



# HEATHFIELD SCHOOL

## Recruitment Policy

<b>Policy Area:</b>	Safeguarding
<b>Relevant Statutory Regulations:</b>	ISSR 2014 Part 3 and 4 NMS Standard 8, Safeguarding NMS Standard 19, Staff recruitment and checks on other adults Data Protection Act 2018 Equality Act 2010 Rehabilitation of Offenders Act 1974 Prevent Duty Guidance for England and Wales 2016 Education Act 2002 Education and Skills Act 2008 KCSIE 2023
<b>Key Contact Personnel in School</b>	
<b>Nominated Member of Leadership Staff Responsible for the policy:</b>	Bursar and HR Manager
<b>Version:</b>	2023.03
<b>Date updated:</b>	10 October 2023
<b>Date of next review:</b>	01 September 2024

*This policy will be reviewed at least biennially, and/or following any concerns and/or updates to national and local guidance or procedures.*

### Introduction

Heathfield School ("the School") is committed to ensuring 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 caliber who share this commitment.

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

- Equality Act 2010

- Keeping Children Safe in Education (September 2023)
- Working Together to Safeguard Children

## **Aims and Objectives**

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The aims of the 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 equitably and consistently;
- that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, pregnancy and maternity, religion or religious belief\*, sex, gender reassignment or sexual orientation, marital or civil partner status, disability or age in the spirit and recommendations of the Equality Act of 2010;
- 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 ("KCSIE"), the Prevent Duty Guidance for England and Wales 2016 (the Prevent Duty 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.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

\* **The School has registered itself as having a Religious Character under the "Designation of Schools having a Religious Character (Independent Schools) (England) Order 2004."**

The School has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job at the School based on the applicant's abilities, qualification, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance (including KCSIE 2023 and Prevent Duty Guidance).

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.

The School aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at Heathfield School.

## **Roles and Responsibilities**

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It is the responsibility of the **Governing Body** to:

- ensure the School has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements;
- monitor the School's compliance with them.

The Governing Body has delegated responsibility to the Headmistress (teaching staff) and Bursar (support staff) to lead in all appointments. School Governors will be involved in staff appointments for the roles of Headmistress, Bursar, Chaplain and other Senior Appointments as requested by the Headmistress.

It is the responsibility of the **Headmistress, Bursar, HR Manager** and **other Managers** involved in recruitment to:

- ensure that the School operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the School;
- monitor contractors' and agencies' compliance with this document;
- promote welfare of children and young people at every stage of the procedure.

It is the responsibility of all **potential and existing workers**, including volunteers to comply with this document.

It is the responsibility of all **contractors and agencies** to comply with safer recruitment pre-employment checks.

It is the responsibility of the **HR Manager** to:

- deal with the administration of the disclosure system for the School
- maintain an up-to-date Single Central Record of all staff and volunteers at the School

## **Recruitment and Selection Procedure**

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### **Authority to Recruit**

When a vacancy arises appropriate authority to approve the recruitment must be gained. The Standard Operating Procedure for Recruitment should be followed and can be requested from Human Resources.

### **Recruitment Agencies**

No commitment of any kind should be given to an agency without an authorised recruitment form. The HR Manager only will make the original contact with the recruitment agency, as discussed with the recruiting manager.

### **Advertising**

To ensure equality of opportunity, the School will advertise all vacant posts to encourage as wide a field of applicant as possible; normally this entails an external advertisement.

Any advertisement will make clear the School's commitment to safeguarding and promoting the welfare of children and will state whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020.

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act ("DPA").

External advertising will be handled by the HR Manager only, either through direct advertising or through recruitment agencies, and may proceed at the same time as internal advertising.

The HR Manager will advise on the preparation of specifications for recruitment agencies as well as the wording of any advertisements and will approve all advertising copy with the recruiting manager prior to publication.

Where there is a reasonable expectation that there are sufficient qualified internal candidates or where staff are at risk of redundancy, an internal advertisement only may be considered appropriate. Volunteers in School are also welcomed to apply to internally advertised posts. Internal adverts will be organised by the HR Manager and advertised via School email.

