



Safer Recruitment and Appointment of Staff Policy (18a)

This policy is designed for the safe appointment and recruitment of staff at Avon House School and follows protocols from '*Keeping Children safe in education, KCSiE*' September 2021. The school is concerned with the safety and wellbeing of pupils in our care. The School expects all staff and volunteers to share this commitment. The school will advertise appointments in appropriate publications and on the school website. All applicants must complete the necessary application and comply with school protocols.

The school aims to ensure that all personal data collected about job applicants is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the provisions of the Data Protection Act 2018 (DPA 2018). We keep the personal information provided by applicants during the recruitment process for no longer than is necessary for the purposes for which it is processed. For further information please read our Data Protection Policy and Privacy Notice on the School website.

The successful applicant will be required to undergo child protection screening appropriate to the role and an enhanced Disclosure and Barring Check before they start work at the school. Appropriate references will also need to be taken up before any position is confirmed. This policy supports the School's Safeguarding (Child Protection) Policy.

Employer Responsibility

- Ensure fair and transparent recruitment practices with an aim to select the right candidate for the job.
- Train staff involved in the recruitment process on the school's Equal Opportunities and Dignity at Work Policy and existing legislation on immigration.
- Treat job applicants equally regardless of age, disability, gender re-assignment, race, colour, nationality, ethnic or national origin, religion or belief, sex, sexual orientation, marriage or civil partnership, pregnancy or maternity.
- Use of pre-employment health questionnaires only where it is for the purpose of making reasonable adjustments.
- Employment terms of the job vacancy are consistent with the rest of the school.
- Ensure that the school meets its commitment to safeguarding and promoting the welfare of children by carrying out all the necessary checks on new employees and volunteers.

Equal Opportunities

Avon House is committed to tackling discrimination and promoting equality and diversity. We are also committed to providing the best possible care and education for our pupils and to safeguard and promote the welfare of children.

Scope

All those involved in the recruitment of staff are responsible for complying with this policy and to be familiar with protocols. This could include Governors, recruitment agencies and staff. Employees involved in the recruitment process shall be trained on best practice, equal



opportunities and anti-bribery and anti-corruption policies. The policy will be reviewed regularly to ensure compliance with changes in legislation.

Please refer to the following policies in conjunction with this policy: Equal Opportunities and Dignity at Work Policy, Anti-Bribery and Anti-Corruption Policy.

Recruitment and Selection Process

The School will seek to recruit the best applicant for the job. During the process of selection, the School will ensure the identification of the person best suited based on qualifications, experience, knowledge, abilities and fulfilment of the job description.

Advertising

Advertisements will be concise and informative for prospective applicants. The requirements of the Data Protection Act will be strictly adhered to. All advertisements for posts, whether in newspapers, journals or online, will include a safer recruitment statement.

Job Description

This will be displayed from the beginning of the advertising process. It will clearly set out all duties and responsibilities. The person specification will be included in the job description detailing skills, abilities, experience and expertise required in order to carry out the job to a high standard.

Applications

The school has a bespoke application form which all prospective candidates must complete. The application form contains questions surrounding full educational, professional and employment history. The application form also states that posts are exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020.

The applicant should provide:

- Personal details, current and former names, current address and NI number
- Details of present (or last) employment with reason for leaving
- Full employment history
- Qualifications, the awarding body and dates
- Details of referees
- Personal statement including why they think they are suitable for the role

Any gaps that appear in employment history will need to be justified. Any convictions regarding working with children must be declared. The school will not accept a CV (curriculum vitae).

Any false information given is an offence and could result in the application being rejected or in certain circumstances referred to the police, Disclosures and Barring Service or the Teaching Regulation Agency.

The application form also provides information of where candidates can obtain legal advice on if and which convictions should be disclosed if they are shortlisted.

The school will usually ask for all applications to be supported by a covering letter.



Applicants not shortlisted shall be advised accordingly.

Applications shall be treated confidentially and in accordance with the Data Protection Act 2018.

Application forms, job descriptions and the School's Safeguarding Policy can be downloaded from the school website or the applicant can request a paper copy via the HR Administrator. All advertised jobs will have a closing date.

The appointment of a new Head Teacher shall be conducted by a Governor and two senior members of staff or responsibility be devolved to a specialist recruitment company.

