

# The Orchard School



## Safer Recruitment Policy

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## The Orchard School

### Safer Recruitment Policy

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of children in education. The Orchard School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. The Orchard School is also committed to providing a supportive and flexible working environment to all its members of staff. The Orchard School recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment. It is recognised that this can only be achieved through sound procedures, good inter- agency co-operation and the recruitment and retention of competent, motivated employees who are suited to, and fulfilled in the roles they undertake.

The Orchard School recognises the value of, and seeks to achieve a diverse workforce, which includes people from different backgrounds, with different skills and abilities. The Orchard School is committed to ensuring that the recruitment and selection of all who work within the school is conducted in a manner that is systematic, efficient, effective and promotes equality of opportunity. The Orchard School will uphold its obligations under law and national collective agreements to not discriminate against applicants for employment on the grounds of age, sex, sexual orientation, marital status, disability, race, colour, nationality, ethnic origin, religion or creed.

The aims of The Orchard School's recruitment policy are:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- 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 (2016) (KCSIE)* ( 'The Guidance') and any advice published by the Disclosure and Barring Service (**DBS**);
- 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.

All positions within The Orchard School are exempt from the Rehabilitation of Offenders Act 1974 and therefore all applicants will be required to declare spent and unspent convictions, cautions and bind-overs, including those regarded as spent and have an Enhanced Disclosure & Barring Service Check. The Orchard School is committed to ensuring that people who have been convicted are treated fairly and given every opportunity to establish their suitability for positions. Having a criminal record will not necessarily be a bar to obtaining a position. This will depend on the background, nature and circumstances of the offence(s).

### **Pre-employment checks**

In accordance with the recommendations set out in the Guidance, and the requirements of the Education (England) Regulations 2010 The Orchard 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 a formal interview, employment with The Orchard School will be conditional on the following:

- completion of The Orchard School Application Form, with satisfactory records for reasons for any gaps in employment;
- verification of the applicant's identity in line with the requirements of The Immigration, Asylum and Nationality Act 2006;
- production of evidence of the right to work in the UK (for any member of staff who is not a national of a European Economic Area (EEA) country);
- receipt of at least two references which are satisfactory to The Orchard School, one of which will be from the applicant's most recent employer. If a verbal reference is taken, detailed notes will be taken, dated and signed. Applicants will be informed that any previous employer may be contacted. All references will be verified by phone;
- confirmation that the applicant is not barred from working with children [and / or vulnerable adults];
- confirmation that the applicant is not subject to a prohibition order issued by the Secretary of State.
- the receipt of an enhanced disclosure from the DBS which The Orchard School considers to be satisfactory. Number, date and name of person who completed check to be recorded
- receipt of a satisfactory check either via DBS or the Department for Education's Secured Access Portal that no direction has been made by the Secretary of State against the applicant pursuant to Section 128 of the Education and Skills Act 2008
- verification of the applicant's medical fitness;
- verification of the applicant's qualifications;
- confirmation that the applicant is registered with the appropriate professional or regulatory body as required from time to time;
- obtain a Certificate of Good Conduct for applicants who were born or have worked abroad where the applicant has not worked in a School in the UK since moving from overseas;
- completion of a self-declaration to identify staff for whom "by association" rule applies
- interview, with written record of outcome. At least one panel member will have completed and been accredited with the DFE Safer Recruitment Training.
- the school considers the applicant is suitable for the position

### **Roles and Responsibilities**

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

It is the responsibility of the Head teacher and other managers involved in the recruitment process to:

- ensure that the School operates safe recruitment procedures and carries out all appropriate checks on all staff and volunteers who work at the School;
- monitor contractors' and agencies' compliance with this policy; and
- promote the welfare of children and young people at every stage of the procedure.

It is the responsibility of all contractors and agencies that provide services to The Orchard School to comply with safer recruitment practices. It is the responsibility of The Orchard School, in conjunction with the Head teacher, to ensure all pre-employment checks are complete before employment begins.

### **Verification of Identity and Address**

All applicants who are invited to an interview will be required to bring the following evidence of identity, right to work in the UK, address and qualifications:

- passport, photo-card (together with counterpart) driving licence and original birth certificate;
- two utility bills no older than three months (from different sources) showing their name and current home address;
- where an applicant has moved addresses within the last five years proof of address for each property they have lived at;
- documentation confirming their National Insurance Number (P45, P60 or National Insurance Card);
- original documents confirming any educational and professional qualifications referred to in their application form;
- where an applicant claims to have changed his/her name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change.

### **The Procedure**

#### **Advertising**

To ensure equality of opportunity, The Orchard School will advertise all vacant posts to encourage as wide a field of candidates as possible. Normally this will entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

#### **Applications**

Applicants will receive a job description for the role applied for. All applicants for employment will be required to complete an Application Form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. A curriculum vitae may be submitted together with an application form. The Orchard School does not accept a curriculum vitae in place of an application form.

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The applicant may then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

The Orchard School requires applicants to account for any gaps or discrepancies in employment history on the application form. Where an applicant is shortlisted, any gaps will also be discussed at interview.

