



Staff Safer Recruitment Policy

Updated: 12-24
Prepared by: KED/SHCC

Next Review: 12-25
Approved by: JOH, TZL, Governors

This Policy applies throughout the School from EYFS to Year 6.

Introduction

The Cavendish School is committed to providing the best possible environment, care and education for its pupils, safeguarding and promoting the welfare of children and young people is our highest priority. The School is also committed to providing a supportive and flexible working environment to all its members of staff. The School aims to recruit staff of the highest calibre who share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined in the Equality Act 2010.

All queries about the School's application and recruitment process should be directed to the Head of HR & Compliance.

An entry will be made in the Single Central Register for all current members of staff at the School, the Governors and all individuals who work in regular contact with children including visiting music teachers, volunteers, staff employed by third party companies, e.g. Accent Catering and Wallace Chess, other self-employed individuals and supply staff.

The School is constituted as an educational charity and a private company limited by guarantee without share capital and governed by a board of Governors who are also the company's directors.

All checks will be made in advance of appointment or, in extremis, as soon as practicable after appointment. In the latter case, additional risk assessed measures will be put in place, reviewed at least every two weeks and communicated to the individual until all checks are received.

Scope

This Policy refers and applies to staff directly recruited and employed by the School. 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."

In the case of agency workers, which includes supply staff, and staff employed by third party companies, e.g. Accent Catering and Wallace Chess, the School will obtain written confirmation from the agency or company that it has carried out the same checks as the School would otherwise perform on any individual working at the school, including confirmation of the appropriate level of DBS check. The School will check with the relevant supply agency that the required checks have been carried out (identity, employment history, enhanced disclosure & barred list, right to work in the UK, prohibition, qualifications, social media and online checks, medical fitness, references, 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 dates of the checks.

The School conducts its own identity checks on agency workers, which includes supply staff, and staff employed by third party companies, e.g. Accent Catering and Wallace Chess, on arrival in School and must have sight of the original Disclosure and Barring Service (DBS) check for such staff in order to record the information it contains and disclosures, if any.

Volunteers, who may include parents and placement or work experience students, undergo tailored risk-assessed checks.

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

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

Safer recruitment methods

The School employs safer recruitment methods to ensure the suitability of all our staff for working with children. Each interview panel contains at least one member who has undertaken safer recruitment training. Safer recruitment training is undertaken regularly by The Chair of Governors, the Head, the DSL, the Compliance Governor, the Bursar and the Head of HR & Compliance.

Advertisements

Advertisements should state that the School is committed to the protection and safety of its pupils, that staff appointed will be subject to recruitment checks and that all applicants will need to be registered with the DBS. It will also include information on whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020 which means that, when applying for certain jobs, certain spent convictions and cautions are 'protected' so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Further information will be obtained from the DBS filtering guide:

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

As the School aims to offer career opportunities to its staff, all vacancies will be advertised internally and internal applicants will be subject to the same process as external ones.

Application forms

Application forms should request the following information in full in order for the application to proceed and state that the School may seek additional confirmation of any aspect:

- Personal details
- Current and former names, current address and national insurance number
- Details of their present (or last) employment and reason for leaving
- A full chronological educational history with resulting qualifications, the awarding body and date obtained

- A full employment history (since leaving school, including education, employment and voluntary work) in reverse chronological order with explanations of any gaps
- The names, role/position and contact details of three referees
- A statement confirming the applicant's right to work in this country and details of any required work permits
- A statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification
- Details of notice period and salary with current employer
- Equal opportunities form (completion optional)

The application form should be sent as part of an application pack which also contains:

- Information about the School
- A job description and person specification
- Guidance for completing the application form with details of whom to contact for help
- Information about the selection process
- The School's Equal Opportunities Policy for Employees
- The School's Safeguarding and Child Protection Policy
- The School's Recruitment Privacy Notice

The School will only accept applications from candidates completing the relevant application form in full. CVs will not be accepted in substitution for completed application forms, but are permitted to be submitted alongside an application form.

The School will make candidates aware that 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. Candidates for employed posts will receive a job description for the role applied for.

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment, including a requirement to explore any safeguarding concerns that may have arisen. These checks will then be checked against references and any discrepancies discussed with the candidate.

The successful applicant will be required to complete a disclosure form from the Disclosure and Barring Service (DBS) for the position and, where appropriate, a check of the Barred List will be undertaken. Any offer of employment will be conditional on obtaining such satisfactory checks. Additionally, successful applicants should be aware that they are required to notify the School immediately if they are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration. A list of the relevant offences is set out in Table A to the DfE statutory guidance *Disqualification under the Childcare Act 2006* (Annexes August 2018):

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741597/APPENDICES-Disqualification_under_the_childcare_act_statguidance_4_.pdf

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 their suitability to work with children must notify the Head immediately. A failure to disclose such information may be treated as a disciplinary matter and could lead to dismissal. This will include notification of any convictions, cautions, court orders, reprimands or warnings they may receive.

Staff and/or successful candidates who are disqualified from childcare or registration may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please speak to the Head/Bursar as appropriate for more details.