Shortlisting Process

The School will nominate at least three members of senior staff relevant to the position being offered to form the shortlisting panel. The shortlisting of candidates' process will:

- Use the job description and person specification to define a set of benchmarks.
- Consider any inconsistencies and look for gaps in employment and reasons given for these.
- Ensure the review of each candidate by the members of the panel individually.
- Have the shortlisting panel to meet after individual consideration to establish the list of shortlisted candidates.

All shortlisted candidates will be requested to sign a statement requiring a self-declaration of any relevant criminal background information or convictions.

Interviews

The interview process shall be conducted by at least two senior members of staff or a senior staff member and a Governor, at least one of whom has been trained in safer recruitment practices. All applicants will be interviewed by the same person or panel. Wherever possible interviews will take place face-to-face. Prior to interview the following checks will take place:

- The person's identity - this should be photographic (passport, driving licence)
- Checking the applicants name from the birth certificate (original)
- The person's right to work in the UK
- The person's qualifications - these should be relevant to role the applicant has applied for
- Documentation confirming their NI number
- Original qualification certificates referred to in their application form
- Most recent DBS certificate (if they have one)

The candidate's suitability to work with children will be explored at interview in conjunction with the job specification. Interviews and any tests shall focus on abilities, qualifications, experience and merit, and be reviewed against the job description and person specification.

The School will make reasonable adjustments to accommodate the particular needs of any person who has notified the school of his/her disability within the meaning of the Equality Act 2010.

Any information in regard to past disciplinary action or allegations, convictions or cautions needs to be discussed during interview and circumstances of the individual taken into account.

Job offers shall not be made during or at the end of an interview but subject to all relevant checks.



Notes taken at the interview and part of the decision-making process will be retained by the HR Administrator. These will be added to the successful candidates file. Feedback for all shortlisted candidates will be given where requested.

References

All references, whether given or received must have the consent of the individual. The School habitually seeks references for new employees. Similarly, the School also receives requests for references of its past employees. When giving references, the School has a duty of care to ensure information provided is accurate and factual. All reference requests, including online requests through websites such as LinkedIn etc., must be forwarded to the Head Teacher. The reference provided will contain only factual information, and will not state personal opinions about the employee's performance or conduct.

References for short-listed applicants will be requested in advance of an interview. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted. In such cases, this reference will be taken up immediately after interview and prior to any formal offer of employment being made.

Two professional references must be provided. These will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions. Any discrepancies or anomalies will be followed up. Where necessary, referees may be contacted by telephone or email in order to clarify any anomalies or discrepancies. The telephone number for the referee should be obtained independently e.g. using the internet or directory enquiries and not rely on the details supplied by the candidate. Where necessary, previous employers who have not been named as referees may be contacted in order to clarify any anomalies or discrepancies. 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.

Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism". In doing so the school will always have regard to the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states: *"Extremism" is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations.*"

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

Two references should be obtained for members of staff applying for internal positions (where an existing member of staff applies for a role or position within the School) including for:

- internal promotions
- position moves
- new, but not renewed, responsibility allowances



Typically, one reference will be sought from the current employer completed by a senior person with appropriate authority (e.g. Head Teacher) and another with the relevant employer from the last time the applicant worked with children (if not currently working with children). These references are supplied on a standard Avon House application form.

Qualification Requirements

Applicants must be able to demonstrate they have obtained any academic or vocational qualifications relevant to the post and claimed by them in their application form and which were taken into account when making the appointment. Applicants will be asked to provide original copies of these when attending interview. Applicants who are unable to bring these to interview must do so before taking up appointment and before the appointment is confirmed.

Offers of Appointment

Following the interview process, a decision will be made regarding employment. This will be dependent on the required appointment checks (see below). An offer letter will be sent to the successful candidate and unsuccessful candidates informed accordingly.

All appointments are made subject to a satisfactory probationary period. Specific details shall be provided in individual terms and conditions.

In the case of internal recruitment, the employee shall be sent a letter confirming the variation to their terms and conditions.

