



WELLESLEY HOUSE

Recruitment, selection and disclosure policy and procedure

Policy Consultation & Review

This policy is available on our school website.

Details of review and ratification can be found below.

| Author | Date | Date of next review | Details | Approved |
|--------|------------|---------------------|---|----------|
| BAP | 01/09/2016 | 01/09/2017 | Yearly review of procedures. | SOM |
| BAP | 01/09/2017 | 01/09/2018 | Yearly review of procedures. | GDF |
| BAP | 10/09/2018 | 01/09/2019 | Removal of reference to Disqualification by Association - post change to Reg 9 Childcare & Early Years Act 2018 | GDF |
| BAP | 11/10/2018 | | Amend NCTL to TRA | DCS |
| | | | | |
| | | | | |

Introduction

Wellesley House 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 aim of the School's recruitment policy is 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 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) (formerly the Department for Children, Schools and Families (DCSF)), Safeguarding children and safer recruitment in education (Guidance), Keeping Children Safe in Education (KCSIE) 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.

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. Curriculum Vitae will not be accepted in place of the completed application form.

Applicants will receive a job description and in most cases a person specification for the role applied for. Application forms, job descriptions, person specifications and the School's Child Protection Policy will be made available from the School's website.

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

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);
- the receipt of two references (one of which, as far as reasonably practical, must be from the applicant's most recent employer) which the School considers to be satisfactory;
- the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List administered by the DBS*. The school will use the flowchart of Disclosure and Barring Service criminal record checks and barred list checks used within the KCSIE Statutory Guidance for Schools and Colleges;
- verification of the applicant's right to work in the UK (see section 9 below);
- verification of professional qualifications which the School deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).
- for a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State. Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:
Planning and preparing lessons and courses for pupils delivering and preparing lessons to pupils assessing the development, progress and attainment of pupils reporting on the development, progress and attainment of pupils;
- for teaching positions, confirmation from the National College for Teaching and Leadership that the applicant has no sanctions with the General Teaching Council for England (GTCE);
- 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;
- Satisfactory medical fitness;
- 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; and
- For a candidate that has lived or worked outside the UK, an EEA check using the NCTL Teacher Services system for information about any teacher sanction or restriction.

***A check of the Children's Barred List is not permitted if an individual will not be undertaking "regulated activity". Whether a position amounts to "regulated activity" must therefore be considered by the School in order to decide which DBS checks are appropriate. It is however likely that in nearly all cases a Children's Barred List check will be carried out.**

Pre-employment checks

In accordance with the recommendations set out in the Guidance, KCSIE and the requirements of the Education (Independent School Standards) (England) Regulations 2010 and the Boarding schools: national minimum standards, the School carries out a number of pre-employment checks in respect of all prospective employees.

Verification of identity and address

All applicants who are invited to an interview will be required to supply 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.

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

The School asks for the date of birth of all applicants (and proof of this) in accordance with the Guidance and KCSIE. 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.

References

References will be taken up on short listed candidates for teaching posts prior to interview. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made. For support staff posts references will only be taken up once an offer is made.

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

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. 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 (questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made) and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated, unfounded or malicious; and
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated, unfounded 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.

Criminal records check

Due to the nature of the work, the School applies for an enhanced disclosure from the DBS in respect of all prospective staff members, fellows and volunteers.

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.

As of 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 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

An adult conviction 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 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 conviction will be removed from a DBS disclosure if:

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

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 on their criminal record.

A caution received when a person was aged under 18 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>

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). 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 maintained by the DBS. Any position undertaken at, or on behalf of, the School (whether paid or unpaid), will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30-day period; and

- provides the opportunity for contact with children.

This definition will cover nearly all posts at the School. Limited exceptions could include an administrative post undertaken on a temporary basis in a school office outside of term time.

It is for the School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances.

The DBS now issues a 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.

If there is a delay in receiving a DBS disclosure the School has discretion to allow an individual to begin work pending receipt of the disclosure. 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. A risk assessment will be completed and reviewed on a fortnightly basis until receipt of the disclosure.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction(s).

