

Recruitment, selection and disclosure policy and procedure (Staff and Supply Staff)

I. Introduction

Queen Margaret's School ("the School") is committed to ensuring that, at all times, we give the best possible care and provide the best possible education to the children and young people in our care. Safeguarding and promoting the welfare of children and young people is our highest priority. The School is also committed to providing an encouraging and supportive working environment where staff members feel able to develop and grow professionally while giving of their very best.

The School recognises that to achieve these aims it is of the first importance that we continue to attract, recruit and retain staff of the highest calibre who share our aims and values. All posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Regular staff training ensures that all staff are aware of their safeguarding responsibilities and their duty to report concerns however small.

The Board of Governors has delegated responsibility for the running of the School and the implementation of this policy to the Head and the Senior Leadership Team.

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

- to ensure that the best possible staff are recruited solely 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 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 legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSIE) (updated annually), the Prevent Duty Guidance for England and Wales 2022 (the Prevent Duty Guidance), Home Office guidance on criminal records checks for overseas applicants and revised guidance on recruiting teachers from overseas (August 2022) 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.

2. Scope of this Policy

This Recruitment, Selection and Disclosures Policy and Procedure refers and applies to staff directly recruited and employed by the School and to supply and agency staff. A separate policy is maintained for the recruitment of Governors, Trustees and Volunteers. In the Education (Independent Schools

Standards) (England) Regulations 2014, staff are defined as:

Any person working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer.

The School is a registered charity. Certain individuals are automatically disqualified from acting in senior management positions within a charity. Whether an individual falls into the category of a senior management position is judged using the following criteria:

- A person who is accountable only to the Board of Governors and who carries overall responsibility for the day-to-day management and control of the charity. In our context this is the Head
- A person who is accountable only to the Head or the Board of Governors, and who is responsible for the overall management and control of the charity's finances. In our context this is the Bursar

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

See Section 9 below for our policy and procedures in relation to supply, agency or contract workers.

3. Recruitment and Selection Procedure

Any advertising will be placed in media designed to encourage as wide a range of candidates as possible. The School's commitment to Safer Recruitment practices, including the requirements to undergo checks regarding employment history and a DBS check will be made clear.

Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, person specifications and the School's Safeguarding Policy are available to download from the School's website and can be printed and forwarded to applicants on request to the HR Manager or Head's PA. All questions on the School's Application Form and recruitment process must be directed to the HR Manager in the first instance.

All applicants for employment must complete the School's current application form that is designed to make clear their employment history and suitability for the role. CVs will not be accepted in substitution for completed Application Forms. Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate. Candidates must be able to provide a clear explanation for any gaps in their employment history. The process requires candidates to provide details of any overseas residence of 3 months or more in the past 5 years.

As working at the School involves substantial opportunity for access to children, it is important that applicants provide the School with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the School shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Head or Bursar. If candidates would like to discuss this beforehand, they are asked to please telephone in confidence to the Bursar for advice.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However, amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions

are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

In accordance with KCSIE September 2023 we will, as best practice, carry out an online search as part of our due diligence on shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school might want to explore with the applicant at interview. These checks will only be for checking suitability for working with children and not other areas of a person's life. To provide complete disclosure we require all applicants to provide details of any identity that they use or have used on any social media platform. A record of the search will be kept on file.

All shortlisted candidates invited to interview will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the position. Additionally, successful applicants should be aware that they are required to notify the school immediately if there are any reasons why they should not be working with children.

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. He/she must also notify the school immediately if he/she is living in a household where anyone lives or works who has been disqualified from working with children or from registration for the provision of childcare.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

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: [The Prevent Duty: Departmental Advice for Schools and Childcare](#) (October 2022). The School requires all successful candidates to complete the online general awareness training module on Channel which is available at http://course.ncalt.com/Channel_General_Awareness.

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.

4. Invitation to Interview

The School will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. At least two people will carry out the shortlisting exercise to ensure potential concerns are not overlooked. The school seeks to ensure an equitable process through the presentation of information to a selection panel which gives no indication of age, gender, disability or ethnicity. Shortlisted applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail. Shortlisted candidates will be asked to complete a self-declaration of their suitability to work with children. Where this declaration has been signed electronically, candidates will be asked to physically sign a hard copy when they arrive for interview.

As indicated in KCSIE 2023 the school will seek to obtain references before interview and wherever possible at least two will be obtained. If a reference is taken over the phone notes must be taken, including details of who was spoken to and dated and signed. References will be reviewed prior to interview and references not received before interview will be chased up by telephone or alternative references sought. Where this is not possible a note to that effect will be made on file.

All formal interviews will have a panel of at least two, and preferably three, people chaired by the Head or another member of the Senior Leadership Team. At least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Governors will chair the panel for the appointment of the Head, the Bursar, the Senior Deputy Head and the Clerk. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgment will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

The interview will be conducted in person and the areas which it will explore will include suitability to work with children.