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. Any information about past disciplinary action or substantiated allegations will be considered in the circumstances of the individual case.

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.

Invitation to interview

The application forms will be scrutinised by the Head/Bursar and members of SLT as appropriate and applicants short-listed 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, consider any inconsistencies, look for gaps in employment and reasons given for them and explore all potential concerns. At least one person from the short listing-panel will carry out the interviews. Any gaps in employment history or inconsistencies should be noted and will be followed up either in writing or at interview. In the region of four candidates will usually be short listed for any one post.

As part of the shortlisting process, the School will carry out an online search on shortlisted candidates as part of its due diligence. This may help to identify any incidents or issues that have happened, and are publicly available online, which the School may want to explore with an applicant at interview. This forms part of the School's wider safeguarding due diligence which aims to prevent and/or deter individuals who may be unsuitable to work with children from working in a school environment. Specific consent is obtained from candidates to carry out these checks via their application forms. Personal candidate data from these forms is shared with a third-party professional screening partner, SP Index (www.sp-index.com), experienced in processing personal data for the purpose of such checks.

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. The letter inviting candidates to interview will request

applicants to attend the School at a particular time and date and inform them about events they will take part in. Typically, these will be a tour, a relevant lesson or activity and at least one interview.

Shortlisted candidates will be asked to complete a self-declaration form in relation to their criminal record or any other information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. Applicants will be asked to sign a declaration confirming that the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at the point of interview.

The School will, where possible, obtain references prior to interview. This allows any concerns raised to be explored further with the referee and can be taken up with the shortlisted candidate at interview.

Format of interview

Interviews should give all candidates the opportunity to give the best account of themselves whilst enabling the interviewers to seek and obtain information about the candidate. In order to ensure that consistent questions are asked of each candidate, the School's interview proforma template should be used. A number of questions from the proforma will be selected and asked of all candidates.

All formal interviews will normally have a panel of at least three people chaired by the Head/Bursar as appropriate or another designated senior member of staff. The School follows recommended best practice that at least one person on the appointment panel will have undertaken Safer Recruitment training. One of the Chairs of Governors should chair the panel for the Bursar's/Head's appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Co-chair as to whether or not an interviewer should withdraw from the panel. Should the Co-chair have a conflict of interest, the other Co-Chair will decide whether the first Co-chair should withdraw from the panel.

We are currently working to ensure that our interview panel is diverse and a good representation of our School community.

The interview will be conducted in person and the areas which it will explore will include:

- Suitability for the role
- Suitability to work with children including where appropriate, any discussion of information shared by a candidate in their self-declaration form
- Safeguarding questions
 - Knowledge of policy & procedure
 - Safe environments
 - Values & ethics
 - Emotional maturity & resilience
 - Motivation for working with children

For senior management appointments, areas of leadership will be explored.

Responsibility for asking and the order of questions will usually be prearranged using the School's interview proforma. Candidate responses should be recorded on the interview proforma. Candidates should be encouraged to ask questions.

Any psychometric tests considered appropriate will be administered by an accredited person, the results of which will be shared with the candidate.

Document requirements

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 passport or driving licence including a photograph
2. A full birth certificate
3. A utility bill or financial statement issued within the last three months showing the candidate's current name and address
4. Where appropriate any documentation evidencing a change of name
5. Proof of entitlement to work and reside in the UK
6. Where appropriate, original qualification certificates
7. A current DBS certificate, if they have one

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

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

Candidate review meeting

This usually takes place on the day of interview or last day of interviews. All data are collected and all those involved in the selection process should be present. The application form, references, feedback from events on interview day are all discussed for each candidate and used to decide which candidate will be offered the post. Time for deliberation may be needed before a final decision is made. All information considered in this process will be documented.

Conditional offer of appointment: pre-appointment checks

Telephone call from the Head or Bursar, as appropriate; verbal offer and acceptance.

A welcoming congratulatory letter with details of other requirements and of induction procedures follows and two copies of the contract of employment if not already sent.

Letters offering employment should include the title of the job, the salary and salary scale point, and that the offer is made subject to satisfactory completion of recruitment checks.

Unsuccessful candidates are informed by email or telephone.

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 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 Children's Barred List maintained by the DBS
4. 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 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:
 - 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
5. Verification of professional qualifications, including Qualified Teacher Status (QTS), where appropriate
6. Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999)
7. Where the successful candidate has worked or been resident overseas for more than three months within the last ten years, such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered. This may include the candidate providing us with a letter from the professional regulating authority in the country (or countries) in which they have worked confirming that they have not imposed any sanctions or restrictions, and/or that they are aware of any reason why they may be unsuitable to teach
8. Disclosure of satisfactory medical fitness (state of physical and mental health to the extent that it may affect their capacity to carry out their role)
9. Receipt of a wet signed Staff Disqualification 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)
10. 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 and Senior Leadership Team
11. For a candidate to be employed in 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

Under the Education (Independent Schools Standards) (England) Regulations 2014, schools are required to establish the medical fitness of all staff before they start work. It is the School's practice that a successful candidate must complete a pre-employment health questionnaire after they have accepted a conditional offer of employment at the School. The information contained in the questionnaire will be processed in accordance with data protection law¹ and held by the School in strictest confidence. This information will be reviewed against the job description for the particular

¹ "Data Protection Legislation" means any data protection legislation from time to time in force in the UK including the Data Protection Act 2018 and the UK General Data Protection Regulation (or any successor legislation).

