



## Brentwood School

### Recruitment, Selection and Disclosures Policy

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## **RECRUITMENT, SELECTION AND DISCLOSURES POLICY**

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## **POLICY STATEMENT**

Brentwood School is committed to ensuring the best possible environment for the pupils in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.

The School aims to recruit staff that share and understand our commitment to Safeguarding and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

All queries on the School's Application Form and recruitment process must be directed to the School's Head of Human Resources.

An entry will be made on the Single Central Register for all current members of staff at the School, the proprietorial body and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties. All checks will be made in advance of appointment or as soon as practicable after appointment.

## **SCOPE OF THE POLICY**

This Recruitment, Selection and Disclosures Policy applies to: staff directly recruited and employed by the School; and, Governors' appointees to the Senior Leadership Team. In the Education (Independent Schools Standards) (England) (Amendment) Regulations 2014 (2022), 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.*

## **APPLICATION FORM**

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 can be submitted alongside a completed 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 and Person Specification for the role applied for.

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.

As the position for which candidates are applying 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 that will be seen and then destroyed by the Head of Human Resources. If candidates would like to discuss this

beforehand, they are asked to telephone in confidence the Head of Human Resources for advice.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However amendments to The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 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.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service (DBS) online 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. This includes any staff who are disqualified from childcare or registration

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 Headmaster or Head of the Prep School immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she 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 of HR for more details.

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 the Prevent Duty Guidance for England and Wales 2023 to have a 'due regard to the need to prevent people from being drawn into terrorism', including support for extremist ideas that are part of terrorist ideology.

The School will obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. The School will carry out an online search as part of its due diligence on shortlisted candidates in line with Part 3 of the current Keeping Children Safe in Education statutory guidance.

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. This includes 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.

## **INVITATION TO INTERVIEW**

The School will short list applicants according to the relevance and applicability of their professional attributes and suitability for the position. Short-listed applicants will then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail.

Inline with current Keeping Children Safe in Education statutory guidance and the Disclosure and Barring Service (DBS) Code of Practice, shortlisted candidates will be advised an online search will be carried out and they will be required to complete a Safer Recruitment - Self Declaration form to be returned prior to or at interview as part of pre-recruitment checks.

All formal interviews will have a panel of at least two people chaired by the Head or Bursar or another designated senior member of staff. It is recommended best practice that at least one person on the appointment panel will have undertaken Safer Recruitment Training. A list of staff who have attended Safer Recruitment Training is maintained by the HR Department. The Chairman of Governors will chair the panel for the Bursar and Head's appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates. The Chairman will make a judgement as to whether or not an interviewer should withdraw from the panel. Should the Chairman have a conflict of interest, the Vice Chairman shall decide whether the Chairman 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 documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

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

1. A current driving licence including a photograph, a current passport and/or a full birth certificate;
2. A utility bill or financial statement issued within the last three months or a current Council Tax bill showing the candidate's current name and address;
3. Where appropriate any documentation evidencing a change of name;
4. Where the candidate is not a citizen of the UK, proof of entitlement to work and reside in the UK will need to be provided.

**Please note that originals of the above are necessary. Photocopies, internet printed 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.

### **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) *one must be from latest employer*;
2. Verification of identity, proof of address and qualifications including, where appropriate, evidence of the right to work in the UK;
3. A satisfactory enhanced DBS check and a check of the Barred List maintained by the DBS (where the person is working in a Regulated Activity<sup>1</sup>);
4. For a candidate to be employed as a teacher, trainer or instructor 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;
5. Verification of professional qualifications, 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 such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered;
8. Satisfactory medical fitness.
9. Confirmation that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)" **OR** Receipt of a signed Staff Suitability Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)";
10. For a candidate to be employed as the Headmaster or Bursar, the School will make checks in accordance with the Charity Commission's Automatic Disqualification Rules.
11. 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.

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<sup>1</sup> **ALL REGULAR WORK FOR SCHOOLS WITH OPPORTUNITY FOR CONTACT WITH CHILDREN IS REGULATED ACTIVITY.**

12. For a candidate who has lived or worked outside the UK, an EEA check using the Teaching Regulation Agency employer access system for information about any teacher sanction or restriction.

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. 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, co-curricular activities and 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 in the previous section 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.

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

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 verify all references. Where references are received electronically, the School will ensure they originate from a legitimate source.

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.

## 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 accessed at [www.gov.uk/government/publications/dbs-code-of-practice](http://www.gov.uk/government/publications/dbs-code-of-practice).

There are limited circumstances where the school will accept a check from another educational institution which are as follows:

Where the new member of staff ("M") has worked in: -

- (a) An independent 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 Headmaster or Bursars discretion. If an 'enhanced disclosure' is delayed, a Head or Bursar may allow the member of staff to commence work:

- 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 Headmaster/Bursar with the member of staff;
- The person in question is informed what these safeguards are;
- A note is added to the single central register and evidence kept of the measures put in place.

### **AGENCY OR CONTRACT WORKERS**

In the case of agency or contract workers, the School must obtain the written notification from the agency or company that it has carried out the same checks the School would otherwise perform on any individual working at the school or who will be providing education on the school's behalf whether on site or remotely. The school also conducts identity checks on agency and contract workers on arrival in school and, in the case of agency workers, the school must be provided with a copy of the DBS check for such staff.

Where the agency has obtained an enhanced DBS certificate before the person is due to begin work at the school, which has disclosed any matter or information, or any information was provided to the employment business, the school must obtain a copy of the certificate from the agency.

The School will check with the relevant agency that the required checks have been carried out (identity, enhanced disclosure – renewed every 3 years, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus in line with KCSIE two references, declaration of medical fitness, check of previous employment history). 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.

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.

### **RETENTION AND 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 General Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months.

The School will comply with the Data Protection Act 2018 and the School's Data Protection Privacy Notice for Staff and Responsibilities of Staff for Data Protection.

If an application is unsuccessful records will be destroyed between 6 - 12 months of the date of the application.

## APPENDIX 1

### POLICY ON THE RECRUITMENT OF EX-OFFENDERS

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

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

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006".

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 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);
- 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.