

Recruitment & Selection Policy for Employees and Volunteers

(in conjunction with the Peninsula Multi Academy Trust)

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1 Introduction

- 1.1 Recruiting the best people to our school is vital for our continued success in providing the highest standards of education to our students.
- 1.2 Not appointing the right people to our roles can have a negative impact on the performance of our school.
- 1.3 The Headteacher is responsible for deciding on the arrangements to recruit to any post, with the exception of the Headteacher, where the Governing Body and Trust Board will be responsible.
- 1.4 In carrying out our recruitment processes we:
 - 1.4.1 are committed to the creation of a safe environment for our students by operating safer recruitment practices in line with the statutory requirements and guidance.
 - 1.4.2 will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Our Data Protection Policy sets out how we will comply with Data Protection Legislation.
 - 1.4.3 will comply with the requirements of the Equality Act (2010) and are committed to ensuring that throughout our recruitment and selection processes no applicant is disadvantaged or discriminated against because of the protected characteristics of age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation.
- 1.5 In the very exceptional cases where we are required to discriminate due to an occupational requirement, this must be approved by the Governing Body who will provide reasons for this requirement.
- 1.6 Recruitment will be solely on the basis of the applicant's abilities and individual merit as measured against the criteria for the job. Qualifications, knowledge, experience and skills will be assessed at the level that is relevant to the job.
- 1.7 If an applicant makes the school aware, at any stage of the recruitment process, that they have a disability then reasonable adjustments must be considered to ensure the applicant is not disadvantaged by the process.

2 Scope and Purpose

- 2.1 The purpose of this policy is to set out our processes for recruiting, selecting and appointing any employee to work within our School.
- 2.2 Sections 13 and 14 on Disclosure and Barring Service checks also applies to volunteers in our School.

3 Safer Recruitment

- 3.1 All recruitment must be in line with this policy to ensure that we identify, deter and prevent people who pose a risk of harm from working with our students.
- 3.2 The recruitment of all applicants and volunteers to our school must, without exception, follow the processes of safer recruitment. All offers of employment will be subject to us being satisfied that the applicant or volunteer is a suitable person to work with children and young people.
- 3.3 Any person involved in recruiting to our School must read the current 'Keeping Children Safe in Education' guidance (or updated statutory guidance) produced by the DfE and our school's Child Protection & Safeguarding Policy. These can be obtained from the school Handbook.
- 3.4 All recruitment must be planned to ensure that there is adequate time available to recruit safely.
- 3.5 Any person who becomes aware that this policy is not being followed during recruitment must inform the Headteacher and/or HR Manager immediately.
- 3.6 All of the checks described in Sections 12 and 13 must be carried out and have been determined as satisfactory before an applicant can start their employment with Weatherhead High School.

4 Equal Opportunities

- 4.1 When recruiting, the school will adhere to its Single Equality Policy.
- 4.2 The school will not discriminate against any protected characteristics, such as disability or gender, and will always promote difference and inclusion.
- 4.3 The school will, where necessary, make reasonable adjustments to ensure the interview is accessible to all candidates. Candidates should inform the school of any reasonable adjustments that they need when they receive an invitation for interview.
- 4.4 Candidates will not be asked about their health or any disabilities before a job offer is made, unless one of the following exemptions applies:
 - Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments)
 - Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment
 - Positive action to recruit people with disabilities
 - Equal opportunities monitoring (which will not form part of the decision-making process)

5 Advertising

- 5.1 Any vacant position will normally be advertised via the appropriate channels to ensure the most appropriate field of applicants is obtained, keeping in mind the need to reach disadvantaged groups.
- 5.2 The school may use social media for recruitment and, if doing so, will ensure that the advertisement is reaching the right people and is communicating the ethos of the school effectively and appropriately.
- 5.3 The contact point for telephone or email enquiries will be clearly outlined and application forms will be accessible in electronic format and can also be sent out to applicants upon request.
- 5.4 All advertisements will have the following statement about safeguarding children and young people and the requirement to have a DBS check:

Weatherhead High School is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment. All offers of employment are subject to an Enhanced DBS check, and where applicable, a prohibition from teaching check will be completed for all applicants.'

