



RECRUITMENT, SELECTION AND DISCLOSURES POLICY & PROCEDURE	
Reviewed by:	Andrew McCleave – Headmaster
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Next Review due:	August 2022

Recruitment, Selection and Disclosures Policy & Procedure

INTRODUCTION

Ballard School (“the School”) 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 School 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 School’s Application Form and recruitment process must be directed to the Bursar or Headmaster’s PA.

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

The Chair of Governors of Ballard School, as the person holding ultimate responsibility, as declared to the DfE is Mr Peter Goodfellow.. The Headmaster of Ballard School is Mr Andrew McCleave.

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 School. In the Education (Independent Schools Standards) (England) Regulations 2014, staff are defined as:

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

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure – renewed every 3 years, 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 School carries out its own identity check and has seen a copy of the disclosure (whether or not it discloses any information).

Certain individuals are automatically disqualified from acting in senior management positions within a charity. Whether an individual falls into the category of a senior management position is judged using the following criteria:

- A person who is accountable only to the Governors, and who carries overall responsibility for the day-to-day management and control of the charity. At Ballard School this would be the Headmaster.
- A person who is accountable only to the Headmaster or the Governors, and who is responsible for the overall management and control of the charity's finances. At Ballard School this would be the Bursar.

Being disqualified means that a person can't take on, or stay in, a senior manager position – even on an interim basis, unless the Charity Commission has removed (or 'waived') the disqualification.

APPLICATION FORM

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

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. 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.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the position and, where appropriate, a check of the Barred List will be undertaken. Any offer of employment will be conditional on obtaining such satisfactory checks. Additionally, successful applicants should be aware that they are required to notify the school 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 (July 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 School 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 Headmaster 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 Headmaster or the Bursar for more details.

The School 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 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 risk assessment. Guidance from the DfE can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf

If the candidate is currently working with children, on either a paid or voluntary basis, the School 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 School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the School 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 School if they have been appointed, and a possible referral to the police and/or DBS.

INVITATION TO INTERVIEW

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 a formal interview at which his/her relevant skills and experience will be discussed in more detail.

All formal interviews will have a panel of at least two people chaired by the Headmaster, Bursar or another member of the Leadership Team. It is recommended best practice that at least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Governors should chair the panel for the Bursar's/Head's appointment. 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, the Chair of F&GP or Chair of Education Committee shall decide whether the Chair should withdraw from the panel.

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

- A current driving licence including a photograph;
- A passport;
- A full birth certificate;
- Where appropriate any documentation evidencing a change of name;
- A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
- Where applicable, 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.

[Temporary changes to right to work checks were implemented during the height of the coronavirus pandemic to assist with safer recruitment where face to face contact was not possible in the usual way]. Candidates should notify the School immediately if they are experiencing any issues with providing right to work information as a result of covid-19. The School may be able to initiate right to work checks on the basis of scanned images and live video links. Further guidance is available at:

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.

SHORTLISTING

Shortlisted candidates will be asked to complete a self-declaration of a criminal record or information that would make them unsuitable to work with children to give candidates the opportunity to discuss their disclosure with the school before a DBS check is obtained.

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 (if not already received);
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 or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012. 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; and
 - Reporting on the development, progress and attainment of pupils;
5. Verification of professional qualifications, including Qualified Teacher Status, where appropriate;
6. Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999);
7. Successful overseas checks, where applicable.
8. Evidence of satisfactory medical fitness;
9. Staff are required to complete and sign the Childcare Disqualification Requirements self-declaration form. This will be held on the employee personnel file;
10. For a candidate to be employed into a senior management position as set out above under "Scope of this Policy", receipt of a signed "senior charity manager positions: automatic disqualification declaration" confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities;
11. 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 Governors, Senior Management Team and teaching heads of department.

It is the School'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 School in strictest confidence and processed in accordance with the Recruitment Privacy Notice and Data Protection Policy. 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 i.e. proposed workload, extra-curricular activities, and/or 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, considering medical evidence and considering reasonable adjustments.

