

Recruitment, selection and disclosure

Woodcroft School staff policy 01.11.23

Introduction

Woodcroft 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. 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 Woodcroft school's recruitment policy are to ensure:

- that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- that all job applicants are considered equally and consistently;
- that no job applicant is treated unfairly on any grounds including age, disability, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation, marital or civil partner status, gender reassignment, pregnancy or or maternity leave;
- compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), *Keeping Children Safe In Education*, September 2023 (the Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS);
- 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 including considering online 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. We reserve the right to not consider incomplete applications when shortlisting.

A curriculum vitae will not be accepted in place of the completed application form.

Applicants will receive a *Job description* and *Person specification* for the role applied for.

The applicant may then be invited to attend one or more formal interviews at which their relevant skills and experience will be discussed in more detail.

If it is decided to make an offer of employment following the formal interview(s), 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;
- the receipt of two references (one of which 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;
- verification of the applicant's medical fitness for the role from the school's medical adviser; and
- where the position amounts to 'regulated activity' (see *Criminal records check* below) confirmation that the applicant is not named on the Children's Barred List administered by the DBS. (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.)

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 medical self-certification form and a health questionnaire. The school will arrange for the information contained in the health questionnaire to be reviewed by the school's medical advisor. 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 school's medical advisor 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.

In accordance with *The Education (Health Standards) (England) Regulations 2003*, education staff must have the health and physical capacity for their employment, subject to duties on employers imposed by the Equalities Act 2010. The relevant sections of our *Fitness to work policy* will be implemented as part of the recruitment and selection procedure.

Pre-employment checks

In accordance with the recommendations set out in the Guidance, and the requirements of The Education (Independent School Standards)(England) Regulations 2010 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 a second interview will be required to bring with them original evidence of identity, right to work in the UK, address and any qualifications referred to in their application form. A list of valid identity documents that comply with DBS identity checking guidelines will be sent to applicants as part of the recruitment process. Copies of the list can be requested from the school's staff recruitment administrator. 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. Some job roles may require candidates to complete a physical fitness assessment at second interview stage.

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

Qualification checks

All teachers and therapists are subject to further pre-employment checks. The school uses the DfE Teaching Regulations Agency online tool to ensure that any potential class teachers are not/have not ever been prohibited from teaching, and that their qualifications are as listed on their application form. Therapists are checked against the Health and Care Professions Council register (which can be found on the HCPC website) to ensure that their registration is up to date. The HCPC are a regulator, set up to protect the public. They ensure that all health and care professionals who are registered with them meet their standards for training, professional skills, behaviour and health.

Online checks

The school may carry out online checks to provide additional information when ensuring that candidates are suitable for employment.

References

Wherever possible 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. One of the references must be from the applicant's current or most recent employer. If the current or most recent employment does or did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will be sent a copy of the *Job description* and *Person specification* for the role which the applicant has applied for. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance 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;
- 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. Written references may be followed up with a telephone call.

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 is required to see an enhanced disclosure check from the DBS in respect of all prospective staff members, volunteers and directors. This will be checked online against the current information held on the DBS Update Service.

Prospective staff members, volunteers and directors will be asked to register with the DBS Update Service (if they have not already done so with a previous DBS application), and sign their written consent for Woodcroft School, as employers, to use the update service to monitor their status periodically. The school may pay for initial DBS checks for prospective staff who do not already hold a DBS check. Appointed staff will be expected to pay to register and remain registered with the DBS Update Service.

For those prospective staff, volunteers and directors who do not have a pre-existing DBS check (including registration to the DBS Update Service) the school applies for an enhanced disclosure from the DBS (including a check of the Children's Barred List) 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 virtue of their inclusion on the Children's Barred List maintained by the DBS.

If there is a delay in receiving a DBS disclosure the head teacher 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.

DBS checks will also 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). The current guidelines from the DfE on DBS checks for people from overseas will be followed.

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 have contained non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question.

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:

- 11 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 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>.

Contractors, agency staff and students

The school expects third party providers, outside contractors and sending local authorities to complete our *Safeguarding assurance agreement* to confirm their compliance with statutory requirements in respect of DBS vetting and safer recruitment checks for any of their staff who may engage in regulated activity with our pupils. The school expects employment agencies that are used by the school to complete our *Supply agency employment checks form*

for each member of staff supplied to Woodcroft School. The school expects student / work placement sending organisations to comply with our *Student and volunteer policy*, which includes a declaration of assurance that all statutory vetting checks have been completed applicable to students placed at Woodcroft School. The school will independently verify the identity of such staff and students on their first day in school.

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 them from employment within the school. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in *Assessment criteria* 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 *Criminal records check* above), when applying for a position at the school. A failure to disclose a previous conviction 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
- 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 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 managing director and head teacher of the school before a position is offered.

If an applicant wishes to dispute any information contained in a disclosure, they 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, 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, but is under no obligation to do so. In particular, the school will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the school's senior management team and staff recruitment administrators
- 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.

Retention of records

If an applicant is appointed, the school will retain any relevant information provided on their application form (together with any attachments) on their personnel file. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months, unless the applicant specifically requests the school to keep their details on file.

Queries

If an applicant has any queries on how to complete the application form or any other matter they should contact the staff recruitment administrator.