

Safer Recruitment, Selection & Procedures Policy

Moon Hall School, Reigate

Governor responsibility	Full Governing Board
Governor Lead	Chair of Governors
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**MOON HALL SCHOOLS EDUCATIONAL TRUST
("MHSET")**

Recruitment, Selection and Disclosures Policy and Procedure

This policy applies to:

Moon Hall School, Reigate (MHSR)

Moon Hall School, Dorking (MHSD)

Also referred to as the School or the Schools as the context requires

1. General

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

The aims of the Schools Safer Recruitment Policy are as follows:

- to ensure that the School fulfils its obligations to safeguard and promote the welfare of children by preventing as far as possible the recruitment of individuals who are unsuitable to work with children and by recruiting and training individuals who are suitable to work with children and who have positive safeguarding attitudes.
- to ensure that the best possible applicants are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently and that no applicant is treated unfairly on any grounds including disability, age, race, ethnic or national origin, religion or religious belief, gender or sexual orientation, or marital or civil partner status;
- 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 (September 2018) (KCSIE)
Disqualification under the childcare act 2006 (June 2016)
Disqualification by association Feb 2015
Data protection Act 2018 & Freedom of Information Act 2000
Rehabilitation of Offenders Act 1974 (ROOA) and any guidance or code of practice published by the Disclosure and Barring Service (DBS)
Safeguarding Vulnerable Groups Act 2006

All employees involved in the recruitment and selection of workers are responsible for familiarising themselves with and complying with the provisions of this policy.

All queries on the School's Application Form and recruitment process must be directed to the School's Headmistress.

2. This policy has regard, in addition to the documents mentioned above and including;

“Working Together to Safeguard Children, (as revised March 2015)

‘Every Child Matters 2017’,

‘Safeguarding Children and Safer Recruitment in Education, 2007’

‘Surrey Safer recruitment policy and process guidance 2016-17’

‘The Education (Independent School Standards) (England) Regulations 2014

All successful candidates for paid or volunteer employment will be made aware of these documents.

3. Scope of this Policy

The principles set out in this Policy apply to the recruitment of all employees and workers (including part-time, temporary, contract and supply workers) and to board members and volunteers. (NB reference to checks to be completed as per ISSR part 4)

a. Agency and contract workers who are supplied by a limited company

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

Agencies who supply workers to the School must also complete the checks for their workers which the School would otherwise complete for its employees. The School requires written confirmation that these checks have been completed before an individual can commence work at the School. Where a worker is provided by an agency then the original DBS certificate must be seen by the School (whether or not it discloses any information).

The School will independently verify the photographic identity of workers supplied by contractors or an agency.

b. Self Employed Workers who contract directly with the School

The school will apply the same checks for these workers as it would otherwise complete for its employees. Workers falling into this category might include self-employed sports coaches, peripatetic music teachers and tutors.

c. Ad-hoc Volunteers

Occasionally the school invites in members of the public, parents or employees of other organisations to assist on a voluntary basis for a one-off event or day trip. Such people will be treated as visitors to the school and will be accompanied at all times when on school premises. They will be required to provide two forms of identification (one to include a photograph) and the school will carry out a Barred List check. Such volunteers will always be accompanied when on site or with our pupils offsite and a risk assessment will be completed.

d. Regular Volunteers

The school will apply the same checks for Regular Volunteers as it would otherwise complete for its employees. Volunteers in this category include members of the public or parents who assist the school without pay and who, when on school premises, are not and

would not expect to be accompanied at all times by an employee. Regular contact refers to individuals who are based at the school for more than three consecutive days or accompany paid employees and pupils on trips involving over-night stays or who have a regular, agreed work pattern. For the purpose of this policy, an agreed work pattern could be anything from once a term to 30 minutes each month. The school will undertake fresh DBS checks on all volunteers who do not undertake regulated activity either at the School or elsewhere for a period of 3 consecutive months or more before they can return to volunteering duties.

e. Parents' Associations

Members of the Schools' parents associations do not undertake regulated activity but do on occasion have unaccompanied access to the school's sites. As such they will be required to undergo an Enhanced DBS and Barred List checks.

