

# Falkner House Recruitment, Selection & Disclosure Policy Nursery – Year 6 (including EYFS) with reference to the Disqualification under the Childcare Act (2006) (as amended 2018)

## Introduction

Falkner House ("the 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, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment. The aims of 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;
- all job applicants are considered equitably and consistently;
- 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 status, disability or age;
- there is compliance with all relevant recommendations and guidance including the recommendations of the Department for Education (DfE) in "Keeping Children Safe in Education" (KCSIE 2021) and the code of practice published by the Disclosure and Barring Service (DBS); and
- the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.
- ongoing safe working practices are critical - safe recruitment is necessary but not sufficient

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy. Both the Bursar and the Headteacher have received "Safer Recruitment" training.

## Recruitment & selection procedure

All applicants for employment in a *regulated activity*<sup>1</sup> will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. The School operates on a "better safe than sorry" approach when deciding whether or not an individual might be deemed to be undertaking a regulated activity. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. A curriculum vitae will not be accepted in place of the completed application form. Applicants will receive a job description for the role. The applicant may then be shortlisted and invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail. Shortlisted candidates will be asked to complete a self-declaration form of their criminal record or information that would make them unsuitable to work with children. The declaration will include the following questions:

- if they have a criminal history;
- whether they are included on the barred list;
- whether they are prohibited from teaching;
- whether they are prohibited from taking part in the management of an independent school;
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted;
- if they are known to the police and children's social care;
- have they been disqualified from providing childcare (see paras 245-249); and,
- any relevant overseas information.

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;

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<sup>1</sup> As set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

- the receipt of two satisfactory references (one of which must be from the applicant's most recent employer) which the School considers satisfactory;
- verification of identity;
- sight of the original certificate from the Disclosure and Barring Services (DBS) with which the School is satisfied (this is not exclusive of basic common sense analysis and intuition);
- a satisfactory result of a prohibition order check from teaching and management if applicable;
- appropriate overseas checks being made on any applicant who has spent more than six continuous months abroad in the last five years;
- a completed medical questionnaire and verification of medical fitness for the role;
- a satisfactorily completed childcare disqualification certificate.
- Satisfactory prohibition from teaching check.
- Successful s.128 prohibition from management of independent schools check, if applicable.

If the offer is accepted and the above conditions are satisfied, the applicant will be issued with a contract of employment as confirmation of employment.

### **Pre-employment checks**

In accordance with the recommendations of the DfE in "KCSIE" the School carries out a number of pre-employment checks in respect of all prospective employees.

### **Verification of identity and address**

The successful applicant will have to provide the following evidence of:

- identity – birth certificate where available and one of Passport or Photocard Driving Licence.
- address - utility bill or statement (dated within the last three months) showing their name and home address or Council tax bill from the last 12 months
- professional qualifications documents confirming any educational and professional qualifications referred to in their application form.

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

### **References**

References will be taken up on short listed candidates prior to interview unless indicated on the application form. 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 for which the applicant has applied. The school will:

- not accept open references e.g. to whom it may concern;
- not rely on applicants to obtain their reference;
- ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations);
- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed;
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer;
- always verify any information with the person who provided the reference;
- ensure electronic references originate from a legitimate source;
- contact referees to clarify content where information is vague or insufficient information is provided;
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate;
- establish the reason for the candidate leaving their current or most recent post; and,
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

## **Disclosure and Barring records check**

In line with government policy the school will apply for a certificate for an enhanced DBS check with Barred List information from the DBS in respect of all prospective staff members and volunteers in regulated activity. An enhanced DBS without Barred List check will be carried out for those in non-regulated activities. The School will require the applicant to show the original certificate. In the majority of circumstances, the DBS certificate will be requested no more than three months before starting work. The School uses Atlantic Data to perform this enhanced DBS check. If the enhanced disclosure is delayed, despite having been applied for in advance, the School may allow the applicant to commence work in limited circumstances in accordance with regulations and appropriate risk assessments conducted. The Barred List check will be carried out immediately. An enhanced disclosure will check for spent and unspent convictions, cautions, reprimands and final warnings plus any additional information held by local police that is reasonably considered relevant to the position applied for. In this case, the police will only release information that's relevant to the post. Additionally, a check of the DBS Barred Lists will be undertaken which will show whether the applicant is included in the list of those unsuitable for working with children and vulnerable adults. Applicants with recent or prolonged periods of overseas residence and/or those with little or no previous UK residence may also be asked to apply for the equivalent of a disclosure, if one is available in the relevant jurisdiction(s). Clarification on which overseas checks are required will be sought from <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>. 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. Before starting, the School requires photographic ID and, no more than three months before starting at the School, a copy of an enhanced DBS certificate.

