



RECRUITMENT POLICY

1 Introduction

St Mary's Calne, incorporating St Margaret's Prep School, is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The school is also committed to providing a supportive and flexible working environment to all its members of staff. The school recognises that, to achieve these aims, it is of fundamental importance to attract, recruit and retain members of staff of the highest calibre who share this commitment.

The aims of the school's recruitment policy are as follows:

- to ensure that the best possible staff members are recruited based on their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**), Keeping Children Safe in Education (**KCSIE September 2021**), **Disqualification Under the Childcare Act 2006** (where relevant), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the school meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

2 Recruitment and selection procedure

All applicants for employment will be required to complete an **application form** containing questions about their academic and employment history and their suitability for the role. . Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae may be accepted as an expression of interest, particularly where the role is advertised on LinkedIn or similar platforms that encourage people to "apply now", but a completed application form is required prior to any interview

Application forms, job descriptions, person specifications and the Child Protection Policy are available to download from each school's website and can be printed and forwarded to applicants on request. Applicants are requested to read the school's Child Protection Policy prior to attending interview.

Following preliminary checks including reference checks for short-listed candidates, the applicant may be invited to attend a **formal interview** at which his/her relevant skills and

experience will be discussed in more detail. In addition to (or as part of) the **formal interview**, a **safer recruitment interview** is also conducted at which the applicant's employment record is scrutinised and any gaps in employment explained. The **safer recruitment interview** is carried out by a member of staff trained in safer recruitment. A list of trained staff is kept and maintained by the Safeguarding Administrator. The interview process may also include asking candidates to undertake tasks relating to the position to demonstrate their skills / knowledge.

If it is decided to make an offer of employment following the **safer recruitment** and **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 references (one of which must be from the applicant's current employer and if not currently employed, most recent employer) which the school considers to be satisfactory;
- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency (TRA) which renders them unable or unsuitable to work at the School;
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by, a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the school;
- where the position amounts to "regulated activity" (see section 4.3 below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- where the position amounts to "regulated activity" (see section **Error! Reference source not found.** below) confirmation that the applicant is not named on the Children's Barred List*;
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the school;
- for senior management positions, information about whether the applicant has even been referred to the Department for Education or is the subject of a direction under section 128 of the Education and Skills 2008 which renders them unable or unsuitable to work at the School;
- confirmation that the applicant, if applicable, is not disqualified from working in connection with early or later years provision (see section 5);
- verification of the applicant's medical fitness for the role (see section **Error! Reference source not found.** below);
- verification of the applicant's right to work in the UK;
- any further checks which St Mary's Calne considers necessary because of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references;
- verification of professional qualifications which the school deems a requirement for the post, or which the applicant otherwise cites in support of his/her application (where they have not been previously verified) and
- to assist the School in assessing a candidate's suitability to work in our school environment, appropriate internet searches on candidates short-listed for interview may be carried out. All candidates are in any event advised that they enable suitable privacy settings on all personal social media accounts as a matter of good practice.

* The school is not permitted to check the Children's 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.

3 Medical fitness

The school is legally required to verify the medical fitness of anyone to be appointed to a post at the school, **after** an offer of employment has been made but **before** the appointment can be confirmed.

It is the school's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. The school will arrange for the information contained in the Health Questionnaire to be reviewed by the school's GP or other suitable person. This information will be reviewed against the Job Description and the Person Specification for the role, together with details of any other physical or mental requirements of the role i.e., proposed timetable, extra-curricular activities, layout of the school etc. If there are any doubts about an applicant's fitness the school will consider reasonable adjustments in consultation with the applicant. The school may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. If an applicant prefers to discuss this with the school instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the Head or Bursar so that appropriate arrangements can be made.

The school is aware of its duties under the Equality Act 2010.

4 Pre-employment checks

The School carries out a number of mandatory pre-employment checks in respect of all prospective employees.

In addition to the checks set out below, the School reserves the right to 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. This may include internet and social media searches.

In fulfilling its 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.

