

BRYANSTON

SAFER RECRUITMENT POLICY

1 INTRODUCTION

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of children in education.

Bryanston School is committed to safeguarding and promoting the welfare of all pupils in its care. As an employer, the school expects all staff and volunteers to share this commitment.

In line with recent legislation including The Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009, Keeping Children Safe in Education (September 2016), Working Together to Safeguard Children (March 2015), The Independent Schools Inspection Regulations (January 2017) (Part 4), and the Equality Act 2010, the school takes very seriously its duty of care for all pupils.

In order to help safeguard and promote the welfare of all its pupils the school is committed to a thorough and consistent Safer Recruitment Policy.

2 AIMS AND OBJECTIVES

The aim of the Safer Recruitment policy is to help deter, reject or identify people who might abuse pupils, or are otherwise unsuited to working with them, by having appropriate procedures for appointing staff.

Bryanston has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job, recognising the particular contributions to the achievement of its educational purposes that can be made by individuals from a wide range of backgrounds and experiences.

The recruitment and selection process is governed by the school's principles of non-discrimination and is designed to achieve the best match between, on the one hand, the individual's knowledge and skills, experience and character and, on the other hand, the requirements of the vacant post, recognising the need for flexibility to respond to changing conditions.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation. The capability of the individual to perform in the position will be the major selection criterion but the ability both to work with others and to be trained, coupled with individual potential will be taken into account. Carefully selected and validated skills and/or psychometric tests may be used as part of the selection process.

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 objectives of this policy are to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at Bryanston School.

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3 ROLES AND RESPONSIBILITIES

It is the responsibility of the governing body to:

1. Ensure the school has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with DCSF guidance and legal requirements.
2. Monitor the school's compliance with them.

It is the responsibility of the Head, the Bursar, the Head of Human Resources and other Managers involved in recruitment to:

1. 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.
2. To monitor contractors' and agencies' compliance with this document.
3. Promote welfare of children and young people at every stage of the procedure.

In accordance with the School Staffing Regulations, the governing body has delegated responsibility to the Head (teaching staff) and Bursar (support staff) to lead in all appointments. School governors may be involved in staff appointments but the final decision will rest with the Head or Bursar.

Definition of Regulated Activity and Frequency

Regulated activity for children is any activity undertaken on a frequent basis in a school, for example, teaching, training, care or supervision, advice or guidance on well-being or driving a vehicle with children as passengers.

Frequent is more than two days in any period of 30 days or any frequency overnight between the hours of 02.00 and 06.00.

4 RECRUITMENT AND SELECTION PROCEDURE

The following will apply to the recruitment and appointment of all staff directly recruited and employed by the school. In the case of agency or contract workers, the school shall obtain written confirmation from the agency or company that it has carried out the appropriate checks.

Advertising

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

Any advertisement will make clear the school's commitment to safeguarding and promoting the welfare of children and will refer to the need for the successful applicant to undertake an enhanced criminal record check.

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

Application

Bryanston 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).

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Candidates should be aware that all posts within the school will have some degree of responsibility for safeguarding children. The individual job description and person specification for the post will provide specific information about the extent of this responsibility and Child Protection training will be given.

The application form includes the applicant's declaration regarding convictions and working with children and makes it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. CVs will not be accepted. Upfront disclosure of a criminal record may not debar an applicant from appointment (see Dealing with Convictions below). Information should be submitted in a separate sealed envelope, marked confidential, addressed to the Head of Human Resources.

Applicants will be made aware that providing false information or failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal, and possible referral to the police and / or the Disclosure and Barring Service (DBS).

Job Descriptions and Person Specifications

The job description is a key document in the recruitment process and will be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role.

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.

References

Having regard to the requirements of KCSIE (September 2016) a minimum of two references, to cover five years' work history, will be sought. It is preferred, but not a statutory requirement, that both a character reference and a professional reference are offered.

References will normally be sought prior to interview on short-listed candidates. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted prior to interview. In this case, this reference will be sought immediately after interview and prior to the person's appointment being confirmed and s/he starts in the role.

The school will ask all referees if the candidate is suitable to work with children. If the candidate is not currently working with children but has done so within the last five years, the school will contact the candidate's previous employer where s/he was working with children for a reference.

References will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions. The school will compare any information provided by the referee with that provided by the candidate on the Application Form and any discrepancies or anomalies will be followed up.

The school does not accept open references, testimonials or references from relatives or someone known to the applicant solely as a friend.

Candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and possible referral to the police and/or DBS.

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Interviews

Interviews will be face-to-face wherever possible and the same people will see all the short-listed applicants. The interview process will explore the applicant's skills and experience relevant to the job description and person specification.