## **Supply Staff**

A letter confirming the following checks have been carried out will be required for supply staff prior to starting at Falkner House:

- identity;
- enhanced disclosure;
- right to work in the UK;
- Barred List/List 99;
- Childcare Disqualification Certificate;
- qualifications; and
- overseas checks if applicable.
- References
- CV / Application Form
- Medical Declaration Form

## **Secretary of State section 128 direction**

The School also carries out a 'prohibition' check on the individual. Secretary of State Prohibition Orders If the successful applicant is to be employed as a teacher a check will be carried out to ensure they are not subject to a prohibition order issued by the Secretary of State. The check is completed using the Employer Access Online service. A Prohibition from Management of Independent Schools check will be conducted, if applicable, for those appointed to management positions are subject to a s.128 direction.

## **Medical fitness declaration**

The successful applicant will complete the Falkner House medical information form which will include a signed declaration stating they know of no reasons, on grounds of medical or physical health, why they should not be able to discharge the responsibilities required by the post in question. The School is conscious that disabled staff may make an important contribution to the overall school curriculum and the School is aware that under the Equality

Mrs Anita Griggs Principal reviewed 01<sup>st</sup> September 2021. Date of next review - no later than 1<sup>st</sup> September 2022.

Act 2010 it may have to make reasonable adjustments to enable disabled people to carry out their duties effectively.

### **Childcare disqualification declaration (noted on the central register)**

The successful applicant will complete the Falkner House childcare disqualification declaration which will include confirmation that they have not been cautioned for, convicted of or charged with certain violent and sexual criminal offences against children and adults, at home or abroad. Additionally, they will confirm that they have not had their registration cancelled in relation to childcare or children's home or have been disqualified from private fostering.

If a person is found to be disqualified, then pending resolution they must be removed from the work from which they are or may be disqualified. There is no requirement automatically to suspend or dismiss all individuals found to be disqualified; there is scope in principle to redeploy them with other age groups or in other work from which they are not disqualified, subject to assessing the risks and taking advice from the LADO when appropriate. The School would inform Ofsted if it were to conclude that a person working in a relevant setting falls within one of the disqualification criteria. Staff who are disqualified may apply to Ofsted for a waiver of disqualification, unless they are barred from working with children. While the 'by association' aspect with regard to disqualification has been removed, staff must be mindful of matters and relationships outside work and be prepared to discuss any concerns that they may have so that support can be given, and the children's safety protected.

All current staff have completed the childcare disqualification declaration and they are reviewed annually.

### **Policy on recruitment of ex-offenders**

#### **Background**

The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar 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.

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 (including those which would normally be considered "spent" under the Rehabilitation of Offenders Act 1974). 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 DfE 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. 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,
- then it will report the matter to the Police, DBS and/or the DfE Children's Safeguarding Operations Unit (formerly the Teacher's Misconduct Team).

## **Assessment criteria**

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

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; 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 Headteacher of the School before a position is offered.

If an applicant wishes to dispute any information contained in a disclosure, he/she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

## **Retention and security of disclosure information**

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information. In particular, the School will:

- store disclosure information and other confidential documents issued by the DBS in locked cabinet, access to which will be restricted to School's senior management team;
- not retain disclosure information or any associated correspondence for longer than is necessary. In most cases, the School will not retain any such information although the School will keep a record of the date of a disclosure was seen, 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;

- prohibit the photocopying or scanning of any disclosure information.

The School complies with the provisions of the DBS code of practice, a copy of which is available on request.

### **Retention of records**

If an applicant is appointed, the School will retain any relevant information provided on their application form (together with any attachments) on their personnel file. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months unless the applicant specifically requests the School to keep their details on file. Specifically, copies of DBS certificates will not be retained.

### **Queries**

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