



## **RECRUITMENT, SELECTION AND DISCLOSURE POLICY AND PROCEDURE**

### **1. Introduction**

The Harpur Trust is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The Trust is also committed to providing a supportive and flexible working environment to all its members of staff. The Trust 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.

The aims of the Trust's recruitment policy are as follows:

- 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;
- 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 (**KCSIE**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the Trust meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

### **2. Recruitment and selection procedure**

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. Should there be any gaps in academic or employment history, an explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, person specifications and the School's Child Protection Policy are available to download from the School's website and can be printed and forwarded to applicants on request.

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.

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 terms and conditions of employment, as appropriate to the work location in question;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which the Trust at its absolute discretion considers to be satisfactory;
- for teaching positions, confirmation from the National College for Teaching and Leadership that the applicant is not subject to a prohibition order;
- where the position amounts to "regulated activity (see section 4.3 below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- confirmation that the applicant does not commence work in contravention of a direction under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from teaching or being involved in the management of an independent school;
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (session section 5 below).
- verification of the applicant's right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK;
- where the position amounts to "regulated activity" (see section 4.3 below) confirmation that the applicant is not named on the Children's Barred List.
- verification of the applicant's medical fitness for the role (see section 3 below); and
- verification of professional qualifications which the Trust deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

**\*The Trust or School is not permitted to obtain an enhanced DBS disclosure or check of the Children's Barred List unless an individual will be engaging in "regulated activity". Whether a position amounts to "regulated activity" must therefore be considered by the Trust or School in order to decide which checks are appropriate. It is however likely that in nearly all cases an enhanced DBS check and a Children's Barred List check will be permitted.**

### **3. Medical fitness**

The Trust 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.

It is the practice that all applicants to whom an offer of employment is made within one of its schools must complete the Trust's Health Questionnaire. The Trust will arrange for the information contained in the Health Questionnaire to be reviewed by the appropriate medical advisor for the School in question. 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 timetable, extra-curricular activities, and layout of the School. If the School's medical advisor has any doubts about an applicant's medical fitness the School and/or Trust will consider reasonable adjustments in consultation with the applicant. If the medical advisor has any doubts about an applicant's fitness the School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. If an applicant prefers to

discuss this instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the HR Department.

The Trust 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, considering reasonable adjustments and suitable alternative employment.

#### **4. Pre-employment checks**

In accordance with the recommendations set out in the Guidance, and the requirements of The Education (Independent School Standards) Regulations 2014 and the National Minimum Standards for Boarding Schools the Trust carries out a number of pre-employment checks in respect of all prospective employees.

##### **4.1 Verification of identity and address**

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications as set out below and in the List of Valid Identity Documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

- one document from Group 1; and
- two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address; and
- 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 Trust asks for the date of birth of all applicants (and proof of this) in accordance with the Guidance. Proof of date of birth is necessary so that the Trust may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The Trust does not discriminate on the grounds of age.

##### **4.2 References**

References may be taken up on short listed candidates prior to interview. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Trust. 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. Neither referee should be a relative or someone known to the applicant solely as a friend.

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. All referees will be sent a copy of the job description and person specification for the role for which the applicant has 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, salary, job title / duties, reason for leaving, performance, sickness\* and disciplinary record;
- 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), except where the issues were deemed to have

resulted from allegations which were found to be false, unsubstantiated, or malicious; and

- 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, except where the allegation or concerns were found to be false, unsubstantiated, or malicious.

(\*questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.)

The Trust 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 Trust will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

#### **4.3 Criminal records check**

Due to the nature of the work, the Trust applies for an enhanced disclosure from the DBS in respect of all prospective staff members, governors and volunteers working in its schools.

Prior to 29 May 2013 an enhanced disclosure contained 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. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at the School.

As of 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

##### **For those aged 18 or over at the time of an offence**

An adult conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- 11 years have elapsed since the date of conviction;
- it is the person's only offence, and
- it did not result in a custodial sentence.