f. Ad-hoc Visiting Speakers

The school invites in members of the public, parents or employees of other organisations for a one-off speaking opportunity. Such people will be treated as visitors to the school and will be accompanied at all times when on school premises. They will be required to provide identification (to include a photograph) and the school will carry out a Barred List check. In light of the school's Prevent responsibilities, visiting speakers will be subject to an internet check and will be required to provide the school with a copy of the material that they propose to present to the pupils in prior to arriving at the school.

g. Regular Visiting Speakers

The school will apply the same checks for Regular Visiting Speakers as it would otherwise complete for its employees. This would include visiting speakers who have regular or frequent contact with pupils such as giving a series of talks. The school will undertake fresh DBS checks on all volunteers who undertake regulated work at or for the School but have not done so there or elsewhere for a period of 3 consecutive months. In light of the school's Prevent responsibilities, visiting speakers will be subject to an internet check and will be required to provide the school with a copy of the material that they propose to present to the pupils in prior to arriving at the school.

h. Board of Governors

The school will apply the same safeguarding checks (i.e. identity, curriculum vitae, references and DBS ref. Point 5. Pre-employment checks) for Governors as it would otherwise complete for its employees.

4. Application Pack

- a.** All job advertisements will include a prominent reference to the School's commitment to safeguarding as follows: ***"The School is fully committed to safeguarding the welfare of children and young people and expects the same from its employees"***
- b.** The School will only accept applications from candidates who have completed the relevant Application Form in full. CVs will not be accepted in substitution for completed Application Forms though candidates should normally submit their CV in addition to the completed Application Form.
- c.** 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. The job description will expressly include reference to the safeguarding responsibilities which the role entails. The person specification will refer to the safeguarding skills and experience which are required.

- d. Candidates will also be sent a copy of the School's Safeguarding policy and a copy of this policy.

5. Pre-employment checks

a. Criminal Background Disclosures and Checks

i. Disclosures upon Application

The application form will ask candidates to inform the School if they are disqualified from working with children and to disclose details of any previous criminal convictions, cautions, reprimands or final warnings which are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).

As all positions in the School involve substantial opportunity for access to children, it is particularly important that applicants provide the School with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the School shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. For further information please see the School's recruitment of ex-offenders policy at Appendix 1. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen by Headmistress. If candidates would like to discuss this beforehand, they are asked to telephone in confidence to the Headmistress for advice.

ii. DBS checks

The School applies for an enhanced disclosure from the DBS plus Right to work in the UK check (if relevant), EEA check (if relevant), Barred List in respect of all prospective employees (including Board members, self-employed workers and volunteers) deemed to be working in regulated activity as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). Prohibition from management and prohibition from teaching will be carried out for the relevant appointments.

The purpose of carrying out these checks is to identify whether an applicant is barred from working with children and to obtain other relevant suitability information. It is a criminal offence for an organisation to employ someone who they know has been barred from working with children.

There are limited circumstances where the School will accept a check from another educational institution which are as below. In these circumstances the School may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained. This may apply where the new worker has worked in one of the following organisations during a period which ended not more than three months before their appointment:-

- I. A school or a maintained school in England in a position which brought the person regularly into contact with children or young persons;
- II. A maintained school in England in a position to which the person was appointed on or after May 2006 and which did not bring them regularly into contact with children or young persons; or

- III. An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought the person regularly into contact with children or young persons.

iii. DBS Update Service

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the School to check there have not been changes since the issue of a disclosure certificate.

iv. Overseas Police Background Checks

Where an applicant has lived or worked abroad, the School will require the applicant to provide a police check or Certificate of Good Character from each and every country in which they have lived or worked since the age of 10.

For further information about the risk assessment which is carried out by the School in cases where DBS and other background checks reveal criminal activity, please see the policy at Appendix 1.

v. If disclosure is delayed

All criminal records checks shall be applied for as soon as possible following a conditional offer being accepted or within 3 months of the applicant's anticipated employment date and shall wherever possible be obtained before the applicant starts work. In cases where this is not possible a risk assessment will be carried out and the Headmistress of School may allow the worker 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 and overseas applications have been made in advance;
- With appropriate safeguards taken (including loose supervision, restriction from one-to-one sessions and residential trips);
- Safeguards are reviewed at least every two weeks;
- The person in question is informed what these safeguards are and it is communicated to the individual's managers and any day trips leaders;
- A note is added to the single central register and evidence kept of the measures put in place.

vi. Disqualification from Childcare (including by Association) – Early and Later Years Employees and Managers

The Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009 state that it is an offence for the School to employ anyone in connection with 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 the EYP or LYP.