All candidates invited to interview must bring the completed DBS disclosure form together with the originals of the identification documents listed in that form along with 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.

Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient.

Candidates with a disability who are invited to interview should inform the School of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

5. Conditional Offer of Appointment: Pre-Appointment Checks

Any offer to a successful candidate will be conditional upon:

1. Receipt of at least two satisfactory references (if these have not already been received);
2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK (if not already received);

3. A satisfactory enhanced DBS check and, if appropriate, a check of the Barred List maintained by the DBS;
4. For a candidate to be employed as a teacher, a check that the candidate is not subject to a prohibition order issued by the Secretary of State or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012. Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:
 - a. Planning and preparing lessons and courses for pupils;
 - b. Delivering and preparing lessons to pupils;
 - c. Assessing the development, progress and attainment of pupils; and
 - d. Reporting on the development, progress and attainment of pupils;
 - e. Verification of professional qualifications, including Qualified Teacher Status, where appropriate.
5. Verification of successful completion of statutory induction period (for teaching posts –applies to those who obtained QTS after 7 May 1999);
6. **Where the successful candidate has worked or been resident overseas:** Such further checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered. 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;
7. Evidence of satisfactory medical fitness;
8. 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.
9. 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.

It is the School's practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence and processed in accordance with the Website Privacy Policy and School's Privacy Policy, available on request. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, and/or layout of the School.

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

6. References

Applicants should be aware that the purpose of seeking references is to allow the school to obtain factual information to support appointment decisions. The school must, where possible, obtain references before the first interview to allow any concerns raised to be explored further with the

referee and taken up with the candidate at interview.

The School will seek the references referred to in section 5 above for shortlisted candidates and may approach previous employers for information to verify particular experience or qualifications, before interview. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying by marking this clearly on the application form. Once a candidate has been identified to be suitable for the final interview phase they will be asked for consent to take up references.

The school cannot accept open references e.g. to whom it may concern. The references must be obtained by the school and addressed to the school. We require one reference to be from the candidate's current employer and to have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect of any disciplinary investigations).

We will always obtain verification of the candidate's most recent relevant period of employment where the applicant is not currently employed and will require a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children). If the applicant has never worked with children the school will require a reference from their current employer.

The School will take steps to ensure electronic references originate from a legitimate source and will contact referees to clarify content where information is vague or insufficient information is provided. We will compare the information on the application form with that in the reference and take up any discrepancies with the candidate and will establish the reason for the candidate leaving their current or most recent post

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

The School will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies will be discussed with the candidate.

7. Criminal Records Policy

The School will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education' and any amended version in carrying out the necessary DBS checks.

The School complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here: <https://www.gov.uk/government/publications/dbs-code-of-practice>

There are limited circumstances where the school may be willing to accept a check from another educational institution which are as follows:

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

- a. A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- b. A maintained school in England in a position to which M was appointed on or after May 2006

- and which did not bring M regularly into contact with children or young persons; or
- c. An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons, during a period which ended not more than three months before M's appointment.

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

DBS Update Service

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the school to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required.

If disclosure is delayed

A short period of work is allowed under controlled conditions, at the Head's discretion. However, if an 'enhanced disclosure' is delayed, a Head may allow the member of staff to commence work:

- Without confirming the appointment;
- Provided satisfactory references have been received (at least two);
- After a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
- Provided that the DBS application has been made in advance;
- With appropriate safeguards taken (for example, loose supervision);
- Safeguards reviewed at least every two weeks by the Head or a member of the Senior Leadership Team and the member of staff;
- The person in question is informed what these safeguards are; and
- It is recommended, but not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

Any staff who TUPE transfer into the School's staff will be required to undertake the statutory requirements with regard to safer recruitment checks.

If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

8. Retention, Security of Records and Data Protection Obligations

The School will comply with its obligations regarding the retention and security of records in accordance

with the DBS Code of Practice and its obligations under its Data Protection Policy. The School will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Recruitment Privacy Notice and the Data Protection Policy.

9. Supply, Agency or Contract Workers

In the case of supply agency or contract workers, the School sets out our safeguarding requirements in the contract between the organisation and the School and we obtain written confirmation from the agency or company that it has carried out the appropriate checks. The School conducts identity checks on agency and contract workers on arrival in School and, in the case of agency workers which includes supply staff, the School must be provided with a copy of the appropriate level of DBS check for such staff.

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus, those checks set out in KCSIE as 'pre-employment' checks. The Single Central Register shows these checks have been made and the School carries out its own identity check and has seen a copy of the disclosure (whether or not it discloses any information).

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

Visitors to site will be required to sign in at Reception and will be escorted by a member of staff while on site.

Sue Baillie

Head

December 2023

Review due: September 2024

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 Disqualification under the Childcare Act 2006 (June 2016), whether by association, or otherwise.

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;
- 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 or driving whilst under the influence of drugs, within 5 years.