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.

References

The School will seek the references referred to above for shortlisted candidates and may approach previous employers for information to verify particular experience or qualifications before interview. One of the references must be from the applicant's current or most recent employer. 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.

Where possible, references should be from two separate establishments.

The School will ask all referees if the candidate is suitable to work with children and to provide facts of any substantiated safeguarding concerns or allegations that meet the harm threshold set out in Part 4 of the statutory guidance 'Keeping Children Safe in Education'. Substantiated allegations that meet the harm threshold should be included in references. Any repeated concerns or allegations which do not meet the harm threshold which have all been found to be false, unfounded, unsubstantiated, or malicious should not be included in any reference.

Reference requests should stipulate there should be no material misstatement or omission relevant to the suitability of the applicant. The School will only accept references obtained directly from the referee and will not rely on references or testimonials provided by the applicant or on open references or testimonials. The School will verify all references. Where references are received electronically, the School will ensure that they originate from a legitimate source and not from a personal email address (where possible). For newly qualified teachers joining the School, we will accept references from their teaching course provider, their teaching placement provider and/or the applicant's most recent previous employer on a case by case basis.

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 and probed at interview. The School must check, record, initial and date that all reasonable steps have been taken to ensure that references are genuine before offers are valid, most usually by telephoning the referees.

Disqualification from acting in senior management positions within a 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 Governors, and who carries overall responsibility for the day-to-day management and control of the charity. At The Cavendish School this would be the Head
- A person who is accountable only to the Head or the Governors and who is responsible for the overall management and control of the charity's finance. At The Cavendish School this would be the Bursar

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

Criminal records policy

The School will refer to the DfE document, *Keeping Children Safe in Education*, and any amended version, in carrying out the necessary required DBS checks.

The School complies with the provisions of the DBS Code of Practice, a copy of which may be accessed here:

<https://www.gov.uk/government/publications/dbs-code-of-practice>

The limited circumstances where the School will accept a check from another educational institution are as follows:

Where the new member of staff (N) has worked during a period which ended not more than three months before N's appointment in:

- (a) A school or a maintained school in England in a position which brought N regularly into contact with children or young persons
- (b) A maintained school in England in a position to which N was appointed on or after May 2006 and which did not bring N regularly into contact with children or young persons
- (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 N regularly into contact with children or young persons

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 separate 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/Bursar's discretion. However, if an 'enhanced disclosure' is delayed, a Head/Bursar may allow the member of staff to start work with additional risk-assessed measures put in place and monitored regularly as in the following list:

- Without confirming the appointment
- 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/Bursar and member of staff
- The person in question is informed what these safeguards are
- 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

Retention and security of records and data protection obligations

Post-selection, there is a double check that the recruitment checks listed above have been obtained and scrutinised and that records of these checks are kept on the Single Central Register and personnel files. Information is entered on the Single Central Register by the Head of HR & Compliance as appropriate.

The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and data protection law. Copies of DBS certificates will generally not be retained for longer than 6 months.

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 our Recruitment Privacy Notice.

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 them 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".

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
- The School is provided with false information in, or in support of, an applicant's application
- 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 DBS 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
- 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, 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 other driving related offences.

The School will comply with its data protection obligations in respect of the processing of criminal records information.

Induction

The school recognises that safer recruitment and selection is not just about the start of employment but must be part of a larger policy framework for all staff. The school will therefore provide ongoing training and support for all staff.

All staff who are new to the school will receive induction training that will include the school's safeguarding policies and guidance on safe working practices including child protection, prevent, FGM awareness and online safety.

Regular meetings will be held during the first 6 months of employment between the new employee(s) and the appropriate line manager.

Appointment timetable: approximately 7 weeks

Action	Day
Job Description	0
Advert	7
Closing date	28
Short listing date	32

References sent for, online checks requested	36
Interview date	42
Offer and rejections	49

Usual aspects of the recruitment process

Processes	Possible personnel
Advertisement	Head/Bursar/Head of HR & Compliance
Application Form	Head of HR & Compliance
Request references	Head of HR & Compliance
Short listing	Head/Bursar and relevant members of staff
Observation of a lesson taught or running of an Early Years activity	Senior Deputy/Deputy Heads/Subject Leads
Tour of School	Member of SLT or relevant member of staff
Preliminary Interview (if relevant)	SLT member
Interview with panel of three	Head/SLT/Governors
Carry out statutory recruitment checks and update records	Bursar/Head of HR & Compliance

Linked policies

- Contractor Policy
- Equal Opportunities Policy for Employees
- Prevent Policy
- Recruitment Privacy Notice
- Safeguarding and Child Protection Policy