



Magdalen Court School

SAFER RECRUITMENT POLICY

January 2024

## **Introduction**

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

To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with children have received safer recruitment training.

## **Aims and objectives**

The aims of the Safer Recruitment Policy are to help deter, reject or identify people who might abuse pupils or who are otherwise unsuited to working with them, by having robust staff appointment processes and procedures in place.

The aims of the school's Safer Recruitment Policy are as follows:

- 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
- 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 2023 (KCSIE), 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)
- to ensure that the best possible staff 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
- 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

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

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

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, relevant safeguarding legislation and statutory guidance.

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

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

### **Roles and responsibilities**

It is the responsibility of the Trustees to:

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

It is the responsibility of school staff involved in recruitment to:

- ensure that the school operates safe recruitment procedures and ensures all appropriate checks are carried out on all staff and volunteers who work at the school
- promote the welfare of children and young people at every stage of the procedure
- monitor contractors' and agencies' compliance within safeguarding
- ensures that at least one member of the recruitment panel is in receipt of up-to-date safer recruitment training (compliance – training to be updated every three years)

The Trustees have delegated responsibility to the school Leadership Team to lead on all appointments. Trustees may be involved in staff appointments.

### **Definition of Regulated Activity**

Regulated activity means a person who will be:

- responsible, on a regular basis in a school, for teaching, training, instructing, caring for or supervising children; or
- carrying out paid, or unsupervised unpaid, work regularly in a school where that work provides an opportunity for contact with children; or
- engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not.

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 and governors who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated

activity but for the fact that they do not carry out their duties frequently enough i.e., roles which would amount to regulated activity if carried out more frequently.

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

### **Existing Staff**

If the school has concerns about an existing member of staff's suitability to work with children, we will carry out all the relevant checks as if the individual was a new member of staff. We will also do this if an individual moves from a post that is not regulated activity to one that is.

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- we believe the individual has engaged in relevant conduct; or
- The individual has received a caution or conviction for a relevant offence, or there is reason to believe the individual has committed a listed relevant offence, under the Safeguarding Vulnerable Groups Act 2006 (prescribed Criteria and Miscellaneous Provisions) Regulations 2009; or
- The 'harm test' is satisfied in respect of the individual (i.e., they may harm a child or vulnerable adult or put them at risk of harm); and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

### **Recruitment and selection**

#### **Advertising**

To ensure equality of opportunity, the school will advertise all vacant posts to encourage as wide a field of applicant as possible; normally this entails an external advertisement. Any advertisement will make clear the school's commitment to safeguarding and promoting the welfare of children and that safeguarding checks will be carried out.

All documentation relating to applicants will be treated confidentially in accordance with General Data Protection Regulations (GDPR).

Advertised roles will make clear the safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children.

Advertised roles will make it clear that whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments of the Exceptions Order 1975, 2013 and 2020.

## **Application Forms**

The school uses its own application form and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role. In addition, all applicants are required to account for any gaps or discrepancies in employment history. Incomplete application forms will not be shortlisted. CVs will not be accepted as a standalone overview of employment history.

The application form will include the applicant's declaration regarding convictions and working with children and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with or having access to pupils. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position within the school.

It is unlawful for the school to employ anyone who is barred from working with children. All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

The application pack will include a copy of, or a link to the school's Safeguarding and Child Protection Policy.

## **Job Descriptions and Person Specifications**

A job description is a key document in the recruitment process and must be finalised prior to taking any other steps in the recruitment process. 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.

## **Shortlisting**

The school's shortlisting process will include at least two people and will consider any inconsistencies and look for gaps in employment and reasons given for them and explore any potential concerns.

Shortlisted candidates are asked to complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so they have the opportunity to share relevant information and discuss it at interview stage. The information we will ask for includes:

- If they have a criminal history
- Whether they are included on the barred list
- Whether they are prohibited from teaching
- Information about any criminal offences committed in any country in line with the law as is applicable to England and Wales
- Any relevant overseas information

Candidates are asked to sign a declaration confirming the information they have provided is true.

## **References**

We will seek references on all short-listed candidates, including internal candidates, before interview. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after interview before appointment.

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 reference should be from the employer with whom the applicant most recently worked with children. The referee should not be a relative. 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.

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.

Any discrepancies or anomalies will be followed up and direct contact by phone will be undertaken to verify references.