### **Job Descriptions and Person Specifications**

A job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the recruitment process. A job description must be prepared whether the post be a vacant post or a promotion. The HR Manager can assist recruiting managers in the preparation of job descriptions, to ensure that they are compiled in the standard format and include all the necessary elements. The completed job description is to be forwarded to the HR Manager.

The job description is to set out the duties and responsibilities of the job role clearly and accurately and this should form the basis for the advertisement for the post and interview structure.

The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job. The person specification will include a specific reference to suitability to work with children.

### **Application Forms**

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.

Heathfield School uses its own application form and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history). Incomplete application forms will not be shortlisted.

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 apply for a position at the School. All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

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.

### **Shortlisting**

The School will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. At least two people should do the shortlisting exercise and where possible also interview the candidates.

Shortlisted candidates are asked to complete a separate self-declaration of their criminal record or information that would make them unsuitable to work with children. The self-declaration is requested so that candidates have the opportunity to share relevant information and allow this to be discussed and considered at interview before a DBS certificate is processed.

### **Interview**

There will be a face-to-face formal interview wherever possible, and a minimum of two interviewers will see the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process.

All formal interviews will have a panel of at least two people chaired by the Headmistress, Bursar or another designated senior member of staff. At least one member of any interviewing panel will have undertaken Safer Recruitment Training or refresher training as applicable.

Interviews for the recruitment of teaching staff will be conducted jointly by all or some of the following: the Headmistress, Deputy Head (Academic) and Subject Leader/Teacher in Charge.

The HR Manager and/or Bursar or another designated senior member of staff, along with the recruiting manager, will interview all non-teaching staff.

In all interviews, the job description and CV/application form will be used as the basis of the interview and an interview record form is to be recorded for each interview.

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. Unsuccessful applicant documents will be destroyed following at the end of the recruitment programme unless the applicant has given specific consent for data to be retained for the purpose of later re-consideration.

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

1. Photo ID: Current driving licence and/or passport.
2. Full Birth Certificate.
3. A utility bill or bank or building society statement issued within the last three months of offer of employment, or a current council tax bill showing the candidate's current name and address.
4. Where appropriate any documentation evidencing a change of name (marriage certificate).
5. Where the candidate is not a citizen of the United Kingdom, proof of entitlement to work and reside in the UK.

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

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

### **Other assessment and selection methods**

In addition to an interview, other assessment and selection methods may also be used. The nature of these additional tools will depend upon the type and level of the post. Other assessment methods may include, for example:

- Presentations
- Role plays
- Group exercises
- Observation (of teaching or activity with a class or group of pupils)
- Written tests
- Other data analysis exercises, In-tray exercises etc.

Assessment and Selection methods in addition to an interview are useful in obtaining a range of information about individuals, including assessing their interaction with others, both adults and pupils,

teamwork, skills and abilities to carry out particular tasks etc. Appropriate selection methods will be discussed and considered by the Recruiting Manager, as relevant and consistently applied to each candidate.

### **Internal Application**

In order to be eligible to apply for an internal vacancy the following conditions apply, and the following procedure must be followed:

- Staff members should submit relevant documentation as detailed in the advertisement and could include an updated CV, an application form and covering letter.
- Candidates will be required to speak to their current line manager to inform them of their intention to apply for an internal vacancy. A copy of their application must be passed to the current line manager and the HR Manager in order to ensure that there is early notice of an interest in a transfer.
- An employee's most recent performance review will be made available, upon request, to the recruiting manager. The recruiting manager should discuss with the applicant's existing line manager their suitability for the role.
- The recruiting manager will advise the staff member of whether or not they have been short-listed for an interview.
- If a staff member has specific questions about a role, which have not been answered by the post description, they should contact the recruiting manager directly.
- External recruitment will continue to run in parallel with this initiative.
- If a staff member is successful in their application, a convenient transfer date will be agreed between the releasing and recruiting managers and may well be longer than the normal notice period. The transfer will take place once a suitable replacement has been identified and a hand-over period has been undertaken.

### **Offer of Appointment**

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In accordance with the recommendations set out in KCSIE and the requirements of the Education (Independent School Standards) Regulations 2014 and the *Boarding schools: national minimum standards*, the School carries out a number of pre-employment checks in respect of all prospective employees.