Appointment Checks

- 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 School considers to be satisfactory.
- Suitability Declaration form.
- The receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory. All School staff are required to have an enhanced DBS certificate. If the applicant has registered with the DBS Update Service, the HR Administrator can check this rather than carrying out a new DBS check. The School cannot accept a DBS certificate from another provider if it is neither part of the Update Service nor an enhanced check.
- All staff will be checked against the Children's Barred List as part of the DBS check.
- For teaching positions, confirmation from the Teaching Regulation Agency (TRA) that the applicant is not: subject to a prohibition order, failed induction/probation, the subject of a suspension or conditional order imposed by the General Teaching Council for England.
- Head Teachers, Governors, Heads of Department and staff on the Senior Leadership Team are also subject to s128 direction check through the TRA.
- Verification of the applicant's right to work in the UK in accordance with the Immigration, Asylum and Nationality Act 2006. If there is uncertainty about whether an individual needs permission to work in the UK, then we follow the advice on the GOV.UK website.
- All new employees who have lived outside the UK are subject to additional criminal records checks for overseas applicants.



- Verify professional qualifications, as appropriate.

Appointments will only be confirmed after all checks have been completed satisfactorily. A start date can then be agreed. If the DBS certificate does not arrive before the anticipated start date, the start date may need to be modified.

If a DBS check is not available the following procedures will be put in place:

- A barred list check will have taken place.
- All other checks must be complete.
- Risk assessment carried out.
- A member of the support staff will be assigned to shadow them for safeguarding purposes.
- A review will take place each week with the relevant SLT staff to check the status.

Once a job offer has been confirmed, applicants will be requested to fill out the School's medical form.



Suitability checks for applicants who have lived or worked outside the UK

If, because of a person living or having lived outside of the UK, a DBS check is not considered sufficient to establish suitability to work in a school, the School will carry out such further checks as deemed necessary, in line with relevant DfE and Home Office guidance. The checks usually involve a police check from the overseas country or country but where this is not possible additional references from the country concerned may be sought. All new appointments where persons are living or have lived outside the UK for more than three months once over the age of 18 will be subject to such additional checks.

Where the additional checks have not been received before the person is due to start work, they may be permitted to commence employment with a risk assessment in line with those for members of staff commencing work before their DBS certificate has been received.

The HR Administrator will be responsible for coordinating these checks and for coordinating the checking for evidence of permission to work.

Where a person is an overseas-qualified teacher, the School will follow the Teaching Regulation Authority (TRA) guidance 1st January, 2021 on requirements for overseas qualified teachers and will ensure staff have the relevant qualifications.

All applicants (for any role) who have lived and worked in any country overseas in the previous ten years while aged 18 or over must undergo:

- all the checks as for other staff (including an enhanced DBS check, even if the applicant has never been to the UK), plus
- any additional checks the School considers appropriate: these additional checks could include, where available, a criminal records check for overseas applicants, in line with relevant DfE and Home Office guidance.
- for applicants for teaching roles, these additional checks could also include a letter of professional standing from the professional regulating authority (in the country/countries the applicant has worked) confirming they have not imposed sanctions or restrictions or are aware the applicant is unsuitable to teach where available. This will be assessed on a case by case basis by the Head and HR Administrator.

Where this information is not available, the Schools will seek alternative methods of checking suitability and / or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment. (see appendix A)

The HR Administrator will be responsible for coordinating these suitability checks, and for coordinating the checking for evidence of permission to work. Where a person is an overseas-qualified teacher, the School will follow the TRA guidance on requirements for overseas-qualified teachers and will ensure staff have the relevant qualifications.

Disqualification from Childcare

Keeping Children Safe in Education (KCSiE) requires schools to ensure that all staff working or directly concerned in the management of Early Years setting (children aged 0-5 years), including reception and out-of-hours school care for children up to eight years of age are not “disqualified”.



The grounds for disqualification are, not only that a person is barred from working with children (included on the Children's Barred List) but also include, in summary, that:

- They have been cautioned for, convicted or charged with certain violent and sexual criminal offences against children and adults, at home and abroad;
- Other orders have been made against them relating to their care of children;

Staff complete a Childcare Disqualification Declaration on appointment and annually thereafter.

If a staff member has grounds for disqualification and is disqualified, the School may, in some circumstances, apply to Ofsted for a decision to waive the disqualification.

