

Safer Recruitment Policy

Academic year: 2020-21

1 Introduction

Derby Grammar 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 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 our ethos.

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

- To ensure that all job applications are considered equally and consistently.
- To ensure that no job applicant is treated unfairly on any grounds, including, but not limited to, race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partnership status, gender reassignment, pregnancy and maternity, 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) and any guidance or code of practice published by the Disclosure and Barring Service (DBS).
- 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 and by conducting the recruitment process in a way that prevents, as far as possible, the recruitment of individuals who are unsuitable to work with children.

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

2 Recruitment and Selection Procedure

Application Form and Derby Grammar School Declarations

All applicants for employment will be required to complete an application form. School will only consider candidates who have completed the application form in full. Any gaps in academic or employment history will require a satisfactory explanation. A curriculum-vitae will not be accepted in place of the completed application form, but may be submitted in addition to the completed application form. Completed application forms must be returned by the deadline to be considered. The School accepts completed application forms by email, but these application forms will need a signature, if the applicant is invited to interview.

Applicants will receive a job description and person specification for the role applied for, which can be downloaded from the website. A copy of the School's Safeguarding Policy is available to download on the School's website or in hard copy, on request. Applicants invited to interview will be asked to confirm that they have read the School's Safeguarding Policy. Applicants will also be asked to provide information regarding any periods of overseas residence so that a decision can be made as to whether an overseas police check or additional references are required.

Derby Grammar School's declaration states that the post is exempt from the Rehabilitation of Offenders Act 1974 and therefore all convictions, cautions and bind-overs, including those regarded as 'spent', must be declared. It also requires a signed statement that the applicant is not on the Children's Barred list and there is no reason why they should not work with children. It states that providing false information is an offence and could result in the application being rejected or dismissed should the candidate have been appointed. The School may also choose to refer the applicant to the police.

The statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)" applies to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare.

The school 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.

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].

If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the School may request character references which may include references from the candidate's school or university.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal by the School if they have been appointed, and a possible referral to the police and/or DBS.

3. Job Description

The job descriptions clearly state the main duties and responsibilities of the post. In addition, it states the individual's responsibility for promoting and safeguarding the welfare of children and young people that they may come into contact with.

4. Person Specification

The person specification states the qualifications and experience and other requirements required to perform the role in relation to working with children and young people at Derby Grammar School. In addition, the person specification describes the qualities the successful applicant will need to demonstrate.

5. Acknowledging Receipt of Applications

All email applications will be acknowledged. If the applicant has not heard from us for four weeks, they should assume they have been unsuccessful.

Postal applications will only be acknowledged if the applicant provides a self-addressed, stamped envelope.

6. Short Listing

All application forms will be checked to ensure they are completed properly and all gaps in education/employment are explained. The job description and person specification will be used to help short list candidates.

7. References

The purpose of a reference is to ascertain the applicant's suitability for a particular post at Derby Grammar School. For this reason, open references will not be accepted.

References will be taken up on short listed candidates prior to interview. All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. For teaching posts and senior posts, we ask for three references. One of the references must be from the applicant's current or most recent employer. Neither referee should be a relative or someone known to the applicant solely as a friend. The referee should ideally be from a senior person with appropriate authority.

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. Referees will also be asked to confirm that, to the best of their knowledge, the applicant has not been radicalised so that they do not support terrorism or any form of extremism, as per the Prevent Duty Guidance and the definition of 'extremism' set out in KCSIE.

Reference forms contain the following;

- A question where the referee can state how they know the candidate.
- A section where the referee can state if they feel the candidate has the abilities and is suitable to undertake the specified position at Derby Grammar School.

- A question asking whether the referee is satisfied the candidate is suitable to work with children, and if not, why.
- An area where the referee can comment on the candidate's previous performance.
- A question enquiring whether any allegations or concerns have been raised about the applicant's ability to work with children or young people.

Referees will receive a copy of the job description and person specification.

References will be checked against the applicant's application form and if further clarification is required, the referee will be telephoned.

If a candidate for a teaching post is not currently employed as a teacher, Derby Grammar School will check with the school they were previously employed to confirm details of their employment and reasons for leaving.

8. Equal Opportunities

Applicants will be asked to complete an Equalities Monitoring Form, which forms part of the application form.

9. Interviews

All candidates invited to interview will be notified by email, with the date, time and location of the interview along with the interview panel members.

All candidates will bring with them original certificates showing their qualifications, as well as two original proofs of identification along with proof of address that show their right to work in the UK.

The interview panel consists of a minimum of two people, of whom a minimum of one will have successfully passed an appropriate Safer Recruitment training course.

The panel will have agreed the set of questions beforehand, that relate to all the requirements of the post, including the safeguarding of children. All candidates will be asked the same questions and the responses recorded for review.

The interview panel will also explore;

- The candidate's attitude towards children and young people.
- His or her ability to support the School's policy for safeguarding and promoting the welfare of children.
- Gaps in the candidate's employment history
- Concerns or discrepancies arising from the information provided by the candidate and/or referee.

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

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

1. A current driving licence including a photograph or a passport or a full birth certificate;
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Where appropriate any documentation evidencing a change of name;
4. Where applicable, proof of entitlement to work and reside in the UK.

10. Offer of Employment

An offer of employment following the formal interview will be conditional on all pre-employment checks being carried out satisfactorily.