It will not be removed under any circumstances if it appears on a list of "**specified offences**" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over for an offence committed in the United Kingdom will not be disclosed if six years have elapsed since the date it was issued and if it does not appear on the list of "specified offences".

##### **For those aged under 18 at the time of an offence**

A conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- five and a half years have elapsed since the date of conviction; and
- it is the person's only offence, and

- it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record.

A caution received when a person was aged under 18 for an offence committed in the United Kingdom will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

### **The list of "specified offences" which must always be disclosed.**

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

The Trust or School applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions within the Trust which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). 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's Barred List and to obtain other relevant suitability information. Any position undertaken at, or on behalf of, the Trust (whether paid or unpaid), will amount to "regulated activity" if it is carried out:

- on an unsupervised basis;
- frequently, meaning once a week or more; or
- overnight, meaning between 2am and 6am; or
- satisfies the "period condition", meaning four times or more in a 30 day period; and
- provides the opportunity for contact with children.

It is for the Trust to decide whether a role amounts to 'regulated activity' taking into account all the relevant circumstances. However, nearly all posts at its Schools amount to regulated activity. It is the School's policy to carry out both an enhanced DBS check and a check of the Children's Barred List on all applicants who are appointed to work in regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in a School office outside of term time.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School within two weeks of it being received by the applicant. Original certificates should not be sent by post. Applicants must instead bring the original certificate into the School within two weeks of it being received. A convenient time and date for doing so should be arranged with HR as soon as the certificate has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to **(insert details)**. Where a certified copy is sent, the original disclosure certificate must still be provided prior to the first day of work. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

If there is a delay in receiving a DBS disclosure the Head/Bursar has discretion to allow an individual to begin work pending receipt of the disclosure. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position

amounts to regulated activity), have been completed and once appropriate supervision has been put in place.

DBS checks will still 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 a criminal records check from the relevant jurisdiction(s).

## **5. Childcare disqualification requirements**

The Childcare Act 2006 (the Act) and the Childcare (Disqualification) Regulations 2009 (the Regulations) state that it is an offence for the Trust and its' Schools to employ anyone in connection with early years or later years provisions with children under the age of eight who is disqualified. This applies to normal School activities and any before or after School clubs or activities. It is also a criminal offence for a disqualified person to provide early or later year's provision or to be directly concerned in its management.

The criteria for which a person will be disqualified from working in connection with early or later year's provision are set out in the Regulations. They are not only that a person is barred from working with children (by inclusion on the Children's Barred List) but also include:

- Having been cautioned for or convicted of certain criminal offences including violent and sexual criminal offences against children and adults;
- Various grounds relating to the care of children including where an order is made in respect of a child under the person's care);
- Having had registration refused or cancelled in relation to childcare or children's homes
- Having been disqualified from private fostering; or
- Living in the same household as another person who is disqualified from registration for early or later year's provision, or living in a household where a disqualified person is employed (disqualification by association). A person does not, however, commit an offence if they do not know, or have no reasonable grounds for believing, that they live in the same household as a disqualified person or in a household where a disqualified person is employed.

The School ask all job applicants who are invited for interview to complete a self-declaration form confirming whether they meet any of the criteria for disqualification. The School will consider any information disclosed before deciding whether to proceed with an interview. The School reserves the right to reject the application of any person who is disqualified from working in connection with early or later year's provision. An interview will not proceed if the School has not received a completed self-declaration form in advance.

After making this declaration staff are under an ongoing duty to inform the School if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information now or a future change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct. However, applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (section 4.3. above).

Applicants who have any criminal records information to disclose about themselves, or anyone in their household, must also provide the following information:

- Details of the order, restriction, conviction or caution and the date that this was made;

- The relevant court or body and the sentence, if any, which was imposed; and
- A copy of the relevant order or conviction

A person who discloses information which appears to disqualify them from working in early or later year's provision may apply to Ofsted for a waiver of the disqualification. However, the School cannot appoint any person who is currently disqualified.