Volunteers, Contractors and agency staff

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

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 staff supplied by contractors or an agency.

The School Designated Safeguard Lead and the Bursar will review the need for required recruitment checks for volunteers on an individual basis, after having taken account of the level of supervision required and whether the activity is 'regulated' or not a 'regulated' activity. As a result of the assessment a decision will be made on whether a DBS check is required. Reference will be made by the school to the flowchart of Disclosure and Barring Service criminal record checks and barred list checks used within the KCSIE Statutory Guidance for Schools and Colleges.

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 revealed. The School makes appointment decisions on the basis of merit and ability. If an applicant 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 in paragraph 5.2 below.

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 for those to which the DBS filtering rules apply (see paragraph 3.3 above). 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 attempt 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 convicted person.

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 risk assessment must be signed by the Bursar before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he / she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School will, 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.

In particular, the School will:

- store disclosure information and other confidential documents issued by the DBS in non-portable storage containers, access to which will be restricted and locked or alternatively in a locked room;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

Retention of records

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 his / her 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. After employment ends it will be retained in accordance with the School's document retention guidelines.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after twelve months.

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 TRA.

Queries

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

Entitlement to work in the United Kingdom

Before anyone starts work at Wellesley House we have a legal obligation to confirm a person's right to be in and/or work in the United Kingdom. We recognise that many people from minority ethnic groups living in the UK who are British citizens or otherwise entitled to work here. To make sure we do not discriminate against individuals on race grounds our recruitment practice is to treat all job applications in the same way. Any offer of employment with the school will be conditional upon production of the required evidence of your eligibility to work in the UK. This must be provided prior to your start date and will be copied and held on file.

Oversees checks

Applicants must provide a criminal record check from any country where they have lived, when over the age of 18, for 3 months or more, in the 5 years before the application.

Appendix 1

List of valid identity documents

Group 1: primary trusted identity credentials

- 📄 current valid passport
- 📄 biometric residence permit (UK)
- 📄 current driving licence (full or provisional) (UK / Isle of Man / Channel Islands; photo card with the associated counterpart licence; except Jersey)
- 📄 birth certificate (UK & Channel Islands) - issued at the time of birth (within 42 days of date of birth); Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces

Group 2a: trusted government / state issued documents

- 📄 current UK driving licence (old style paper version)
- 📄 current non-UK driving licence (valid for up to 12 months from the date the applicant entered the UK)
- 📄 birth certificate (UK and Channel Islands) – issued at any time after the date of birth by the General Registrar Office / relevant authority i.e. Registrars)
- 📄 marriage / civil partnership certificate (UK and Channel Islands)
- 📄 adoption certificate (UK and Channel Islands)
- 📄 HM Forces ID card (UK)
- 📄 fire arms licence (UK and Channel Islands)

Group 2b: Financial / social history documents

- 📄 mortgage statement (UK or EEA)**
- 📄 bank / building society statement (UK and Channel Islands or EEA)*
- 📄 bank / building society account opening confirmation letter (UK)
- 📄 credit card statement (UK or EEA)*
- 📄 financial statement ** - e.g. pension, endowment, ISA (UK)
- 📄 P45 / P60 statement **(UK and Channel Islands)
- 📄 council tax statement (UK and Channel Islands) **
- 📄 work permit / visa (UK) (UK Residence Permit) **
- 📄 letter of sponsorship from future employment provider (non UK / non EEA only valid for applicants residing outside the UK at the time of application)
- 📄 utility bill (UK)* – not mobile telephone

📄 benefit statement* - e.g. child benefit, pension

📄 a document from central / local government/ government agency / local authority giving entitlement (UK and Channel Islands)*- e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs (HMRC), Job Centre, Job Centre Plus, Social Security

📄 EU national ID card

📄 cards carrying the PASS accreditation logo (UK)

📄 letter from Head or School Principal (UK) for 16-19 year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided.