Candidates will be interviewed by at least two people and at least one person conducting the interview will have undertaken safer recruitment training. Candidates may also be interviewed individually by a number of colleagues.

Any anomalies or gaps that have been identified together with any information concerning past disciplinary action or allegations, cautions or convictions will be discussed and considered during the interview process in order to satisfy the interviewers that the chosen applicant can meet the safeguarding criteria.

Applicants invited to an interview will be required to bring evidence of their identity, address and qualifications. Original documents only will be accepted and the school will take photocopies.

If successful and an appointment is made, copies will be retained on the candidate's personal file in order to demonstrate compliance with the ISI regulatory requirements, Keeping Children Safe in Education, the National Minimum Standards for Boarding Schools and UK Border Agency regulations.

Information provided to the school by unsuccessful applicants for recruitment purposes will be retained securely for a period of two years, after which time it will be destroyed. Information will not be shared with third parties without the express permission of the applicant. Applicants may request that their information is destroyed earlier by contacting the HR department.

The school will, upon request, provide feedback to those applicants who reach the interview stage of the recruitment process.

5 OFFER OF EMPLOYMENT

The appointment of all new employees is conditional upon and subject to:

- Receipt of at least two satisfactory references (if these have not already been received), one of which must be from the candidate's current or most recent employer;
- Verification of identity and qualifications including evidence of the right to work in the UK;
- A satisfactory enhanced DBS check and, if in regulated activity, a check of the Barred List maintained by the DBS;
- For teaching positions, a check that the candidate is not subject to a prohibition order issued by the Secretary of State and, for qualified teachers, verification of successful completion of statutory induction period (applies to those who obtained QTS after 7 May 1999);
- Where the successful candidate has worked or been resident overseas from the UK for continuous period(s) of 3 months or more in the 5 years prior to appointment, such checks and confirmations as the school may consider appropriate so that any relevant events that occurred outside the UK can be considered;
- For staff appointed to management positions after 12 August 2015, a check to determine whether they are subject to a section 128 prohibition from management of independent schools direction 277. This does not apply to staff promoted internally.
- Satisfactory medical fitness.

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

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No one may start work until two satisfactory references have been received and appointments will be confirmed once all checks are satisfactorily completed and following completion of a satisfactory probationary period, details of which will be found in the contract of employment.

DBS (Disclosure and Barring Service) Certificate (formerly known as CRB)

The school will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education' and any amended version in carrying out the necessary required DBS checks.

Successful applicants will be required to undertake an Enhanced Level Criminal Record check with the Disclosure and Barring Service (DBS) and the Certificate obtained prior to commencement of employment.

The DBS no longer issues Disclosure Certificates to employers. New employees must bring their Certificate to the Human Resources Department before they commence work so that the details can be noted for our records.

Until the school has had sight of the original disclosure certificate, the applicant will be treated as unchecked and subject to the safeguards set out below. This requirement arises from both the DBS Employer Guidance and KCSIE. The school may allow the candidate appointed to commence work providing the appointment is not formally confirmed and

- the DBS application has been made in advance;
- a satisfactory check of the barred list, plus vetting and other relevant checks have been completed satisfactorily;
- appropriate safeguards are in place (for example, monitored supervision) and reviewed at least every two weeks;
- the person in question is informed what these safeguards are, and a note is added to the single central register and evidence kept of the measures put in place.

No member of staff can have access to boarding houses or take up employment in boarding houses until the school has seen a satisfactory, enhanced DBS Certificate.

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 does not apply to positions that involve working with, or having access to pupils. Any unspent convictions, cautions, reprimands or warnings must be disclosed to the school. However, amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

Dealing with convictions

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 bar him/her from employment. Instead, each case will be decided on its merits in accordance with the objective assessment criteria and guidance current at the time of application.

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The school operates a formal procedure if a DBS Certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and the school shall consider

- the nature, seriousness and relevance of the offence,
- how long ago and at what age it was committed,
- whether the applicant has a pattern of offending behavior;
- other relevant factors to include changes in circumstances and the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

A formal meeting with either the Designated Safeguarding Lead or the Head of Human Resources will take place to establish the facts and a decision made following this meeting.

If the post involves regular contact with children, it is the school's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

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

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

If an applicant wishes to dispute any information contained in a disclosure, s/he 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 and at its discretion, 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 complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request [or accessed here: <https://www.gov.uk/government/publications/dbs-code-of-practice>].

Portability of DBS Certificates

Staff may elect to join the DBS Update Service if they are likely to require frequent future checks for a small fee, which is payable by the applicant. Applicants can register online using the application form reference number. Alternatively, once the DBS certificate has been received they can, within 19 days of the certificate being issued, register with the certificate number.