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 at least two satisfactory references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;
- for positions which involve "teaching work"
  - the School being satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition issued by the Teacher Regulation Authority ("TRA") or any predecessor or successor body, or by a regulator of the teaching profession in any other Country which prevents the applicant working at the School or which, in the School's opinion, renders the applicant unsuitable to work at the School; and
  - the School being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other

country for any reason which prevents the applicant working at the School or which, in the School's opinion, renders the applicant unsuitable to work at the School;

- where the position amounts to "regulated activity" 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 Barred List\*;
- confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children;
- confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school;
- verification of the applicant's medical fitness for the role;
- verification of the applicant's right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK; and
- 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).

\*The School is not permitted to check the Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

Whether a position amounts to "regulated activity" must therefore be considered by the School in order to decide which checks are appropriate. It is however likely that in nearly all cases the School will be able to carry out an enhanced DBS check and a Barred List check.

A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

### **Definition of Regulated Activity and Frequency**

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#### **Regulated activity includes:**

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children.
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not, this includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:

- personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability.
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

**Regulated activity will not be:**

- paid work in specified places which is occasional and temporary and does not involve teaching, training; and
- supervised activity which is paid in non-specified settings such as youth clubs, sports clubs etc.

**Pre-employment checks**

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In accordance with the recommendations set out in KCSIE and the requirements of the Education (Independent School Standards) Regulations 2014 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 bring the following evidence of identity, address and qualifications:

- current driving licence (including photograph) and/or passport/full birth certificate; and
- one utility bill or statement (dated within the last three months) showing their name and home address; and
- documents confirming any educational and professional qualifications referred to in their application form.

Where an applicant claims to have changed their name by deed poll or any other mechanism (e.g., marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

**References**

It is hoped that references for shortlisted applicants will be requested after shortlisting. Where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage, references will be taken up upon confirmation from the applicant.

All offers of employment will be subject to the receipt of a minimum of two satisfactory references, one of which 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 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, sickness 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);
- 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.

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, anomalies or inconsistencies in the information will be taken up with the applicant before any appointment is confirmed. Direct contact by phone will be undertaken with each referee to verify the reference.

The School does not accept open references, testimonials or references from relatives.

### **DBS (Disclosure and Barring Service) Certificate**

The School applies for an enhanced disclosure from the DBS and a check of the 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 Barred List and to obtain other relevant suitability information.

An enhanced disclosure will contain details of all convictions on record including current and spent convictions (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 may also contain non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question.

If the individual is applying for a position working with children or young adults (regulated activity), the enhanced disclosure will also reveal whether they are barred from working with children or vulnerable adults by virtue of their inclusion on the lists of those considered unsuitable to work with children or vulnerable adults maintained by the DfE and the Department of Health.

The School expects supply/temporary worker agencies/contractors that are used by the School to register with the DBS on their own account and to follow their policy or their own comparable policy. Proof of registration will be required before the School will commission services from any such organisation.

If a new member of staff is due to start work and the School has not yet received their enhanced DBS disclosure a separate barred list check (formerly list 99) will be taken up together with a risk assessment in any such instance. The risk assessment must be reviewed every two weeks until the DBS is through. In such cases the individual would be fully supervised at all times until a satisfactory DBS disclosure is received and the additional safeguarding measures would be explained to the individual. The staff member may only start if the DBS process has started, provided all other checks have been completed to the School's satisfaction (see below).

### **If disclosure is delayed**

A short period of work is allowed under controlled conditions, at the Headmistress's discretion. However, if an 'enhanced disclosure' is delayed, a Head 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 Headmistress and member of staff;
- The person in question is informed what these safeguards are; and
- It is recommended, but not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

The DBS do not issue Disclosure Certificates to employers; therefore, applicants should bring their Certificate to the HR Manager (before they commence work or any project involving regulated activity). The certificate will be recorded in the Single Central Record (“SCR”) though copies will not be retained for longer than six months in line with data protection legislation.

### **Prohibition Order**

Checks will be carried out on anyone employed to carry out “teaching work” (as defined in The Teachers’ Disciplinary (England) Regulations 2012) to verify that the individual is not subject to a prohibition order issued by the Secretary of State. These checks are done for all staff, volunteers etc. through TRA on Teachers and Others prohibited from the profession.