Prevent

The aim of the Prevent Statement is to create and maintain a safe, healthy and supportive learning and working environment for our pupils, staff and visitors alike. We recognise that extremism and exposure to extremist materials and influences can lead to poor outcomes for pupils. We further recognise that if we fail to challenge extremist views, we are failing to protect our pupils from potential harm. As such the Prevent agenda will be addressed as a safeguarding concern. The Prevent Statement applies to everyone working at or attending the school.

It confers responsibilities on the Governors, school staff, pupils, agency staff and volunteers, contractors, visitors, consultants and those working under self-employed arrangements. The school has adopted the Prevent Duty 2015 in accordance with legislative requirements.

Indicators of vulnerability of children and young people to radicalisation may include:

- discomfort about their place in society;
- low self-esteem;
- involvement with a new and different group of friends – sometimes older;
- accessing or possessing extremist literature;
- accessing violent extremist websites, especially those with a social networking element;
- rejection of civic life.

We will endeavour to incorporate the relevant duties so as not to:

- Stifle legitimate discussions, debate or student engagement activities in the local community;
- Stereotype, label or single out individuals based on their origins, ethnicity, faith and beliefs or any other characteristics protected under the Equality Act 2010.

Induction

All new employees will be given induction training before commencement of employment. This will lay out school policy and procedures including Safeguarding, Health & Safety, Fire, Behaviour Management and Anti-bullying, Staff Code of Conduct and Acceptable Use Policy, however this list is not exhaustive and new staff will be expected to read school policies that assist in the high performance of their role. safeguarding training including Prevent must also be completed.



Recruitment of Ex-Offenders

Avon House actively promotes equality of opportunity for all with the right mix of talent, skills and potential, and welcomes applications from a wide range of candidates, including those with criminal records. A criminal record will not necessarily be a bar to obtaining a position at the School; this will depend on the nature of the position and the circumstances and background of the offences. We select candidates for interview based on their skills, qualifications and experience.

At interview, or in a separate discussion, we undertake to conduct an open and measured conversation on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer for employment. We undertake to discuss any matter revealed in a Disclosure with the person seeking employment before withdrawing a conditional offer of employment.

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to children. Therefore, any convictions and cautions that would normally be considered 'spent' must be declared when applying for any position at school.

Contractors

Contractors engaged by the School must complete the same checks for their employees that the School is required to complete for its staff. The School requires confirmation that these checks have been completed before employees of the contractor can commence work at the School. The School will independently verify the identity of staff supplied by contractors. The Head Teacher or SLT member will discuss with contractors appropriate behaviours when they are on site and will discuss the Safeguarding Policy before work commences.

Peripatetic Teachers

Peripatetic teachers must submit the same information and may not commence working until an enhanced DBS disclosure has been received and details have been entered onto the register.

Supply Teachers

Supply teachers must submit the same information and may not commence working until the School has checked with the relevant supply agency that the required checks have been carried out (identity, enhanced DBS (renewed every three years), right to work in the UK, barred list/List 99, prohibition check, qualifications, overseas checks plus in line with KSIE two references, declaration of medical fitness, check of previous employment history). Confirmation from the supply agency must be received in writing or by email before the teacher can start work. In some circumstances, the school will have to consider an allegation against an individual even if not directly employed by us where our disciplinary procedures may not apply, this would be where they were supplied to school from an employment agency. This complies with the Education Regulations 2014. The SCR will show that these checks have been made and the school will also carry out its own identity check. These checks will take place before employment commences and an ID and DBS check will be carried out on the first day of employment.



Visiting Speakers

The school often has visiting speakers or guests in school who enhance the teaching programme. The school office keep a list of those who have visited school for these purposes. Prior to the visit to the school, we check that the person is suitable to work with the children. Upon arrival, an ID check will be done and if the visitor has a DBS for the company they are representing this will also be checked. Visitors will be signed in under normal procedures and will be advised of safeguarding protocols and fire evacuation procedures. All visitors who are not part of the school staff will be escorted by a teaching support member of staff during their visit.

Staff transferred under TUPE

The school will check that where staff are transferred under TUPE, information will be passed to the new employer and a note made on the register that details have been accepted under TUPE.

Volunteer Helpers

All volunteers must submit the same information and may not commence working until an enhanced DBS disclosure has been received. This check will be carried out for those who will be working in regulated activity or providing intimate care. The school will determine the level of checks required according to their role.