- 5.5 All advertisements will also include the following statement if the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020:

'This post is exempt from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020). This means that certain convictions and cautions are considered 'protected' and do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website:

[https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974.](https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974)

- 5.6 Under Part 7 of the Immigration Act 2016, the Public Sector fluency duty requires state funded schools to ensure candidates for their customer facing roles have the necessary standard of spoken English. For example, a teaching assistant required to communicate with students to support their learning would be viewed as operating in a public-facing role. Adverts (and job descriptions) should make clear the necessary standard of spoken English required for the role.
- 5.7 All applicants will be provided with a copy of our Recruitment Privacy Notice which sets out how we will gather, process and hold personal data of individuals during and after the recruitment process.

6 Job Description and Person Specification

- 6.1 A job description will be required for all posts which describes the duties and responsibilities of the post. It must be up to date, accurate and specific to the role. The job description must also include a person specification which outlines all of the necessary skills, abilities, experience, attitude, behaviours, qualifications and knowledge requirements for the post.

- 6.2 All job descriptions and person specifications must make reference to the responsibility for safeguarding and promoting the welfare of children, and will also include details of any probationary period applicable and equal rights and opportunities material.

7 Application Form

- 7.1 All applicants are required to fill out an application form. CVs will be accepted but will not replace the application form.
- 7.2 The application form will further inform applicants that, if successfully shortlisted, they will be asked to disclose information regarding any relevant cautions and convictions which are not 'protected'. If candidates are unsure, they can seek clarification from the Ministry of Justice website: <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>
- 7.3 Applicants will be short-listed against the requirements of the person specification. The same people should carry out the short-listing and the interviews, and this should be at least two people. The outcome of the short-listing process will be recorded and retained.
- 7.4 The equal opportunities monitoring form must be removed from the application and not provided to the short-listing panel.
- 7.5 The short-listing panel is responsible for scrutinising the application forms and identifying any gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. A satisfactory explanation for any concerns, including any concerns as a result of online searches, must be obtained from the applicant during the interview process.

8 Identification of the Interview Panel

- 8.1 The interview panel will comprise of an 'appointing officer', responsible for the management of the entire recruitment process. Between two and four selectors (panel members) is appropriate for most appointments.
- 8.2 For leadership posts, teaching posts associated with a TLR of 1 or higher, and support staff posts higher than NJC points 29 and above, the interview panel will also include a member of the Governing Body.
- 8.3 For Headteacher recruitment, the Chair of the Trust will also be a member of the recruitment panel. The Governing Body will make a recommendation to the Trust and the Trust Board will be required to approve the appointment.
- 8.4 At least one member of the panel will have successfully completed training in safer recruitment within the last three years.

9 Applicants Invited for Interview

- 9.1 Once a shortlist has been decided, the successful applicants will be contacted and invited to interview.

- 9.2 The invitation will ensure all candidates receive information about the arrangements, how the selection process will be conducted, any preparation needed and what areas will be explored.
- 9.3 Prior to interview the school will request references.
- 9.4 All offers of employment will be conditional upon receipt of at least two satisfactory written references. References will:
- be requested for all shortlisted applicants, including internal applicants;
 - include the applicant's current or most recent employer and where an applicant for a teaching post is not currently employed as a teacher, will include the applicant's most recent employer as a teacher;
 - ask the current employer for details of any capability history in the previous two years, and the reasons for this;
 - be directly from the referee, who will be a senior person with appropriate authority and confirmed as accurate by the headteacher/principal in respect of any disciplinary investigations;
 - not be accepted if they are 'to whom it may concern' letters;
 - request information on the applicant's suitability to work with children and young people from the last employer where the applicant worked with children (if not currently working with children);
 - be verified with the person who provided the reference and, where the reference is provided electronically, verify that it is from a legitimate source;
 - be clarified with the referee where the information is vague or insufficient;
 - establish the reason for the candidate leaving their current or most recent post;
 - be compared with the information set out in the application form and any discrepancies discussed with the candidate;
 - be requested before the interview; and
 - be explored further with the referee and with the applicant during the interview if necessary.
- 9.5 Where it has not been possible to obtain references before the interview any concerns that are subsequently raised will need to be resolved before the appointment is confirmed.
- 9.6 In order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after a conditional offer of employment has been made.
- 9.7 The school may conduct searches, either ourselves or through a third party, of the online presence and publicly available social media content of shortlisted candidates to identify

any comment, image or other content that could cause reputational damage to the school; and/or give rise to a safeguarding concern.