Note

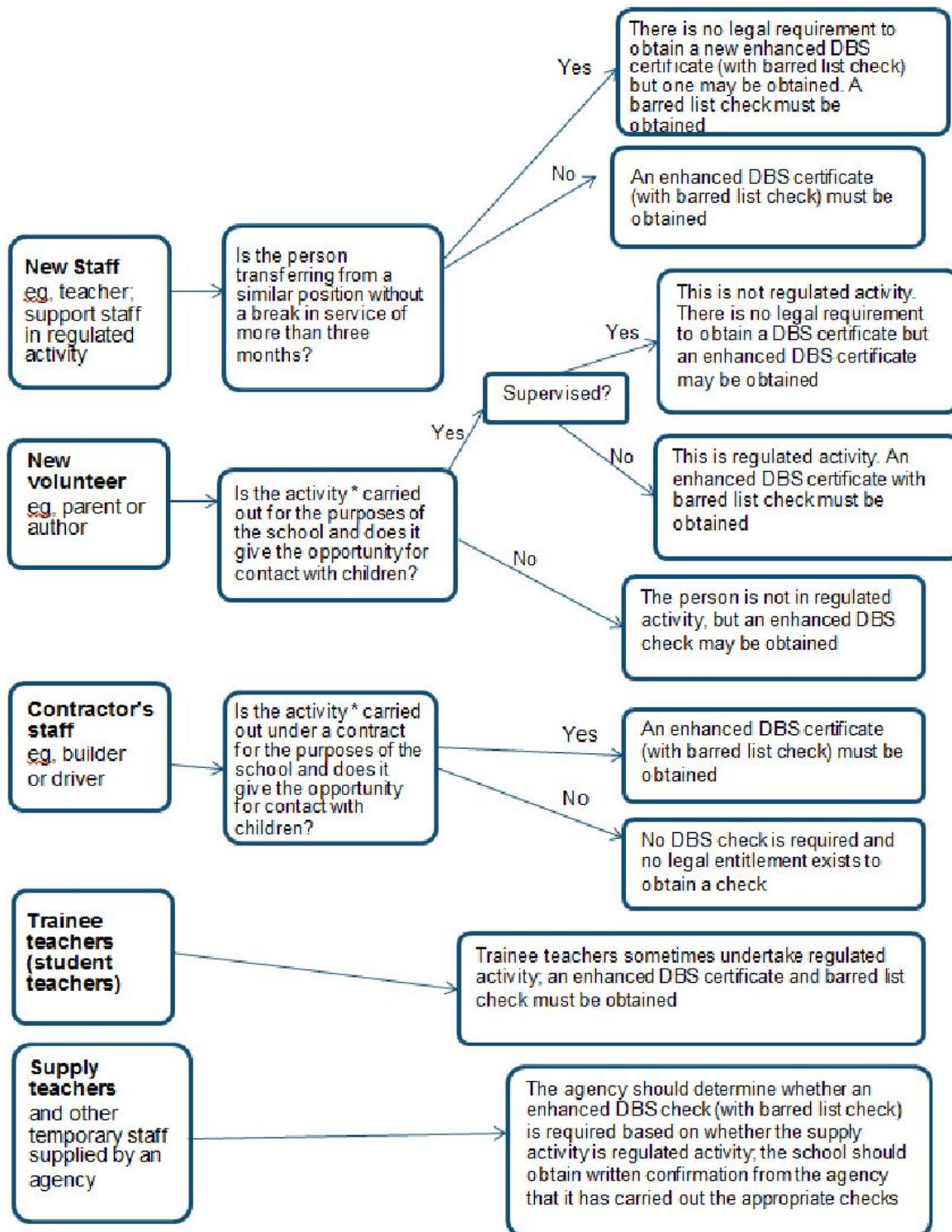
If a document in the list of valid identity documents is:

denoted with * - it should be less than three months old

denoted with ** - it should be less than 12 months old

not denoted – it can be more than 12 months old

Flowchart of Disclosure and Barring Service criminal record checks and barred list checks



* Activities listed under the guidance's definition of regulated activity and which are carried out 'frequently'