If a candidate is not currently in employment – verification of the individual's most recent employment will be obtained

The school will also require that one of the references has known the candidate for at least 5 years and may seek a third reference if necessary to fulfil this requirement.

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

## **Interviews**

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

Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process, if it has not been disclosed on the application form.

All information considered and decisions made will be recorded. The school will retain all interview notes on all unsuccessful candidates for a period of 6 months, after which time the notes will be confidentially destroyed (i.e. shredded). The 6-month retention period is in accordance with the General Data Protection Regulations (GDPR).

All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Only original documents will be accepted, and photocopies will be taken. Unsuccessful applicant documents will be destroyed six months after the recruitment programme.

### **Offer of Employment and Pre-Employment Vetting Checks**

In accordance with the recommendations set out in KCSIE 2023, the requirements of the Education (Independent School Standards) Regulations 2014 and the Boarding 's national minimum standards, the School carries out a number of pre-employment checks in respect of all prospective employees.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School 's standard terms and conditions of employment;
- verification of the applicant's identity;
- the receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;
- confirmation that candidates are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.
- confirmation that candidates are not subject to a prohibition order if they are to be employed in a teaching role;
- Confirmation that candidates taking up a management position are not subject to a prohibition from management (section 128) direction made by the Secretary of State which prohibits, disqualifies or restricts them from being involved in the management of an independent school;
- where the position amounts to 'regulated activity' the receipt of a satisfactory enhanced disclosure from the DBS, including Barred List information. Note: schools will obtain a separate Barred List check if the candidate will start work in regulated activity before the enhanced DBS certificate is available. Such candidates will not work unsupervised until a satisfactory DBS has been received;
- verification of the applicant's mental and physical fitness for the role;
- verification of the applicant's right to work in the UK. Note: school will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards;
- any further additional checks, as appropriate, on candidates who have lived or worked outside of the UK, including (where relevant) any teacher sanctions or

restrictions imposed by a European Economic Area professional regulated authority, and criminal records checks or their equivalent;

- verification of professional qualifications which the school deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).
- Probationary review period (See Probation Policy)
- Consider carrying out an online search on shortlisted candidates to help identify any issues that are publicly available online

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

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

The school applies for an enhanced disclosure from the DBS and a check of the Children and Adults Barred List in respect of all positions at the school which amount to 'regulated activity' as defined in the Safeguarding Vulnerable Groups Act 2006. 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 and Adult's Barred List and to obtain other relevant suitability information.

It is the school's general policy that the DBS disclosure must be obtained before the commencement of employment of any new employee. Only in exceptional circumstances and with the express permission of the Trustees will an employee be permitted to start work prior to a full DBS having been received. In such circumstances, schools will obtain a separate Barred List check and the candidate will not work unsupervised until a satisfactory DBS has been received.

It is the school's policy to undertake new DBS checks when employees take leave for more than three months (maternity leave, career breaks, sabbaticals, etc). Members of staff at the school are aware of their obligation to inform the Headteacher or the HR provider of any cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

If there are concerns about an existing member of staff's suitability to work with children or young adults all relevant check will be carried out as if they were as new member of staff.

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- We believe the individual has engaged in relevant conduct, or
- We believe the individual has received a caution or conviction for a relevant offence under the Safeguarding Vulnerable Groups Act 2006 Regulations 2009, or
- We believe the "harm test" is satisfied in respect of the individual ( i.e. they may harm a child or a vulnerable adult, or put them at risk of harm and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed had they not left.



## **Portability of DBS Certificates Checks**

Staff may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service if their check was issued after 17 June 2013, for a fee which is payable by the applicant.

## **DBS Certificate**

The DBS no longer issue Disclosure Certificates to employers, but schools are able to download a snapshot of the required information which contains information required for the Single Central Record. The snapshot DBS result should be held on the individual's personnel file together with verified copies of ID.

## **Dealing with convictions**

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 also:

- the nature, seriousness and relevance of the offence
- how long ago the offence occurred
- one-off or history of offences
- changes in circumstances
- decriminalisation and remorse

A formal meeting will take place face-to-face to establish the facts with the headteacher. A decision will be made following this meeting. 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 headteacher will evaluate all of the risk factors above before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they 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.

## **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 identity checking guidelines. The school does not discriminate on the grounds of age.