- 9.8 Management of online searches (either by carrying out the search or instructing a third party to do so), and the collation of information will be carried out independently from those managing the shortlisting process. Only information relevant to potential reputational damage and/or safeguarding concerns obtained from the search will be passed to those managing the shortlisting process.
- 9.9 Weatherhead High School is aware of its responsibility under the Police Act 1997 not to discriminate applicants on the basis of their criminal record.
- 9.10 Shortlisted candidates will be required to complete a Self-Declaration Form of their criminal record or information that would make them unsuitable to work with children. Applicants will only be asked to disclose and discuss criminal convictions and/or cautions which are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) that may deem them unsuitable. Where this is provided electronically, the shortlisted candidate will be asked to physically sign a hard copy at the point of the interview.

10 Interviews

- 10.1 A face-to-face interview must take place for all applicants to all posts.
- 10.2 All those involved in interviewing must be properly prepared to undertake the role, which may involve appropriate interview training. At least one person on the interview panel must have completed the appropriate safer recruitment training within the last three years.
- 10.3 The purpose of the interview is to assess the merits of each applicant against the job description and person specification to establish their suitability for the post and to work with children and young people.
- 10.4 Interviews should be conducted with a minimum of two interviewers on the panel to enable a broader assessment and professional judgement when considering candidates' responses.
- 10.5 Before the interview commences, the interview panel should have:
- prepared appropriate questions for the role;
 - prepared appropriate questions to test the applicant's suitability to work with children and young people;
 - identified any areas for further probing; for example, if a criminal record has been declared, any information about past disciplinary action/allegations, or if there are gaps in employment etc;
 - agreed assessment criteria which reflects the person specification; and
 - decided a structure to the interview and established which member of the panel will ask which questions.

- 10.6 A set of common questions relating to the requirements of the post will be asked of each applicant. Their response will determine whether that is followed up through further questioning.
- 10.7 Any gaps in employment history and any concerns identified as part of the online and social media checking process must be explored during the interview process.
- 10.8 Candidates shortlisted for interview will be asked about their suitability to work with children. Areas that may be concerning and lead to further questions include:
- implication that adults and children are equal;
 - lack of recognition and/or understanding of the vulnerability of children;
 - inappropriate idealisation of children;
 - inadequate understanding of appropriate boundaries between adults and children;
and
 - indicators of negative safeguarding behaviours.
- 10.9 The interview panel must ensure a fully completed Self-Declaration Form is discussed and considered. Should a disclosure be present on the declaration form, or the applicant verbally shares a disclosure, the panel must complete the Disclosure Discussion Form.

11 Other Selection Methods

- 11.1 In addition to a face-to-face interview with the interview panel a variety of other selection methods may be used, such as:
- Observation of teaching in our school;
 - One or more additional panel interviews (for example, a panel made up of students from our school);
 - A presentation;
 - Written task;
 - In tray exercises; and/or
 - Psychometric testing.
- 11.2 Those responsible for deciding the arrangements for recruitment to a specific post will determine the selection method(s). They will be relevant and appropriate to the role and will be based on the requirements for the particular post as set out in the job description and person specification.
- 11.3 Candidates will be informed in advance if any selection methods are to be used in addition to a face-to-face interview and what these are.

12 Level of Language Proficiency

- 12.1 Under the 'fluency duty' (Part 7 of the Immigration Act 2016), public authorities are required to ensure that workers in public facing roles are fluent in English (or Welsh in Wales). Public facing roles are those members of teaching and support staff who, as a regular and intrinsic part of their role, are required to speak to members of the public (including students in schools).
- 12.2 The school will accept a range of evidence of spoken English language ability as follows:
- competently answering interview questions in English
 - possessing a relevant qualification for the role attained as part of education in the UK or fully taught in English by a recognised institution abroad
 - passing an English spoken language competency test or possessing a relevant spoken English or Welsh qualification at CEFR Level B1 or above, taught in English by a recognised institution abroad