Any worker who provides or manage childcare for children under the age of 8 are within the scope of the Disqualification by Association regulations and all candidates applying for a post which is caught by these regulations will be required to sign a declaration confirming

that they are not disqualified from working with children or from providing childcare, including by association. The school will require all workers to whom this regulation applies to re-affirm their declaration annually, usually in September.

Employees, workers and/or successful candidates who are disqualified from childcare or registration, including 'by association' may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed.

vii. On-going vigilance

The school takes its responsibility to safeguard children very seriously and any employee and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the school immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive. All employees and workers to whom the Disqualification by Association regulations apply must also notify the School immediately if he/she moves into a household where anyone who has been disqualified from working with children or from registration for the provision of childcare either lives or works.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

MHSET may make internet and social media checks for relevant information about staff. Any areas of concern will be thoroughly investigated and discussed with the staff member concerned. Should these checks reveal areas of concern the schools appropriate policy will be followed.

Members of staff must inform the Headmistress of any changes in their circumstances that may effect their suitability to work with children during their employment at the school.

b. References

References will be sought and obtained on all short listed candidates prior to interview wherever possible, including for non-teaching roles. Any safeguarding concerns which these raise will then be discussed with referees eg safeguarding concern or tested at interview.

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 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. If an applicant has had no previous employment, references will be taken from responsible teachers or similar people who are able to provide the necessary information.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they are completely satisfied that the Applicant is suitable 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 details about the applicant's

employment, disciplinary procedures, concerns and/or allegations as these may indicate that the individual is unsuitable to work with children.

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

The School's Headmistress will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information (e.g. delays in receipt, specific questions not answered satisfactorily, any expression of concern about the suitability of the candidate, any doubt about the validity of the reference) will be followed up appropriately by the School. The School may at its discretion make telephone contact with any reference-giver to verify the details for the written reference provided. Detailed notes of the telephone conversation will be kept on file.

Where the candidate has no previous employment history, the School may request academic and/or character references which may include references from the candidate's school or university.

6. Invitation to Interview (NB the Surrey 2016-17 procedure will followed ref appendix 1)

The School will short list applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend one or more formal interviews at which his/her relevant skills and experience will be discussed in more detail.

Prior to appointment, applicants will be interviewed by at least two interviewers, one of whom will have undertaken safer recruitment training and one of whom will be a member of the Senior Management Team (or a Governor in the recruitment of senior staff).

The Chair of the Board of Governors will chair the panel for the Headmistress and Bursar's appointments. A Governor will be present to interview applicants for the position of Deputy Headmistress. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, a quorum of the Board will decide whether the Chair should withdraw from the panel and if so will appoint a substitute.

The interview will be conducted in person (or where this is not possible then via Skype or similar) and the areas which it will explore will include suitability to work with children.

7. Professional Qualifications

All candidates invited to interview must provide documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. university certificates, diplomas etc.) Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

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

- A current driving licence including a photograph or a passport or a full birth certificate;

- A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
- Where appropriate any documentation evidencing a change of name; and
- Where the candidate is not a citizen of a country within the European Economic Area or Switzerland, 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.

8. Medical Fitness

The School has a statutory responsibility 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 and sign to confirm that they know of no reasons, on grounds of mental or physical health, why they should not be able to discharge with due care and skill the responsibilities required by the post in question. The School will arrange for the information contained in the health questionnaire to be reviewed by the Headmistress. This information will be reviewed against the Job Description and the Person Specification for the particular role.

If the School has any doubts about an applicant's fitness, they will refer to the School's Occupational Health advisors for further information. 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 together with details of any other physical or mental requirements of the role ie proposed workload, extra-curricular activities, layout of the School.