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

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.

### **Medical Fitness**

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

All applicants are requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required this may mean a referral to OH by the school. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role.

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

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

### **Overseas checks**

The school will carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK, including (where relevant) any teacher sanctions or restrictions imposed by a European Economic Area professional regulating authority, and criminal records checks or their equivalent. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the school.

### **Induction Programme**

All new employees will be given an induction programme which will clearly identify the school policies and procedures, including the Child Protection Policy, the Code of Conduct and Part One of KCSIE2023, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

### **Single Central Record**

In addition to the various staff records kept in School and on individual personnel files, each school within the School and the central School office, will maintain a Single Central Record, containing details of the following

- all employees who are employed to work at the individual school or central School office;
- all employees who are employed as supply staff whether employed directly or through an agency;

- all others who have been chosen by the school/School to work in regular contact with children. This will cover volunteers, Governors, peripatetic staff and people brought into the school to provide additional teaching or instruction for pupils but who are not staff members e.g., sports coaches, etc.
- Contractors who work on school site (for whom the school must hold a Letter of Assurance relating to safeguarding). The school will undertake ID checks on all individuals who visit school and record details on the Single Central Record for individuals who visit regularly.

A designated Governor / Trustee will be responsible for auditing the Single Central Records of the school and will report his/her findings to the full School Board on an annual basis.

### **Record Retention / Data Protection**

The school is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the school will retain on their personnel file any relevant information provided as part of the application process. 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. All information retained on employees is kept centrally at the relevant school location and is stored securely within a locked cabinet. The same policy applies to any suitability information obtained about volunteers involved with school activities.

The school will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (i.e.: shredded). The 6-month retention period is in accordance with the General Data Protection Regulations (GDPR).

### **Leaving Employment of Magdalen Court School**

Despite the best efforts to recruit safely there will be occasions when allegations of serious misconduct or abuse against children and young people are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed.

Whilst these are pre-employment checks, the school also has a legal duty to make a referral to the DBS in circumstances where an individual:

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

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

### **Agency and third-party staff**

Schools will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. Schools will also check that the person presenting themselves for work is the same person on whom the checks have been made.

### **Contractors**

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. This confirmation is provided via a signed 'Letter of Assurance' provided to the School by the relevant contractor.

The School will independently verify the identity of all staff supplied by contractors or an agency and, for regular visitors, record details of the ID on the school's Single Central Record alongside details of the relevant Letter of Assurance.

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

For self-employed contractors such as music teachers or sports coaches, schools within the School will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

### **Trainee / Student Teachers**

Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

In both cases, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

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

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

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

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

The school will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the school. In doing so the School will always have regard to the Visitor's Policy and the Prevent Duty Guidance and the definitions of 'extremism' and 'radicalisation' set out in KCSIE 18 which state:

'Extremism' is the vocal or active opposition to our fundamental values, including the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces.

'Radicalisation' refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.

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

### **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 definition of regulated activity set out above will be applied to all volunteers).

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

It is the school's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the school for three consecutive months or more. Those volunteers who are likely to be involved in activities with the school on a regular basis may be required to sign up to the DBS update service as this permits the school to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

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

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

## **Governors**

All governors will have an enhanced DBS check without Barred List information. They will have an enhanced DBS check with Barred List information if working in regulated activity. The Chair of the board will have their DBS check countersigned by the Secretary of State.

All proprietors, Trustees and governors will also have the following checks:

- A section 128 check (to check prohibition on participation in management under section 128 of the Education and Skills Act 2008). Note: Section 128 checks are only required for local governors if they have retained or been delegated any management responsibilities
- Identity
- Right to work in the UK
- Other checks as deemed necessary if they have lived or worked outside the UK

## **Staff working in alternative provision settings**

Where we place a pupil with an alternative provision provider, we obtain written confirmation from the provider that they have carried out the appropriate safeguarding checks on individuals working there that we would otherwise perform.

## **Adults who supervise pupils on work experience**

When organising work experience, we will ensure that policies and procedures are in place to protect children from harm. We will also consider whether it is necessary for Barred List checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

## **Monitoring and Evaluation**

The headteacher will be responsible for ensuring that this policy is monitored and evaluated. This will be undertaken through formal audits of job vacancies and a yearly audit which will be presented to the governing body.