## **6. Contractors and agency staff**

Contractors engaged by the Schools 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 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.

The School will independently verify the identity of staff supplied by contractors or an agency in accordance with section 4.1 above.

## **7. Policy on recruitment of ex-offenders**

### **7.1 Background**

The Trust will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The Trust makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar him / her from employment. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 7.2 below.

All positions within the Trust's Schools are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent". However, applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom it has been filtered in accordance with the DBS filtering rules (see section 4.3 above).

A failure to disclose a previous conviction (which should be declared) 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.

### **7.2 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 Trust 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; 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 Trust's 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 Trust'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 Trust's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

### **7.3 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 School will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by [• the Bursar] [• and] [• the Head] of the School before a position is offered or confirmed.

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

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

The Trust's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information, but is under no obligation to do so.

In particular, the Trust 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, and for a maximum of six months. The Trust will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- prohibit the photocopying or scanning of any disclosure information.



## **8. Retention of records**

The Trust's Schools are legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Trust/School will retain on his/her 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 Trust/School to discharge its obligations as an employer e.g. so that the Trust 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 Trust/School for the duration of the successful applicant's employment with the Trust/School. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

## **9. Referrals to the DBS and National College for Teaching and Leadership (NCTL)**

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 Trust/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 NCTL.

## **10. Queries**

If an applicant has any queries on how to complete the application form or any other matter he / she should contact the HR department.

## APPENDIX 1 List of Valid Identity Documents

### Group 1 – Primary Identity Credentials

- Current valid Passport
- Biometric Residence Permit (UK)
- Current Driving Licence – photo card with counterpart (full or provisional) where one is issued. (UK/Isle of Man /Channel Islands and EU).
- Birth Certificate (UK & Channel Islands) - issued at the time of birth (within 42 days of date of birth); full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces
- Adoption certificate – UK and Channel Islands.

### Group 2a – Trusted Government Documents

- Current UK Driving licence (paper version) UK/Isle of Man /Channel Islands and EU (full or provisional)
- Current driving licence – (photo card; all countries; full or provisional)
- Birth Certificate (UK and Channel Islands) – issued at any time after the date of birth by the General Registrar Office/ relevant authority i.e. Registrars).
- Marriage/Civil Partnership Certificate (UK and Channel Islands)
- HM Forces ID Card (UK)
- Fire Arms Licence (UK, Channel Islands and Isle of Man)

### Group 2b – Financial/Social History Documents

- Mortgage Statement (UK or EEA)\*\*
- Bank/Building Society Statement (UK and Channel Islands or EEA)\*
- Bank/Building Society Account Opening Confirmation Letter (UK)\*
- Credit Card Statement (UK or EEA)\*
- Financial Statement \*\* - e.g. pension, endowment, ISA (UK)
- P45/P60 Statement \*\*(UK & Channel Islands)
- Council Tax Statement (UK & Channel Islands) \*\*
- Work Permit/Visa (UK) (UK Residence Permit) *Valid up to expiry date*
- Letter of sponsorship from future employment provider (Non UK/Non EEA only valid for applicants residing outside the UK at the time of application)
- Utility Bill (UK)\* – Not Mobile Telephone
- Benefit Statement\* - e.g. Child Allowance, Pension
- A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK & Channel Islands)\*- e.g. from the Department for Work and Pensions, the Employment Service , Customs & Revenue, Job Centre, Job Centre Plus, Social Security
- EU National ID Card (must be valid at time of application)
- Cards carrying the PASS accreditation logo (UK)
- Letter from Head or College Principal for 16-19 year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application.

#### Note:

If a document in the List of Valid Identity Documents is:  
denoted with \* - it should be less than three months old  
denoted with \*\* - it should be less than 12 months old