4.1 Verification of identity and address

All applicants who are invited to an interview will be required to bring with them suitable evidence of identity, right to work in the UK, address and qualifications.

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

The school asks for the date of birth of all applicants. Proof of date of birth is necessary so that the school may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The school does not discriminate on the grounds of age.

4.2 References

At least two references will be taken up on short listed candidates prior to interview, where possible. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made. All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the school.

One of the references 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, where relevant, the second reference should be from the employer with whom the applicant most recently worked with children. References should preferably be from a senior person with appropriate authority. Ideally, 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. Referees will also be asked to confirm (to the best of their knowledge) that the applicant has not been radicalised so that he or she does not support terrorism or any other form of 'extremism' (see the definition of 'extremism' in section 8). All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied.

The school will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.

The school will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

The school may at its discretion make telephone contact with any referee to verify the details of a written reference provided.

4.3 Criminal records check

The school applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (Enhanced Check for Regulated Activity) in respect of all positions constituting "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.

Roles that are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

It is for the school to decide whether a role amounts to "regulated activity" considering all the relevant circumstances.

The DBS issues a DBS disclosure certificate to the subject of the check only, rather than to the school. It is a condition of employment with the school that the **original** disclosure certificate is provided to the school as soon as possible after it has been received by the applicant. A convenient time and date for doing so should be arranged as soon as the certificate has been

received. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the school.

If there is a delay in receiving a DBS disclosure the Head has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), and a risk assessment have been completed, and once appropriate supervision has been put in place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal record check from the relevant jurisdiction(s), a certificate of good conduct and/or references from any employment held. Work can only commence once the overseas information has been received and only if the School has considered that information and confirmed that the applicant is suitable to commence work at the School.

4.4 Prohibition from teaching check

The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. The School uses the TRA Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel on behalf of the TRA.

In addition, the School asks all applicants for roles which involve "teaching work" (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the TRA or other equivalent body in the UK.

It is the School's position that this information must be provided to fully assess the suitability of an applicant for a role which involves "teaching work". Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the TRA (or other equivalent body) whether that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

The School carries out this check, and requires associated information, for roles which involve "teaching work". In doing so the School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012 which states that the following activities amount to "teaching work":

- planning and preparing lessons and courses for pupils
- delivering lessons to pupils
- assessing the development, progress and attainment of pupils; and
- reporting on the development, progress and attainment of pupils.

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the Head. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches.

In addition, where an applicant has carried out teaching work outside of the UK the School will ask the applicant (and their referees) whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work.

4.5 Prohibition from management check

The School is required to check whether any applicant for a senior management position is 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 (a **section 128 direction**).

This check applies to appointments to the following positions:

- Head
- posts on the senior leadership team
- teaching posts that carry a departmental head role
- appointments to the governing body

The relevant information is contained in the enhanced DBS disclosure certificate (which the School obtains for all posts at the School that amount to regulated activity). It can also be obtained through the TRA Teacher Services system. The School will use either, or both, methods to obtain this information.

In addition, the School asks all applicants for senior management roles to declare in the application form whether they have ever been the subject of a referral to the Department for Education or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.

It is the School's position that to fully assess the suitability of an applicant for a senior management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

5 Childcare disqualification requirements

The Childcare Act 2006 (the Act) and the Childcare (Disqualification) Regulations 2009 (the Regulations) state that it is an offence for the School to employ anyone in connection with our Early Years Provision (EYP) or Later Years Provision (LYP) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP. All applicants to whom an offer of employment is made to carry out a relevant role will be required to complete a self-declaration form confirming whether they meet any of the criteria for disqualification under the Regulations.

- EYP includes usual school activities and any other supervised activity for a child up to 1 September after the child's 5th birthday, which takes place on the school premises during or outside of the normal school day.
- LYP includes provision for children not in EYP and under the age of 8 which takes place on school premises outside of the normal school day, including, for example breakfast clubs, after school clubs and holiday clubs. It does not include extended school hours for co-curricular activities such as sports activities.