13 Pre-employment checks

- 13.1 An offer of appointment to the successful applicant will be conditional upon the following:
- 13.1.1 receipt of at least two satisfactory written references (one of which must be their current or most recent employer);
- 13.1.2 verification of the applicant's identity, preferably from current photographic ID and proof of address. It is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate where this is available;
- 13.1.3 verification of the applicant's medical fitness;
- 13.1.4 verification of qualifications where relevant;
- 13.1.5 verification of professional status where applicable. For teachers, this will include checking that the individual has the required teaching qualification and has successfully completed any statutory induction, if required, through the Teacher Services System;
- 13.1.6 satisfactory enhanced DBS check (see Section 13);
- 13.1.7 satisfactory online searches (see Section 8)
- 13.1.8 for management positions (Applicable to Governors/Trustees, Headteachers, members of the Senior Leadership Team and Curriculum Leaders), verification that they are not subject to a section 128 direction by checking the Teacher Services System;
- 13.1.9 for teachers and other employees who hold QTS who are working in non-teaching roles, verification that they are not subject to a prohibition order by checking the Teacher Services System;

- 13.1.10 for overseas teachers or teachers who have taught overseas, satisfactory check to determine any restrictions/sanctions that have been imposed by an EEA member state or other country, through the provision of a letter of professional standing from the professional regulating authority in the country that they qualified. ¹
- 13.1.11 a clear children's barred list check (except supervised volunteers) if working in regulated activity;
- 13.1.12 verification of right to work in the United Kingdom;
- 13.1.13 any further checks where the applicant has lived or work outside of the UK including receipt of criminal record information from overseas;
- 13.2 All checks must be confirmed in writing, retained on the personnel file and recorded in the single central record (SCR).

14 Disclosure and Barring Service (DBS) checks - new employees and volunteers

14.1 Weatherhead High School will carry out a risk assessment to determine if a DBS check is required for each new employee and / or volunteer in accordance with Keeping Children Safe in Education. If a new employee and / or volunteer is assessed as requiring a DBS check, the following DBS checks will be undertaken for new appointments, before the employee or volunteer starts work:

Who?	Definition	Type of check
Employees who will be engaging in regulated activity	<p>As an educational institution which is exclusively or mainly for the provision of full-time education to children, Weatherhead High School is an establishment specified in the relevant legislation. Activity carried out in this establishment will therefore be Regulated Activity relating to children if it meets the definition in the relevant legislation, including that it is carried out:</p> <p>Frequently by the same person (for example, once a week or more) or on more than three days in any period of 30 days.</p> <p>Note – personal care of a child because of age, illness or disability, including physical help with eating, toileting, washing, bathing or dressing, is always Regulated Activity, regardless of how frequently it is carried out.</p>	An enhanced DBS check with children's barred list check will be obtained
Unsupervised volunteers	As above.	An enhanced DBS check with children's

¹ EEA regulator restrictions do not prevent an individual from taking up teaching positions in England; however, employers should consider the circumstances leading to the restriction when assessing a candidate's suitability to be employed.

		<p>barred list check will be obtained</p> <p>Those applying for Chair of Trustee posts must also have their identity verified for a stipulated professional as part of their DBS check as per the following link: gov.uk</p>
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- 14.2 In exceptional circumstances a new employee may be able to start before the enhanced DBS certificate has been received, but not before the children's barred list check has been completed. The school must ensure that appropriate supervision is in place until the DBS certificate has been received.
- 14.3 Under no circumstances will a volunteer who has not provided a DBS certificate be left unsupervised or allowed to work in regulated activity.
- 14.4 DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The DBS certificate will be cross-referenced with the applicant's signed self-declaration and the interview notes to ensure the information disclosed has been assessed correctly. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR). We are not required to take a copy of your DBS certificate; however, we may choose to do so for decision making purposes. Any copy will be held for no longer than necessary, up to a period of six months, and be processed in line with Data Protection legislation.
- 14.5 Any applicant who refuses to produce their DBS disclosure will not be able to start work at Weatherhead High School and the conditional offer will be withdrawn as satisfactory checks are not in place. Any volunteer who refuses to produce their disclosure will not be able to volunteer in the school.
- 14.6 Applicants (free for volunteers) can have their DBS certificate kept up to date and take it with them from role to role where the same type and level of check is required. Applicants or volunteers should be asked if they have subscribed to this service. The cost of this service is £13 per year. The expectation is that individuals personally fund this if required. Where the applicant or volunteer has subscribed, they should provide the school with the original disclosure document to be verified and the school will check the online update for any changes.
- 14.7 Applicants will only be asked to declare convictions and cautions that are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020).
- 14.8 Information relating to an individual's criminal record will only be shared with the relevant people to enable the school to make a decision about their suitability to work with children and young people.

