep your data for as long as we need it for and this will depend on whether you are successful in obtaining employment with us. If your application is not successful and we have not sought consent or you have not provided consent upon our request to keep your data for the purpose of future suitable job vacancies, we will keep your data for 6 months once the recruitment exercise ends. Your data will be professionally shredded and destroyed.

If your application is successful, your data will be kept and transferred to the systems we administer for employees. We have a separate privacy notice for employees, which will be provided to you.

### **Your rights in relation to your data**

The law on data protection gives you certain rights in relation to the data we hold on you. These are:

- the right to be informed. This means that we must tell you how we use your data, and this is the purpose of this privacy notice
- the right of access. You have the right to access the data that we hold on you. To do so, you should make a subject access request
- the right for any inaccuracies to be corrected. If any data that we hold about you is incomplete or inaccurate, you are able to require us to correct it
- the right to have information deleted. If you would like us to stop processing your data, you have the right to ask us to delete it from our systems where you believe there is no reason for us to continue processing it
- the right to restrict the processing of the data. For example, if you believe the data we hold is incorrect, we will stop processing the data (whilst still holding it) until we have ensured that the data is correct
- the right to portability. You may transfer the data that we hold on you for your own purposes
- the right to object to the inclusion of any information. You have the right to object to the way we use your data where we are using it for our legitimate interests
- the right to regulate any automated decision-making and profiling of personal data. You have a right not to be subject to automated decision making in way that adversely affects your legal rights.

Where you have provided consent to our use of your data, you also have the unrestricted right to withdraw that consent at any time. Withdrawing your consent means that we will stop processing the data that you had previously given us consent to use. There will be no consequences for withdrawing your consent. However, in some cases, we may continue to use the data where so permitted by having a legitimate reason for doing so.

If you wish to exercise any of the rights explained above, please contact the School Bursar on [bursar@chafyngrove.co.uk](mailto:bursar@chafyngrove.co.uk).

### **New Staff Induction**

Following the requisite recruitment checks for new employees and a start date for employment is agreed, a school mentor will be appointed for all new employees. The mentor is responsible for overseeing the completion of the new employee induction checklist within the first four weeks of employment and then returning this to HR for the new employee personnel file. The induction process includes the following sub-sections:

- General Introduction to the school, key staff and facilities.
- Safeguarding training with the Designated Safeguarding Lead.

- The school's IT system, photocopiers and telephones with the Network Manager.
- Health and Safety Induction with the Estates Manager.
- Review of the specific job role and responsibilities.
- Employment administration checks with the HR Officer.
- Budget responsibilities and expense claims process with the Finance team.

**Making a complaint**

The supervisory authority in the UK for data protection matters is the Information Commissioner (ICO). If you think your data protection rights have been breached in any way by us, you are able to make a complaint to the ICO.

**Queries**

If an applicant has any queries on how to complete the application form or any other matter he / she should contact the Bursar.

Please refer to ***the Equality and Diversity Policy for Staff*** in conjunction with this policy.



**List of valid identity documents****Group 1: primary identity documents**

current valid passport

biometric residence permit (UK)

current driving licence (photocard - full or provisional (UK / Isle of Man / Channel Islands and EEA)

birth certificate - issued within 12 months of birth (UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces)

adoption certificate (UK and Channel Islands)

**Group 2a: trusted government documents**

current driving licence (photocard - full or provisional (all countries outside the EEA excluding Isle of Man and Channel Islands)

current driving licence (paper version; UK / Isle of Man / Channel Islands and EEA; full or provisional)

birth certificate - issued after time of birth (UK, Isle of Man and Channel Islands)

marriage / civil partnership certificate (UK and Channel Islands)

immigration document, visa or work permit (issued by a country outside the EEA. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non EEA country in which the role is based)

HM Forces ID card (UK)

fire arms licence (UK, Channel Islands and Isle of Man)

All driving licences must be valid.



**Chafyn Grove School  
SAFER RECRUITMENT PROCEDURE**

Name of main recruiter:..... Assisted by:.....

Before Recruitment:		Completed by	Date
Step 1	<b>Job assessment:</b> Head/Bursar to review whether a new post is required or whether the role of the job could be delegated to others?		
Step 2	<b>Job description:</b> HR to prepare including details of the engagement in regulated activities relevant to children and other safeguarding responsibilities		
Step 3	<b>Person specification:</b> HR to prepare including safeguarding responsibilities		
Step 4	<b>Salary:</b> Head/Bursar to agree and notify HR/payroll.		
Step 5	<b>Job advert:</b> ensure commitment to safeguarding and promoting the welfare of children.		
Step 6	<b>Candidate information pack:</b> to include recruitment, selection and disclosure procedure and policy and the school's safeguarding policy (or provide a link to the website for access).		
Step 7	<b>Interview panel:</b> agree panel of at least two members of staff to include at least one person who is trained in safer recruitment.		
Step 8	<b>Interview assessment:</b> prepare an interview assessment form of questions or tasks including safeguarding questions.		
Selecting for interview:		Completed by	Date
Step 9	<b>Short list:</b> interview panel to prepare short list for all candidates to be selected for interview.		
Step 10	<b>Invite for interview:</b> HR to write to all candidates to invite to interview and send self declaration form to be returned before interview.		
Step 11	<b>References:</b> HR to obtain at least two references on short listed candidates. The only exception is where an applicant has indicated on their application form they do not wish their current employer to be contacted. A reference is required from the last time an applicant worked with children. References are also required for internal applicants.		
Step 12	<b>Rejected candidates:</b> HR to write to rejected candidates not shortlisted to advise them that they have not been selected for interview.		
Interview & Selection:		Completed by	Date
Step 13	<b>Self Declaration &amp; References:</b> are to be assessed prior to interview by the interview panel, along with any gaps in employment or inconsistencies.		

Step 14	<b>Assessment form:</b> interview panel to write notes and comments on an interview assessment form for each applicant ensuring a fair and balanced assessment of each candidate.		
Step 15	<b>Offer of employment:</b> HR to send letter of appointment, subject to the satisfactory completion of all recruitment checks and an Enhanced DBS/Barred list check (if applicable). Contract of employment and employment staff handbook to be issued.		
Step 16	<b>Rejected candidates:</b> HR to write to rejected candidates to advise them they have not been successful.		
<b>New Employees:</b>		<b>Completed by</b>	<b>Date</b>
Step 17	<b>Safer recruitment checks:</b> HR to carry out all recruitment/DBS checks prior to employment.		
Step 18	<b>Single Central Register:</b> HR to input all completed recruitment checks and comments for all new employee/governors/contractors/volunteers including Schoolbase database.		
Step 19	<b>Risk Assessment:</b> HR to issue a risk assessment form to an existing member of staff responsible for the supervision of a new staff member prior to all checks being completed. This is to be checked by the Bursar and reviewed weekly/fortnightly. Head to sign approval before filing.		
Step 20	<b>Induction:</b> HR to issue induction checklist to new staff mentors/supervisors to include induction training on safeguarding, IT and H&S.		
Step 21	<b>Contract/handbook:</b> HR to ensure contract signed and returned for the start of employment.		
Step 22	<b>Probationary review:</b> HR to ensure induction checklist completed and returned for a probationary review by the mentor/line manager within 3 months of the commencement of employment, or the end of the probationary period.		
Step 23	<b>Appraisal:</b> line managers to carry out after the first year of employment for all staff		