

# 22 Recruitment, Selection & Disclosure Policy and Procedure

## 1. Introduction

MPW is committed to providing the best possible care and education to its students and to safeguarding and promoting the welfare of children and young people. The college is also committed to providing a supportive and flexible working environment to all its members of staff. The college 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 college's staff 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 status or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including statutory guidance published by the Department for Education (DfE) (formerly the Department for Children, Schools and Families) - Safeguarding Children and Safer Recruitment in Education (SCSRE), 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 college 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 & 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. 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.

The applicant may then be invited to attend one or more **formal interviews** at which his/her relevant skills and experience will be discussed in more detail. The precise format of the interview will vary according to the type of post that has been applied for. Applicants will receive further guidance about the format of their interview(s) when an invitation to attend an interview is made.

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 college's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of at least two references (one of which must be from the applicant's most recent employer) which the college 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 original documents have not been provided at the interview, the receipt of original documents confirming any relevant educational and professional qualifications referred to in their Application Form;
- the receipt of an enhanced disclosure from the DBS with which the college is satisfied;
- verification of the applicant's medical fitness for the role;
- where the position amounts to "regulated activity" (see 4.3 below) confirmation that the applicant is not named on the Children's Barred List administered by the DBS;
- verification of the applicant's right to work in the UK; and

- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK.

Copies are made of the documents identified above and are stored in the staff member's personnel file.

### **3 Medical Fitness**

The college is legally required to verify the medical fitness of anyone to be appointed to a post at the college, **after** an offer of employment has been made but **before** the appointment can be confirmed.

It is the college's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. 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, layout of the college etc. The college will arrange, where necessary, for the information provided to be reviewed by the college's medical adviser. If the college's medical adviser has any doubts about an applicant's fitness the college will consider reasonable adjustments in consultation with the applicant. The college 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.

The college 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.

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

In accordance with the recommendations set out in SCSRE, KCSIE and the requirements of The Education (Independent School Standards) (England) Regulations 2010 the college 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 original documents confirming any relevant 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 college asks for the date of birth of all applicants (and proof of this) in accordance with SCSRE and KCSIE. Proof of date of birth is necessary so that the college may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The college does not discriminate on the grounds of age.

Copies are made of the documents identified above and are stored in the staff member's personnel file.

#### **4.2 References**

All offers of employment will be subject to the receipt of a minimum of two satisfactory references, one of which 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, where possible, 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 which the applicant has applied for. 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, unfounded or malicious;

- 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, unfounded 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 college will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.

The college will 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 college applies for an **enhanced** certificate from the DBS in respect of all prospective staff members, Directors and volunteers.

The college 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 at the College 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 maintained by the DBS. Any position undertaken at, or on behalf of, the college (whether paid or unpaid), will amount to "regulated activity" if it is carried out:

frequently, meaning once a week or more; or

overnight, meaning between 2.00 am and 6.00 am; or

satisfies the "period condition", meaning four times or more in a 30 day period; and

provides the opportunity for contact with children.

This definition will cover nearly all posts at the college. Limited exceptions could include an administrative post undertaken on a temporary basis in the college office outside of term time. It is for the college to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the college. It is a condition of employment with the college that the original disclosure certificate is provided to the college within two weeks of it being received by the applicant. Original certificates should not be sent by post. Applicants who are unable to attend at the college 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 the Principal. Where a certified copy is sent, the original disclosure certificate must still be provided on the first working day. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the college.

If there is a delay in receiving a DBS disclosure the Principal has discretion to allow an individual to begin work pending receipt of the disclosure. If the position amounts to regulated activity this will only be allowed if all other checks, including a clear check of the Children's Barred List have been completed and once appropriate supervision has been put in place.

The Principal may accept a disclosure from a previous employer if the applicant provides written consent. Such disclosures will not, however, be accepted if there is a gap in employment of three months or more.

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 a criminal records check or a certificate of good conduct from the relevant jurisdiction(s) if one is available.

## **5. Contractors and Agency Staff**

Contractors engaged by the college must complete the same checks for their employees that the college is required to complete for its staff. The college requires confirmation that these checks have been completed before the Contractor can commence work at the college.

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

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

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

### **6.1 Background**

The college will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The college makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar him/her from employment within the college. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 6.2 below.

All positions within the college 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 college. 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 college 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 within the college. The college 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.

### **6.2 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 college will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the college's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of 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 college's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the college's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

### **6.3 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 college will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Principal of the college and a Director of the MPW Group before a position is offered.

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 college will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

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

The college'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 college 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 college's Senior Leadership Team and the personnel officer;
- not retain disclosure information or any associated correspondence for longer than is necessary and for a maximum of six months. The college 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 without the express permission of the individual to whom the disclosure relates

## **7. Retention of records**

The college is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the college 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 college to discharge its obligations as an employer e.g. so that the college 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 college for the duration of the successful applicant's employment with the college. It will be retained for a reasonable period after employment terminates after which it will be securely destroyed.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months unless the applicant specifically requests the college to keep their details on file.

## **8. 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. However, all applicants should be aware that the college also has a legal duty to make a referral to the DBS in circumstances where an individual:-

- has applied for a position at the college despite being barred from working with children; and
- has been removed by the college 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 college may also decide to make a referral to the NCTL.

## **9. Queries**

If an applicant has any queries on how to complete the application form or any other matter they should contact the college Principal.