Students from higher education establishments will be requested to provide the school with the DBS disclosure from the college or university. If the student is unhappy to supply this information, the school will not continue with the placement and the university/college will be notified.

School Trustees and Governors

All school Trustees and Governors will complete:

- Enhanced DBS
- Right to work in the UK check
- Photographic ID check
- Prohibition from management check
- Overseas check (if applicable)
- Barred list if they are going to work in a regulated activity
- Prohibition from teaching if they are going to carry out a teaching role

These details will be entered on the single central record.

Mr David Malyon (Trustee and Governor) is the registered person with the DfE and is responsible for the management of the school.

All appointments must be confirmed under the signature of the Head Teacher or in her absence a member of the Senior Management Team before they can be taken up.

Responsibility for the maintenance of the central record and for the collection and collation of evidence is devolved to the HR Administrator under supervision of the Head Teacher and the nominated School Governor who takes overall responsibility.



Should you have any questions regarding this policy, please contact the Head Teacher or the Chair of Governors.

Reviewed January 2020 AC
Reviewed August 2020 SFBC
Reviewed April 2021 AC
Reviewed November 2021 AC
Reviewed April 2022 AC



Appendix A

Risk Assessments

There would need to be exceptional and justifiable circumstances for employment to commence prior to DBS clearance. Such a decision can only be taken by the Head Teacher or a member of the Senior Leadership Team, following a risk assessment. In any circumstances, potential employee cannot commence work prior to the Barred List check being completed. Nor may they commence work prior to the submission of their completed disclosure application to the DBS.

There must be a record of the Risk Assessment and decision, including “sign off” by the Head Teacher, to ensure the auditability and accountability of the judgement. The judgement is an assessment of the risk versus the consequences of the decision. The Risk Assessment pro-forma (see attached) is to be used to act as an auditable record of the decision made following risk assessment and must contain the signature of one of the accountable persons. This responsibility cannot be delegated.

If a decision is taken to allow an employee to commence work prior to receiving the DBS certificate, the employee must have completed and submitted their completed disclosure application to the DBS, and their contract of employment should remain subject to this condition being met. The application’s progress within the DBS system should be checked and monitored on a regular basis.

Robust and reliable supervision arrangements must be put into place during the “waiting period”. The employee must be clearly notified of the supervision arrangements that are in place. The situation must be checked and monitored at least every two weeks. The Head Teacher, Deputy Head or Bursar remains accountable during this time, until the clearance is received, checked and suitability confirmed.

If at any stage, the new member of staff’s behaviour is of concern, or the protection measures are not able to be implemented or sustained, then the permission to work must be withdrawn until such time as all checks have been satisfactorily completed.

RISK ASSESSMENT: CONSIDERATION OF COMMENCEMENT OF EMPLOYMENT PRIOR TO DBS CLEARANCE

<p>Name of prospective employee: Role:</p>	<p>Name of Assessor (Head Teacher/Bursar/Deputy Head): Date of Risk Assessment:</p>	
RECORD OF FINDINGS		
<p>Reasons for considering commencement of employment prior to receiving clearance:</p> <p>Consequences of waiting for clearance (i.e. not allowing the prospective employee to start prior to receiving a satisfactory disclosure):</p>	<p>Supervision arrangements during "waiting period" and any other control measures:</p>	<p>Pre-employment checklist: Has the employee left employment? Y / N Medical clearance received? Y / N / NA Right to work in UK check completed? Y / N Qualifications verified? Y / N ICBL check completed (if applicable)? Y / N References (x2) verified? Y / N Satisfied with general background & Employment history checks? Y / N</p> <p>Previous DBS clearance: Is a previous disclosure available? Y / N Has it been seen by you? Y / N Date?</p>
<p>Assessment of Risk following control measures (circle one): HIGH MEDIUM LOW</p>		
<p>Options:</p> <p>1) if assessed as HIGH or MEDIUM Risk this prospective employee may not commence work prior to satisfactory clearances. 2) Following an assessment of the risks, if assessed as LOW risk, I have determined that the above named person may commence employment with the identified control measures. I undertake to personally review this situation at intervals of no less than every two weeks.</p>		