Individuals who have lived or worked outside the UK

Individuals who have lived or worked outside the UK will undergo the same checks as all other staff in School. This includes obtaining an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK.

The School will make further checks so that any relevant events that occurred outside the UK can be considered. These checks include, where available:

- criminal records checks for overseas applicants
- For teaching positions, a letter of professional standing from the professional regulating authority in the country in which the applicant has worked.

Advice about which regulatory or professional body applicants should contact is available from the National Recognition Information Centre for the United Kingdom, UK NARIC.

Where available, such evidence will be considered together with information obtained through other pre-appointment checks to help assess candidate suitability. Where this information is not available the School may seek alternative methods of checking suitability and undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, the School will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

REFERENCES

The School will seek the references referred to in section 5 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 employer. References must be received by a senior person with appropriate authority. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying. References for teachers must come from Head teacher.

The School will ask all referees if the candidate is suitable 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 will verify all references. Where references are received electronically, the School will ensure they originate from a legitimate source.

The School 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 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.

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>

There are limited circumstances where the school will accept a check from another educational institution which are as follows:

This is where the new member of staff (“M”) has worked in: –

- (a) A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- (b) A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
- (c) 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 M regularly into contact with children or young persons,

during a period which ended not more than three months before M’s appointment.

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.

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. A barred list check will still be required.

IF DISCLOSURE IS DELAYED

A short period of work is allowed under controlled conditions, at the Headmaster’s discretion. However, if an ‘enhanced disclosure’ is delayed, Headmaster 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/Bursar and member of staff;
- The person in question is informed what these safeguards are; and

- It is recommended, but is not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

PROHIBITIONS, DIRECTIONS, SANCTIONS AND RESTRICTIONS

Teacher prohibition orders are made by the Secretary of State Section 128 direction.

A Section 128 direction prohibits or restricts a person from taking part in the management of the School.

The School will undertake a Section 128 direction check on all individuals who take part in the management of the School. This includes the Governors, the Headmaster, the Bursar, the Leadership Team and Senior Management Team. This will be recorded on the Single Central Register.

CONTRACTORS

Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. The School will determine the appropriate level of supervision depending on the circumstances.

The School will ensure that any contractor, or any employee of the contractor, who is to work at the School or college, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) is required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

If an individual working at the School is self-employed, a DBS check will be obtained, as self-employed people are not able to make an application directly to the DBS on their own account.

The School will always check the identity of contractors and their staff on arrival at the School.

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

If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

VOLUNTEERS

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Volunteers who, on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis, will be in regulated activity. The School will therefore obtain an enhanced DBS certificate (which includes barred list information) for all volunteers who are new to working in regulated activity.

For existing volunteers who are in regulated activity, the School may conduct a repeat DBS check (which includes barred list information) on any such volunteer should the School have any concerns.

The School is not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.

The School may undertake a risk assessment, using professional judgement and experience to decide whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. In doing so the School will consider:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability;
- whether the role is eligible for an enhanced DBS check. Details of the risk assessment should be recorded.

The School will determine whether a volunteer is considered to be supervised. In making this decision, and where an individual is supervised, to help determine the appropriate level of supervision the School will have regard to

The statutory guidance issued by the Secretary of State requires that, for a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity
- regular and day to day;
- reasonable in all the circumstances to ensure the protection of children

VISITORS

The School does not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's relatives or other visitors attending a sports day). The Headmaster will use professional judgment about the need to escort or supervise visitors.

RETENTION, SECURITY OF RECORDS AND DATA PROTECTION OBLIGATIONS

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.

The School will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Recruitment Privacy Notice and the Data Protection Policy.

Recruitment of Ex-Offenders

The School will not unfairly discriminate against any candidate 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 individual has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

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 School 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 School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School 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 (July 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 School. The School will report the matter to the Police and/or the DBS if:

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

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

- whether the conviction or other matter revealed is relevant to the position in question;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- 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 School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of 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.

Andrew McCleave
Headmaster
August 2021