DUCA states that only those individuals who are employed directly to provide childcare are covered by the Regulations. "Childcare" means any form of care for a child, which includes education and any other supervised activity for a child who is aged 5 or under. "Childcare" in

LYP does not include education during school hours but does cover before and after school clubs.

Roles which will be covered by the Regulations are teaching and teaching assistant positions in EYP, and those which involve the supervision of under 8s in LYP.

Those who are directly involved in the management of EYP and LYP include the Headmaster, and may also include other members of the Senior Leadership Team, as well as those involved in the day to day management of EYP or LYP at St Margaret's. Cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

6 Contractors and agency staff

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

Agencies who supply staff to the school must also complete the pre-employment checks which the school would otherwise complete for its staff. Again, the school requires confirmation that these checks have been completed before an individual can commence work at the school.

The school will independently verify the identity of staff supplied by contractors or an agency in accordance with section **Error! Reference source not found.** above and will require the provision of the original DBS disclosure certificate before contractor or agency staff can commence work at the school.

7 Volunteers

The school will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the school.

The school will request an enhanced DBS disclosure without Children's Barred List information on all volunteers who do not undertake regulated activity. This is likely to be because their volunteering duties are subject to regular, day to day supervision by a fully checked member of staff or by a volunteer whom the school has deemed appropriate to supervise and ensure the safety of the pupils in his or her care.

Under no circumstances will the school permit an unchecked volunteer to have unsupervised contact with children.

It is the school's policy that a new DBS certificate is required for volunteers who engage in regulated activity but who have not been involved in any activities with the school in the previous 3 months. 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 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 interview, following completion of a Volunteer application form
- character references from the volunteer's place of work or any other relevant source;
- a safer recruitment interview;

- formal or informal references or information provided by the volunteer's place of work or other relevant source such as staff, parents or other volunteers.

8 Policy on recruitment of ex-offenders

8.1 Background

The school will not unfairly discriminate against any applicant for employment because of conviction or other details disclosed. The school makes appointment decisions based on merit and ability. If an applicant has a criminal record, this will not automatically bar him/her from employment with the school. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 8.2 below.

All positions within the school are exempt from the provisions of the Rehabilitation of Offenders Act 1974. Therefore, if short-listed for interview, all applicants must declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3 above).

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. The school will make a report to the Police and/or the DBS if:

- it receives an application from a barred person;
- it is provided with false information in, or in support of an applicant's application, or
- it has serious concerns about an applicant's suitability to work with children.

8.2 Assessment criteria

If relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the school will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question
- the seriousness of any offence or other matter revealed
- the length of time since the offence or other matter occurred
- whether the applicant has a pattern of offending behaviour or other relevant matters
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.

If the post involves regular contact with children, it is the school's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the school's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the school's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

8.3 Assessment procedure

If 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 Head of the school before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he or she may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the school may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

8.4 Retention and security of disclosure information

The school's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

In particular, the school will:

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

9 Retention of records

The school is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in his or her application, the school will retain on his or her personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the school to discharge its obligations as an employer e.g. so that the school may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the school for the duration of the successful applicant's employment with the school. It will be retained in accordance with the School's Retention of Records Policy after employment terminates.

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

The same policy applies to any suitability information obtained about volunteers involved in school activities.

10 Whistleblowing

All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during their employment in accordance with the School's policies (including the Whistleblowing Policy, the Safeguarding Policy and the Staff Code of Conduct). Safeguarding children is at the centre of the School's culture and is accordingly considered formally during staff performance development reviews.

11 Referrals to the DBS and TRA Teaching Regulation Agency (TRA)

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the school also has a legal duty to make a referral to the DBS in circumstances where an individual: -

- has applied for a position at the school despite being barred from working with children; or
- has been removed by the school from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a teacher, the school may also decide to make a referral to the TRA.

12 Queries

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

Reviewed by SLT/HR:	DJB
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Reviewed by Governors:	March 2022