Prohibition Check

Having regard for an order made by the National College of Teaching and Leadership (NCTL) on behalf of the Secretary of State, barring a person from carrying out “teaching work”, the school will carry out a Prohibition Check (from April 2012) in addition to the check of the children’s barred list, DBS check and other checks set out in the Independent School Standards. (‘Teaching work’ is defined as planning, preparing and delivering lessons for pupils, which includes distance learning and learning through computer aided techniques, and assessing and reporting on pupils’ development, attainment and progress).

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Overseas checks

DBS checks will be requested for applicants with recent periods of overseas residence from the UK exceeding 3 months or more in the last 5 years immediately prior to appointment and those with little or no previous UK residence. These applicants may also be asked to provide further information, including the equivalent of a disclosure, if one is available in the relevant jurisdiction(s). In addition, advice on obtaining criminal record information from overseas police forces, published by the Home Office on GOV.UK will be followed. The school will also have regard to Department for Education guidance on the employment of overseas-trained teachers from the European Economic Area to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the US.

Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status

All applicants invited to attend an interview at the school will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS Code of Practice Regulations.

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form.

Certificates of Sponsorship (CoS)

If an applicant is a national of a non-EEA country, a CoS and Visa is likely to be required, enabling the applicant to work in the UK. Before any offer of employment is made, the HR department is to be consulted to establish whether the school can apply for a Sponsorship Certificate.

Criteria for issuing a CoS is:

- 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.

In addition, the applicant must apply for entry clearance/leave to remain through UK Visas and Immigration and provide personal evidence of competence in English and ongoing maintenance. The process can take up to three months and staff must not, under any circumstances, be employed until permission is given.

Medical Fitness

The school is aware of its duties under the Equality Act 2010. Anyone appointed to a post involving regular contact with children must possess the appropriate level of physical and mental fitness before any appointment offer is confirmed. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.

6 NEW EMPLOYEE PROCESS

Induction Programme

All new employees will be given an induction programme which will clearly identify the school policies and procedures, including the Safeguarding Policy and Child Protection Procedures and will make clear the expectation and Code of Conduct that govern how staff carry out their roles and responsibilities.

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Single Centralised Register of Members of Staff

In addition to the various staff records kept in school and on individual personnel files, a single, centralised record of recruitment and vetting checks is kept in accordance with legal requirements and ISI regulations.

All individuals who work in regular contact with children, including governors, volunteers and those employed by third parties (contractors, supply agencies) are included. The register is kept up to date and retained by the HR Department.

A designated Governor will be responsible for overseeing and randomly auditing the Single Centralised Register and reporting his/her findings to the full Governing Body.

Record Retention / Data Protection

The school will retain any relevant information provided on the application form (together with any attachments) on the personnel file of candidates who are offered and accept the position for which they have applied and digitally with the online recruitment portal. Personnel files are kept in the HR Office in a locked and secure cabinet.

From April 2014, DfE guidance requires that schools retain copies of identity documents, right to work, medical fitness and qualifications. The Immigration (Restrictions on Employment) Order 2007 requires employers in England and Wales to check and retain copies of passports, or alternatively birth/adoption certificates, belonging to people appointed on or after 29 February 2008.

The school will retain all application forms and interview notes for unsuccessful applicants for a period of two years, after which time the notes will be destroyed. The retention period is in accordance with the Data Protection Act 1998 and will allow the school to deal with any data access requests, recruitment complaints or to respond to any complaints made to an Employment Tribunal. If the school wishes to retain the name and details of unsuccessful candidates on file for future vacancies, the candidates will be informed and offered the opportunity to remove their details from the school's records.

Ongoing Employment

Bryanston recognises that safer recruitment and selection is not just about the start of employment, but should be part of a wider policy framework for all staff. The school will therefore provide ongoing training and support for all staff, including, but not limited to, 3-yearly Child Protection training.

Leaving Employment

Despite the best efforts to recruit safely there will be occasions when allegations of abuse against children and young people are raised. Where it is alleged that a member of staff or a volunteer in the school has behaved in a way that has harmed a child, or may have harmed a child, or possibly committed a criminal offence against or related to a child, or behaved towards a child or children in a way that indicates s/he would pose a risk of harm if they work regularly or closely with children, the school's policy on 'Dealing with Allegations of Abuse against Members of Staff and Volunteers' will apply.

Monitoring and Evaluation

The Head of Human Resources will be responsible for ensuring that this policy is monitored and evaluated throughout the school. This will be undertaken through formal audits of job vacancies and an annual Safer Recruitment Evaluation audit, which will be presented to the Governor responsible for recruitment.

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RECRUITMENT FLOW CHART

