

# WYCLIFFE COLLEGE RECRUITMENT, SELECTION AND DISCLOSURES POLICY & PROCEDURE



## **General**

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

The College aims to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

All queries on the College's Application Form and recruitment process must be directed to the Human Resources Team.

An entry will be made on the Single Central Register for all current members of staff at the College, the governing body and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

All checks will be made in advance of appointment or as soon as practicable after appointment.

## **Scope of this Policy**

The Recruitment, Selection and Disclosures Policy and Procedure herewith refers and applies to staff directly recruited and employed by the College. In the (Independent Schools Standards) (England) Regulations 2014, staff are defined as:

*Any person working at the College whether under a contract of employment, under a contract for services or otherwise than under a contract but does not include supply staff or a volunteer.*

In the case of agency or contract workers, the College shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. The College conducts identity checks on agency and contract workers on arrival in College and, in the case of agency workers which includes supply staff, the College must be provided with a copy of the DBS check for such staff.

The College will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus in line with KCSIE two references, declaration of medical fitness, check of previous employment history). The Single Central Register shows these checks have been made and the College carries out its own identity check and has seen a copy of the disclosure (whether or not it discloses any information).

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in College whilst children are on site. The College will determine the appropriate level of supervision depending on the circumstances.

Any staff who TUPE transfer into the College's will be required to undertake the statutory requirements with regard to safer recruitment checks.

If staff are transferred under TUPE, information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE. In these circumstances, there will be no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside of the UK, if during a period which ended not more than three months before the person transferred, the individual has worked in a school in England in a post which brought them regularly into contact with children or young persons or to which the person was appointed on or after 12 May 2006 and which did not bring them regularly into contact with children or young persons.

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## **Application Form**

The College will only accept applications from candidates completing the relevant Application Forms in full. CVs will not be accepted in substitution for completed Application Forms.

The College will make candidates aware that all posts in the College 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.

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.

As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the College with legally accurate answers. Upfront disclosure of a criminal record may not exclude a candidate from appointment as the College shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope. If candidates would like to discuss this beforehand, they are asked to please telephone, in confidence, the Director of Human Resources for advice.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the College. However, amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 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.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the position. Additionally, successful applicants should be aware that they are required to notify the College immediately if they are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration.

The statutory guidance "Disqualification under the Childcare Act 2006 (updated August 2018)" applies to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 and to those who are directly concerned in the management of that childcare.

The College takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the College immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.

Staff and/or successful candidates who are disqualified from childcare or registration, 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. Please speak to the Head or Director of Human Resources for more details.

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.

The College has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent duty. Schools are required to assess the risk of children being drawn into terrorism, including support

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for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty..

If the candidate is currently working with children, on either a paid or voluntary basis, the College will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

If the candidate is not currently working with children but has done so in the past, the College will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the College will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the College may request character references which may include references from the candidate's school or university.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal by the College if they have been appointed, and a possible referral to the police and/or DBS.

## **Invitation to Interview**

The College will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Shortlisted applicants will then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail.

All formal interviews will have a panel of at least two people chaired by a designated member of staff with authority to appoint (Recruiting Manager). It is recommended best practice that at least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Trustees should chair the panel for the Director of Finance & Operations'/Heads' appointments. 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 Recruiting Manager as to whether or not an interviewer should withdraw from the panel. Should the Recruiting Manager have a conflict of interest, the Head/Director of Human Resources shall decide whether the Recruiting Manager should withdraw from the panel.

Prior to interview, the Human Resources Team will conduct an online search for each candidate and pass any relevant information to the Recruiting Manager for exploration at interview.

The interview will be conducted in person and the areas which it will explore will include suitability to work with children.

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of 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 College requests that all candidates invited to interview also bring with them:

1. A current driving licence including a photograph **or** a passport **or** a full birth certificate;
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Where appropriate any documentation evidencing a change of name;
4. Where the candidate is not a UK citizen, proof of entitlement to work and reside in the UK will be checked against the relevant Home Office eligibility criteria.

**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 College of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

**Conditional Offer of Appointment: Pre-Appointment Checks**

Any offer to a successful candidate will be conditional upon:

1. Receipt of at least two satisfactory references (if these have not already been received);
2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK;
3. A satisfactory enhanced DBS check and if appropriate, a check of the Barred List maintained by the DBS;
4. For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State 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;
5. Verification of professional qualifications, where appropriate;
6. Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7th May 1999);
7. Where the successful candidate has worked or been resident overseas such checks and confirmations as the College may consider appropriate so that any relevant events that occurred outside the UK can be considered;
8. Satisfactory medical fitness;
9. Confirmation from you that you are not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006 (updated August 2018)" **OR** Receipt of a signed Staff Suitability Declaration form showing that you are not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006 (updated August 2018)";
10. Where the successful candidate will be taking part in the management of the College, 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 Trustees, Senior Management Team and teaching heads of department; and
11. For a candidate that has lived or worked outside the UK, additional checks including Criminal Record checks will be required in accordance with Home Office guidance.

It is the College's practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the College in strictest confidence and processed in accordance with the Privacy Notice and Data Protection Policy. This information will be reviewed against the Job Description and the Person Specification for the particular

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role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, layout of the College.

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

## References

The College will seek the references referred to above for shortlisted candidates (including internal applicants) and may approach previous employers for information to verify particular experience or qualifications before interview. One of the references must be from the applicant's current or most recent education employer if applicable. References must be received by a senior person with appropriate authority. If the candidate does not wish the College to take up references in advance of the interview, they should notify the College at the time of applying.

The College will ask all referees if the candidate is suitable to work with children.

The College 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 College will verify all references. Where references are received electronically, the College will ensure they originate from a legitimate source.

The College will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies will be discussed with the candidate.

## Criminal Records Policy

The College 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.

The College complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here: [DBS Code of Practice](#).

## DBS Update Service

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the College to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required.

## If disclosure is delayed

A short period of work is allowed under controlled conditions, at the discretion of the Head or Director of Finance & Operations. However, if an 'enhanced disclosure' is delayed, the Head and/or Director of Finance & Operations may allow the member of staff 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 application has been made in advance;
- With appropriate safeguards taken (for example, loose supervision);
- Safeguards reviewed at least every two weeks by the Head/Director of Finance & Operations and member of staff;
- The person in question is informed what these safeguards are; and
- It is recommended, but not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

**Retention, Security of Records and Data Protection Obligations**

The College 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 not be retained for longer than six months.

**The College will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Data Protection Policy.**

**Policy on the Recruitment of Ex-Offenders**

The College will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The College makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar them from employment within the College. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

Under the relevant legislation, it is unlawful for the College to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the College 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 also unlawful for the College to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006 (updated August 2018).

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the College. The College will report the matter to the Police and/or the DBS if:

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

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 College 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;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; 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 College'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.

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If the post involves access to money or budget responsibility, it is the College'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 College's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.