15 Disclosure and Barring Service (DBS) Checks - existing employees and volunteers

- 15.1 An enhanced DBS and children's barred list check may be carried out on any employee or unsupervised volunteer (subject to risk assessment) where the school has concerns about an individual's suitability to work with children and young people. An enhanced DBS (no barred list check) may be carried out on any supervised volunteer (subject to risk assessment) where the school has concerns about their suitability to work with children and young people.
- 15.2 DBS certificates will only be issued to the applicant. The school expects all applicants to produce the disclosure when requested to do so. Any existing employee who does not produce their DBS disclosure will be managed through the disciplinary procedure.
- 15.3 All existing employees are required to inform us immediately if they are the subject of a police investigation or receive any conviction or caution which is not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) or any occurrence that may disqualify them from providing childcare under the Childcare (Disqualification) Regulations 2009. Failure to immediately report such information will result in disciplinary action, up to and including dismissal.
- 15.4 DfE guidance no longer requires or advises on the undertaking of DBS checks for existing staff; however, Weatherhead High School will ask that all staff renew their DBS every five years.

16 Agency Staff

- 16.1 In the case of agency staff, the school ensures that the arrangement with the agency imposes an obligation on the agency to carry out all recruitment checks as set out in Section 12, including DBS and children's barred list checks, that the school would otherwise complete for its staff. The school will obtain written confirmation from the agency that these checks have been carried out and are satisfactory. This must be recorded in the Single Central Record (SCR).
- 16.2 The agency must provide details of the DBS certificate before the agency worker arrives.
- 16.3 The agency worker must present their original DBS certificate on the first day of their engagement.
- 16.4 Upon the engagement of an agency worker, the agency is to be supplied with a copy of the school's Managing Allegations Procedure unless they have previously been provided with the most recent version of this procedure.

17 Trainee / Student Teachers

- 17.1 The school will ensure that enhanced DBS certificates and barred list checks are obtained on all 'salaried' applicants for initial teacher training.
- 17.2 Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks and provide written confirmation to the school that this has been undertaken. This information is recorded in the Single Central Record (SCR).

18 Procedures for Governors

- 18.1 Enhanced DBS checks are mandatory for Governors. The school will apply for a certificate for any Governor who does not have an enhanced certificate.
- 18.2 An enhanced DBS certificate with a barred list check will be requested if a Governor, is engaging in regulated activity.
- 18.3 The school will contact The Teaching Regulation Agency (TRA) Teacher Services to check if any proposed Governor is barred because of a Section 128 direction.

19 Third-Party employees and Contractors

- 19.1 The school will ensure that enhanced DBS certificates and barred list checks are obtained for all third-party employees and contractors. This includes third parties contracted to undertake work including caretaking, catering, cleaning, coaching, counselling and tutoring services as well as contractors engaged on a casual basis.
- 19.2 The school will obtain written confirmation from third-party employer(s) that the appropriate identification, reference and DBS checks (and any other statutory checks) have been carried out on the employer's staff. The school will keep a record of this confirmation on file.
- 19.3 When engaging self-employed third parties to provide services to the school who would have the opportunity for regular contact with children or engage in regulated activity, the school will undertake additional background checks deemed appropriate, including seeking references.
- 19.4 Contractors who engage in regulated activity will be required to obtain an enhanced DBS with barred list check.
- 19.5 Any contractors who have the opportunity for regular contact with children, but who would not be in regulated activity, will be required to obtain an enhanced DBS check.
- 19.6 In the event of any third-party employee or contractor having a disclosure on their DBS certificate, the employer will notify the Headteacher, who will undertake a risk assessment to determine whether the third-party employee or contractor can commence work at the school. Self-employed third parties are required to inform the school directly and a risk assessment will be undertaken.