Applicants should be aware that providing false information is an offence and could result in an application being rejected or summary dismissal if the applicant has been selected. Where false information is provided in support of an application to work at The Orchard School, the School is required to report the matter to the DBS, the police and other relevant professional bodies.

## **References**

References for shortlisted applicants (to include the last employer the applicant worked for) will be requested immediately after short-listing. The only exception to this is where applicants have indicated on their application forms that they do not wish their current employer to be contacted.

If the current/most recent employment does/did not involve work with children, then the second referee will be from the employer with whom the applicant most recently worked with children.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, position held, salary, reason for leaving, performance and disciplinary record;
- their relationship to the applicant;
- whether they have any reason to believe that the applicant is unsuitable to work with children;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired);
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people.

The Orchard School will only accept references obtained directly from the referee and will not rely on references or testimonials provided by the applicant or open references or testimonials. The Orchard School will not accept references from relatives of the applicant or people writing solely in the capacity as a friend.

References will be compared to the application form to ensure that the information provided is consistent. Any discrepancies will be taken up with the applicant and/or the referee before any appointment can be confirmed. Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case.

All referees shall be contacted by phone to confirm the authenticity of the reference.

### **Medical Fitness**

The Orchard School is 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. If appropriate, the School will arrange for the information contained in the Medical Questionnaire to be reviewed by The Orchard School's medical advisor. This information will be reviewed against the Job Description for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed timetable, extra-curricular activities, layout of the School etc. If the School's medical adviser has any doubts about an applicant's fitness the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

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 and suitable alternative employment.

### **Criminal Records Check**

Due to the nature of the work, The Orchard School applies for an enhanced disclosure from the DBS in respect of all prospective members of staff, governors and volunteers.

An enhanced disclosure will contain details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. An enhanced disclosure will also reveal whether an applicant is barred from working with children or vulnerable adults by virtue of his/her inclusion on the lists of those considered unsuitable to work with children or vulnerable adults maintained by the DBS. An enhanced disclosure may also contain non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question.

If there is a delay in receiving a DBS disclosure the Head teacher has the discretion to allow an individual to begin work pending receipt of the disclosure. This will only be allowed if all other checks, including a check of the Children's Barred List, have been completed and once a Risk Assessment has been completed and appropriate supervision has been put in place. (These measures are recorded on the Single Central Register (SCR) and evidence is maintained in the employee's HR file.

DBS checks will be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including the equivalent of a DBS disclosure (Certificate of Good Conduct), from the relevant jurisdiction(s).

### **Interviews**

The selection process will include the following:

- a face to face professional interview including questions related to safeguarding children; and

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- an activity with children, as appropriate

All recruitment will be undertaken with at least one member of the panel having undertaken Safer Recruitment Training.

Questions will be agreed in advance by the panel.

The panel will undertake a regular review of safer recruitment procedures.

### **Staff Training on Safer Recruitment**

Key staff involved in the recruitment of new personnel will undertake Safer Recruitment training: Certificates of qualification are held on the individuals personnel file.

### **Verification of Qualifications and/or Professional Status**

Short-listed applicants will be required to provide proof of their qualifications and professional status by producing original documentation. The Orchard School will verify that applicants have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application by asking to see the relevant original certificate, or a letter of confirmation from the awarding body / institution. If the original documents are not available, the School will require sight of a properly certified copy. Where applicants have obtained qualifications abroad, a certified comparability check by NARIC will also be requested if there is any query over the qualification.

### **Contractors, Agency and Peripatetic Staff**

Contractors engaged by The Orchard 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.

Agencies who supply staff to The Orchard School must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires confirmation that these checks have been completed before an individual can commence work at the School.

Peripatetic staff will complete the same checks the School is required to take for all other staff.

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

### **Policy on Recruitment of Ex-offenders**

The Orchard 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 within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All positions within The Orchard School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions,

including those which would normally be considered “spent”, when applying for a position at the School. A failure to disclose a previous conviction may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the School to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to attempt to apply for a position at the School. The School will make a report to the Police and/or the DBS if:

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

### **Assessment Criteria**

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 Orchard 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;
- 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;

- 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 the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- 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.

### **Assessment procedure**

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 Orchard School will carry out a risk assessment by reference to the criteria set out above. Such convictions will also be discussed with the applicant at interview.

If an applicant wishes to dispute any information contained in a disclosure, he/she can do so by contacting the DBS directly. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

### **Retention and security of DBS disclosure information**

The Orchard School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

In particular, the School will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the School's senior management team;
- not retain disclosure information or any associated correspondence for longer than is necessary, but with due regard for safeguarding requirements to evidence the security of the school's procedures. The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question and the unique number issued by the DBS.

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

If an applicant is appointed, the School will retain any relevant information provided on his/her application form, together with any attachments and evidence of the pre-employment checks completed on his/her personnel file. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after one year.

### **Single Central Register of Recruitment Vetting Checks (SCR)**

In line with DFE requirements, The Orchard School will keep and maintain a SCR. The SCR will list all staff who are employed at the School, including casual staff, supply agency staff whether employed directly or through an agency, volunteers, governors, and those who provide additional teaching or instruction for pupils but who are not employed by the School e.g. specialist sports coach. The SCR will indicate whether the required pre-employment checks have been completed, what documents have been checked, when and by whom.