- The agreement of a mutually acceptable start date and the signing of an employment contract.
- A pre-employment immigration check, confirming the right to work in the UK.
- Verification of the applicant's identity.
- Verification of identity and qualifications, including professional qualifications and QTS, if applicable.
- A satisfactory DBS check, including Barred List check.
- The receipt of two references, one of which must be from the applicant's most recent employer. For teaching and senior posts, we require three references.
- For positions that involve teaching work, checks will be made through the Teaching Regulation Agency (TRA) for sanctions, restrictions or prohibitions levied by the TRA.
- Evidence that there are no sanctions in any European Economic Area country or overseas.
- Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999);
- **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;
- Evidence of satisfactory medical fitness, as school must satisfy itself of the medical fitness of staff to carry out the duties of the post applied for. For this a declaration form should be completed and returned to School;
- 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)" This check is for all relevant staff, leaders and managers in early years and relevant later years provision;
- 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.
- 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 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 reasonable adjustments,

11. DBS Disclosures

A disclosure is a document containing details of a person's criminal record, including convictions, cautions, reprimands and warnings held on the Police National Computer. The Disclosure and Barring Service (DBS) carries out this check.

For most roles at Derby Grammar School, an enhanced DBS check with barred list information is appropriate as the majority of staff will be involved in 'regulated activity'.

A person is considered to be in 'regulated activity' if, as a result of their work they:

- Will be responsible on a regular basis for the care and supervision of children
- Will regularly work in a school when children are on the premises.

If the Disclosure shows the applicant has a criminal record, their suitability will be judged bearing in mind all the information received from the applicant so far. If the applicant has previously acknowledged their record, Derby Grammar School will make a judgement about whether to appoint the candidate bearing in mind the following:

- The nature of the offence.
- The nature of the appointment.
- The age of the offence.

A short period of work is allowed for non-residential staff under controlled conditions, at the Head's discretion if the DBS check has been delayed. This is only possible if the following conditions are met:

- The position has not been confirmed and cannot be until the DBS has been received.
- The DBS check has already been submitted.
- A risk assessment has been carried out.
- The person in question is informed what safeguards have been put in place.
- The person has been checked against the Barred List and this check recorded.

A disclosure will not be accepted if there is a gap in employment of three months or more.

12. Volunteers

For new volunteers in regulated activity who will regularly teach or look after children on an unsupervised basis, Derby Grammar School will obtain an Enhanced DBS and Barred List check. If a volunteer is not engaging in regulated activity, the School will undertake a risk assessment and use professional judgement and experience when deciding whether to seek an Enhanced DBS with Barred List check.

13. Staff who have Worked Overseas

For overseas staff or UK nationals returning from working abroad, a certificate of good conduct or equivalent will be required. The School usually undertakes an overseas criminal records check on candidates who have resided overseas for a period of three months or longer in the five years prior to applying for a position at the School.

14. Contractors

Supply staff and contractors will be required to evidence all pre-employment checks in writing before an individual can commence work at the School.

15. Visiting Speakers (and 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 visitors signing in protocol. This will include signing in and out at Reception, the wearing of a visitor's badge at all times and being escorted by a fully vetted member of staff between appointments.

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. In doing so the School will always have regard to the Visiting Speaker Policy, 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.

16. Governors

All Governors are required to obtain an enhanced DBS in addition to identity checks, right to work, prohibition from management and overseas police checks, where applicable. The Chair of Governors is required to undergo these checks via the DfE. If any governor is in regulated activity, they will also be required to obtain a children's barred check. If any governor is in teaching work, they will also be required to obtain a prohibition from teaching check.

17. Secretary of State Prohibition

A person who is prohibited from carrying out teaching work in the School will not be appointed as a teacher.

18. Single Central Register

Derby Grammar School will keep a single central record for all the employees, those in regular contact with children in the School and all Governors and must indicate whether the following have been completed:

- Identity checks
- Application form
- Two references, or three for teaching staff
- Professional qualifications checks
- Medical Fitness Declaration
- Right to work in the UK checks
- Barred List checks
- Section 128 (management only)
- Prohibition from Teaching check
- Proof of past conduct checks
- DBS Enhanced check
- Further overseas checks
- Staff Declaration form (EYFS and under 8 years only)

A designated Governor will be responsible for auditing the Single Centralised Register and reporting their findings to the full Governing Body once a year.

19. Induction Programme

All new employees will be given an induction programme which will clearly identify the School policies and procedures, including the Child Protection Policy, the Code of Conduct and Part One of KCSIE and make clear the expectations which will govern how staff carry out their roles and responsibilities.

20. Record Retention / Data Protection

The School is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the School will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the School to discharge its obligations as an employer e.g. so that the School may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. All information retained on employees is kept securely.

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

Derby Grammar School will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (ie: shredded). The 6-month retention period is in accordance with the Data Protection Act.

21. Ongoing Employment

Derby Grammar School recognises that safer recruitment and selection is not just about the start of employment, but should be part of a larger policy framework for all staff. The School will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

22. Leaving Employment at Derby Grammar School

Despite the best efforts to recruit safely there will be occasions when allegations of serious misconduct or abuse against children and young people are raised. 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.
- 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).

23. Appendix

Policy on the Recruitment of Ex-Offenders

The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

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.