20 Procedures for Alternative Provision

- 20.1 Where a student is educated in an alternative provision setting, the Headteacher will obtain written confirmation from the provider that the appropriate DBS checks (and any other statutory checks (for example, prohibition from teaching) have been carried out on the provider's staff. The school will keep a record of this confirmation on file.

21 Adults who Supervise Students on Work Experience & Childcare Placements

- 21.1 When organising work experience and childcare placements, we will ensure that policies and procedures are in place to protect students from harm.
- 21.2 Where a student attends another setting as part of their Childcare course (for example, primary school or day nursery), the Headteacher will obtain written confirmation from the establishment / provider that the appropriate DBS checks and any other statutory checks (for example, prohibition from teaching) have been carried out on their staff. The school will keep a record of this confirmation on file.
- 21.3 The school will also ensure that DBS checks are undertaken for Childcare students aged 16 or over who attend childcare settings and undertake regulated activity as part of their studies.
- 21.4 The school engages MPloy Solutions Ltd. to provide work experience placements and will ensure written confirmation is provided to the school that all the necessary safeguards and checks have been completed prior to any placements commencing.

22 Referral to the DBS

- 22.1 The school has a legal duty to refer to the DBS any member of staff (including volunteers) who has harmed, or poses a risk of harm, to a student where:
- The harm test is satisfied.
 - The staff member has received a caution or conviction for a relevant offence, or if there is reason to believe the staff member has committed a listed relevant offence.
 - The staff member has been removed from working in regulated activity, or would have been removed had they not left the school.
 - The staff member has been moved to an area of work not in regulated activity.
 - The staff member has been suspended.
- 22.2 Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member, after taking advice from the school's HR Advisor.
- 22.3 The school will refer to the DBS's 'Making barring referrals to the DBS' and the DfE's 'Keeping Children Safe in Education' guidance when making such referrals.

23 Recruitment of Ex-Offenders

- 23.1 The Rehabilitation of Offenders Act (ROA) 1974 ensures those people who have been convicted of a criminal offence in the past are not discriminated against when seeking appropriate employment. Weatherhead High School is committed to safeguarding the welfare of those accessing the school's services and has a statutory duty of care towards vulnerable members of society. However, this duty must be carried out with due regard to all other relevant legislation including the Protection of Freedoms Act (2012), the Data Protection Act (2018), the DBS Code of Practice and the Human Rights Act (1998).

- 23.2 Weatherhead High School can only ask an individual to provide details of convictions and cautions that it is legally entitled to know about and are **not** protected. A DBS certificate at either standard or enhanced level can legally be requested where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended (2013 & 2020), and, where appropriate, Police Act Regulations as amended). The school will not ask applicants to disclose details of any convictions and cautions which are not relevant to their prospective employment, or are protected.
- 23.3 Protected cautions and convictions do not need to be disclosed to Weatherhead High School and if they are disclosed the school cannot take them into account. Guidance about whether a caution or conviction should be disclosed can be found on the Ministry of Justice website at <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>
- 23.4 Employment at Weatherhead High School will generally fall into the category of being an exempted occupation, due to the nature of the post which, for most roles, would constitute working in regulated activity. Exempted occupations at the school fall into the following category:
- Work that brings the person into contact with groups such as the infirm, elderly, mentally ill and young people under the age of 18.

24 Managing Cautions and Convictions at Interview Stage

- 24.1 If the candidate reveals information about a conviction or other information, the panel must decide whether, in relation to the post in question, the nature of their background is sufficiently serious enough to justify non-selection for the post. In the event of the Selection Panel deciding not to select on the grounds of a declared criminal background, advice may be sought from the school's HR or Legal Advisor before any further action is taken.
- 24.2 The Selection Panel will be advised not to allow personal prejudices to 'cloud' their judgement and good practice.
- 24.3 When assessing any disclosure or declared conviction information received, consideration will be given to a range of issues and the completion of the Cause for Concern Risk Assessment Proforma (Appendix 2) will support the Headteacher's (or Governing Body's) decision, enabling them to assess the suitability of the applicant for their proposed position in light of matter(s) disclosed on their DBS certificate. In some cases, the school's HR or Legal Advisor will support the Headteacher (or Governing Body) in these discussions.
- 24.4 They will consider the relevance of offences (after seeking the appropriate advice) and be aware that no two offences are exactly alike.
- 24.5 It is important to note that the possession of a criminal background does not automatically debar an applicant from being offered employment with Weatherhead High School.