Prohibition on participation in management, section 128 checks are carried out for all persons appointed to a management role, this includes SLT, Support Managers, Subject Leaders and Teachers in Charge appointed since August 2015.

### **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.

All applicants are requested to complete a self-declaration medical questionnaire and where appropriate a doctor’s medical report may be required. 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.

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

### **Overseas checks**

The School, in accordance with the UK Visas and Immigration (UKVI) will, if applicable, sponsor new foreign nationals (see Certificate of Sponsorship section).

As from 1 January 2021 the Teaching Regulation Agency no longer maintains a list of EEA teachers with sanctions and professional regulators in the EEA (EU, Iceland, Liechtenstein and Norway) no longer share information about sanctions imposed on EEA teachers with the Teaching Regulation Agency (TRA) via the IMI (Internal Market Information) system. Therefore, the School ask teachers to provide a letter of professional standing. This should be a letter of professional standing issued by the professional regulating authority in the country in which they worked. The School will consider such evidence alongside other information obtained through other pre-appointment checks to help assess their suitability.

For applicants that have lived or worked outside of the UK, the School will continue to follow safer recruitment requirements and request a police check from the relevant country and make any further checks the School think appropriate, so that relevant events that occurred outside the UK can be

considered, this will include obtaining an enhanced DBS certificate with barred list information (even if the teacher has never been to the UK).

### **Certificates of Sponsorship (“CoS”)**

If an appointed applicant is a non-UK national, a CoS may be required. Before any offer of employment is made, the Interviewing Managers should consult with the HR Manager to establish whether the School has any unallocated Sponsorship Certificates.

Criteria for issuing a CoS are:

- The job is in a “designated shortage” occupation, or
- It passes the Resident Labour Market Test (“RLMT”)
- The job is at NQF6 Level or above
- Minimum salary levels are met.

Only the HR Manager will be able to issue a CoS. In addition to the CoS the applicant must apply for entry clearance/leave to remain through the UK Visas and Immigration (“UKVI”) and comply with the UKVI requirements.

The process can take up to three months and staff cannot, under any circumstances, be employed until permission is given.

Detailed advice on the above is available from the HR Manager.

### **Social Media checks**

The School, in accordance with Keeping Children Safe in Education (KCSIE) 2023 carries out online searches for shortlisted candidates as part of the process of assessing suitability.

If you are shortlisted for the role, we may carry out an online search based on the information you provide. If we carry out a search, we will also search more widely for any other online information about you.

You are not required to provide account passwords or to grant the School access to private social media accounts. If you are not shortlisted for the role, online searches will not be carried out on you.

### **Volunteers**

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A risk assessment is carried out for every volunteer to decide which checks are needed and the risk assessment is kept as per the School’s Record Keeping Policy.

The School will request an enhanced DBS disclosure and Barred List information for volunteers undertaking regulated activity with pupils at or on behalf of the School (the definition of regulated activity set out above will be applied to all volunteers).

Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with pupils.

Those volunteers who are likely to be involved in activities with the School on a regular basis may be required to sign up to the DBS update service as this permits the School to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, the School will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to) the following:

- formal or informal information provided by staff, parents and other volunteers
- character references from the volunteer's place of work or any other relevant source; and

- an informal safer recruitment interview.

## **Recruitment of ex-offenders**

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The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with or having access to pupils. Therefore, any convictions and cautions that would normally be considered 'SPENT' **must be** declared when applying for any position at Heathfield School.

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 debar 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 the paragraph below.

In view of the fact that all positions within the School will amount to "regulated positions" within the meaning of the Protection of Children Act 1999 (as amended by the Criminal Justice and Courts Services Act 2000), all applicants for employment must declare all previous convictions. A failure to disclose a previous conviction may lead to an application being rejected or, if the failure 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.

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the TRA and the Department of Health 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 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, DBS and/or the TRA 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.

### **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 nature, seriousness and relevance 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.

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:

- against adults: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence;
- against children or adults: 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 Bursar or the Headmistress 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.