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

9. Conditional Offer of Appointment: Pre-Appointment Checks

Any offer to a successful candidate will be conditional upon the following and will be subject to a further interview in the light of information obtained as a result:

- i. Receipt of at least two satisfactory references with at least one from last employer (if these have not already been received), this will include a direct question relating to safeguarding and whether they have any concerns with that person working with children; nb.any concerns will be checked directly with the referee prior to invite to interview
- ii. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK;
- iii. A satisfactory enhanced DBS check and if appropriate, a check of the Barred List maintained by the DBS;

- iv. For a candidate to be employed as a teacher, a check that the candidate is not subject to a prohibition order issued by the Secretary of State nor a sanction by an EEA member state regulator of the teaching profession. Teaching work is defined in the Teachers' Disciplinary (England) Regulations 2012 to encompass:
 - Planning and preparing lessons and courses for pupils
 - Delivering and preparing lessons to pupils
 - Assessing the development, progress and attainment of pupils
 - Reporting on the development, progress and attainment of pupils
- v. Verification of professional qualifications, where appropriate
- vi. Where the successful candidate has worked or been resident overseas such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered;
- vii. Satisfactory medical fitness
- viii. Where the successful candidate will be taking part in the management of the school, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all the Board Members and members of the Senior Management Team.

10. Retention and Security of Records

The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will normally be destroyed after six months but a record of the DBS number will be recorded and retained on the School's Single Central Register at the time of the candidate's appointment.

11. Disciplinary

MHSET is committed to using disciplinary procedures that deal effectively with those adults who fail to comply with the school's safeguarding and child protection procedures and practices.

We have a duty to refer any allegation of abuse against a member of staff to the Local Authority Designated Officer (LADO) within one working day of the allegation being made.

A referral will be made if a teacher or member of staff (including volunteers) has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children

As an employer, the MHSET are under a duty to refer to the Disclosure and Barring Service (DBS), any member of staff who, following disciplinary proceedings, is dismissed because of misconduct towards a child and we may refer any concerns we have before the completion of this process.

12. Induction

All staff and volunteers who are new to the school will receive information on the school's safeguarding policy and procedures and guidance on safe working practices as part of their induction training.

All successful candidates will undergo a period of induction and monitoring and will:

- Meet regularly with their line manager
- Attend any appropriate training

Appendix 1

Surrey Safer Recruitment & Guidance 2016-17

Pages 3 – 7 Flowchart and checklist will be followed and used as part of the recruitment process.

Appendix 2 Policy on the Recruitment of Ex-Offenders

- As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), MHSET complies fully with the code of practice and undertakes to treat all applicants for positions fairly
- MHSET undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
- MHSET can only ask an individual to provide details of convictions and cautions that MHSET are legally entitled to know about. For further information see Appendix 2 below. MHSET is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background
- MHSET has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process
- MHSET actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records
- MHSET select all candidates for interview based on their skills, qualifications and experience
- An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position
- MHSET ensures that all those in MHSET who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences
- MHSET also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974
- At interview, or in a separate discussion, MHSET ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment
- MHSET makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request

- MHSET undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Appendix 3

Enhanced DBS checks – which convictions and cautions can be disclosed?

Most spent convictions and cautions are disclosed on enhanced DBS certificates. However, some old and minor convictions and cautions are filtered so that they are not automatically included. This means that the disclosure of certain convictions and cautions will not be required once a certain period has passed. These periods are as follows:

- Cautions and warnings: *will not be disclosed after 6 years from the date of the caution*

(If received when under the age of 18, this period is: *2 years*)

- Convictions that did not result in a prison or suspended prison sentence: *will not be disclosed after 11 years from the date of the conviction*

(If received when under the age of 18, this period is: *5½ years*)

All convictions will be disclosed if there is more than one on an individual's record. This rule does not apply to cautions.

Certain convictions and cautions will never be filtered and will always be disclosed on DBS checks. This applies to offences committed under the Sexual Offences Act 2003, for example. A full list is set out in Article 2A (5) of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and is available on the DBS's website: <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

www.liberty-human-rights.org.uk www.yourrights.org.uk 3

Note that although filtered convictions and cautions will not be disclosed automatically on enhanced DBS checks, the police may still disclose such a conviction or caution under the system outlined below.

Enhanced DBS checks – what other information can be disclosed?

In contrast with standard DBS checks, enhanced DBS checks include not only details of convictions and cautions recorded on the Police National Computer but may also include other information that the police or others hold about you. This may include information provided by the Independent Safeguarding Authority (ISA) as to whether you are barred from working with children or vulnerable adults. It may also include information about you held by the police that in their opinion might be relevant to the job you have applied for and ought to be disclosed. The scope of the information can very broad; any interaction with the police, whether or not it led to you being arrested or charged may be disclosed on an enhanced DBS check. Convictions and cautions that would otherwise be filtered can still be disclosed by the police on an enhanced DBS check, should the police consider it appropriate to disclose this information.