### **Disqualification from Management**

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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 Heathfield this is the Headmistress.
- A person who is accountable only to the Headmistress or the governors, and who is responsible for the overall management and control of the charity's finances. At Heathfield this is the Bursar.

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

### **Contractors and agency staff**

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In the case of agency or sub-contractor workers, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. The School conducts identity checks on agency and contract workers on arrival in School and, in the case of agency workers which includes supply staff, the School must be provided with a copy of the DBS check for such staff.

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus 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).

The School requires confirmation that these checks have been completed before employees of the

Contractor can commence work at the School.

The School will independently verify the identity of staff supplied by contractors or an agency in and will require the provision of the original DBS certificate before contractors or agency staff can commence work at the School.

### **TUPE Transfer of staff**

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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.

### **DBS Update Service**

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Individuals can join the DBS Update Service at the point that an application for a new DBS check is made. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

#### **Before using the Update Service, schools and colleges must:**

- obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check.
- confirm the DBS certificate matches the individual's identity.
- examine the original certificate to ensure that it is valid for the children's workforce; and
- ensure that the level of the check is appropriate to the job they are applying for, e.g. enhanced DBS check/enhanced DBS check including with barred list information.

### **Visiting Speakers (and Prevent Duty)**

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The Prevent Duty Guidance requires the School to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

The School is not permitted to obtain a DBS disclosure or Barred List information on any visiting speaker who does not engage in regulated activity at the School or perform any other regular duties for or on behalf of the School.

All visiting speakers will be subject to the School's usual visitors signing-in protocol. This will include signing in and out at Reception, the wearing of a visitor's badge at all times and being escorted by a fully vetted member of staff at all times.

The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the School. In doing so the School will always have regard to the Visiting Speakers Policy, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

*"'Extremism' is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."*

In fulfilling its Prevent Duty obligations the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

## **Post Appointment Induction Programme**

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All new employees, governors and other volunteers in the School will be offered and expected to undergo an induction programme, regardless of previous experience, which will clearly identify the School policies and procedures, including the Safeguarding Children and Child Protection Policy, the Code of Conduct for Teaching and Support Staff and Part One of KCSIE, and make clear the expectations which will govern how they will carry out their roles and responsibilities.

## **Single Central Record of Appointed Members of Staff**

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In addition to the various staff records kept in School and on individual personnel files, a single central record of recruitment and vetting checks is kept in accordance with the Education (Independent School Standards) Regulations 2014 requirements. This is kept up-to-date and retained by the HR Manager. The Single Central Record will contain details of the following:

- All employees who are employed to work at the School
- all employees who are employed as supply staff to the School whether employed directly or through an agency
- all others who have been chosen by the School to work in regular contact with children. This will cover volunteers, Governors, peripatetic staff and people brought into the School to provide additional teaching or instruction for pupils but who are not staff members e.g. sports coaches etc.

A designated Governor will be responsible for termly auditing the Single Central Record and reporting their findings to the full Governing Body.

## **Retention and Security of records**

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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 their personnel file any relevant information provided as part of the application process, in accordance with the requirements of the Data Protection Act 2018. 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. Copies of DBS certificates will not be retained for longer than 6 months.

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. All information retained on employees is kept centrally in the HR Manager's Office in a locked and secure cabinet.

The same policy applies to any suitability information obtained about volunteers involved with School activities.

Heathfield School will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (i.e. shredded). The 16-month retention period will allow the School to deal with any data access requests, recruitment complaints or respond to any complaints made to the Employment tribunal. ID and qualification documentation will be confidentially destroyed after the candidate has been informed that they are unsuccessful.

For general personnel file information these records will be retained (under DPA Guidelines) for a minimum of 7 years following the exit of an employee. However, where an employee has been the subject of an allegation(s) the record will be retained at least until the accused has reached normal

retirement age or for a period of 10 years if that is longer.

## **Queries**

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If an applicant has any queries on how to complete the application form or any other matter, they should contact the HR Manager.

## **Leaving Employment at Heathfield School**

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Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against children and young people are raised. 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 Teaching Regulation Agency.

## **Related Policies**

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- Code of Conduct for All Staff Policy
- Data Protection Policy
- Equal Opportunities Policy
- Record Keeping Policy
- Safeguarding Children and Child Protection Policy