25 Managing Cautions and Convictions after an Offer of Employment (before starting employment):

- 25.1 The Governing Body of Weatherhead High School has delegated authority to the Headteacher to make decisions regarding minor offences.

- 25.2 On acceptance of an offer and before starting employment, Weatherhead High School will apply for a DBS check for the successful candidate. If a DBS check reveals details of convictions which may render the applicant unsuitable for the applied post, the Headteacher (or Governing Body if appropriate) will discuss the situation with the applicant in line with the DBS Code of Practice and through use and completion of Appendix 2: Cause for Concern Risk Assessment Proforma. The applicant will be asked to sign the completed risk assessment to verify the information provided.
- 25.3 When assessing any disclosure or declared conviction information received, consideration will be given to a range of issues and the risk assessment (Appendix 2) will support the Headteacher's (or Governing Body's) decision, enabling them to assess the suitability of the applicant for their proposed position in light of matter(s) disclosed on their DBS certificate. In some cases, the school's HR or Legal Advisor will support the Headteacher (or Governing Body) in these discussions.
- 25.4 Having a conviction will not necessarily automatically debar someone from starting employment with the Weatherhead High School as the school will only take a criminal record into account when the conviction is relevant. Protection of the applicant's rights and interests will therefore be weighed against the rights and interests of students, employees and members of the public.
- 25.5 The Headteacher (or Governing Body) will not allow personal prejudices to 'cloud' their judgement and good practice. They will consider the relevance of offences and be aware that no two offences are exactly alike.
- 25.6 If the candidate has made a false declaration on their application form, then the school may not be able to confirm the appointment and any offer of employment may be withdrawn. If the disclosure certificate contains information that was not revealed by the candidate or additional information from the Police is received it will be necessary to hold a further discussion with the candidate and undertake a further review against any risk assessment before deciding to confirm or withdraw the offer of employment. HR and legal advice will be sought at this point.
- 25.7 It is an offence for a barred person to work, apply to work or offer to work in Regulated Activity (post 10 September 2012) with a group they are barred from working with. Candidates on the Barred List will not be employed in Regulated Activity by the school. If the checks reveal that a candidate is on the Barred List for Regulated Activity the school will make a referral to DBS to notify them of the individual's attempt to apply for barred work.

26 Managing Cautions and Convictions During Employment:

- 26.1 If, in the course of employment, the school becomes aware of information which they reasonably believe tends to show that a criminal offence has been committed, is being committed or is likely to be committed, Weatherhead High School will take necessary action with advice from the school's HR or Legal Advisor.
- 26.2 Where information comes to light, or an existing employee has a DBS recheck which subsequently reveals an adverse disclosure result, the Headteacher (or Governing Body if appropriate) may seek guidance from the school's HR or Legal Advisor and/or complete Appendix 2: Cause for Concern Risk Assessment Proforma. It may be appropriate to move the employee to an alternative post with no access to children and/or vulnerable groups,

property / information / resources etc. depending on the nature of the disclosures and pending the outcome of a full investigation. It may be that there are no suitable duties the employee could undertake during this period. If this is the case, Headteacher (or Governing Body) will give consideration to suspending the employee (following advice from the school's HR or Legal Advisor) pending the outcome of the investigation.

- 26.3 Employees are under an ongoing obligation to make the school aware of any criminal offence or information which may adversely affect their employment with the school.

27 Breaches of the Policy

- 27.1 Any instances of this policy not being adhered to will be taken very seriously and appropriate disciplinary action will be taken.
- 27.2 Any complaint in relation to this policy, including its application will be managed through the school's complaints policy or grievance policy (for existing employees).

28 Record Keeping and Data Protection

All written records of interviews, application forms and reasons for appointment or non-appointment will be kept by the school in line with our Recruitment Privacy Notice, our Workforce Privacy Notice (for appointed candidates), Records Management Policy and in line with the requirements of Data Protection Legislation.

29 Review of Policy

This policy is reviewed annually Weatherhead High School in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendix 1: Disqualification from Childcare – information for new employees

This information is to make you aware of your obligations relating to Disqualification under the Childcare Act 2006 which came into force in schools and academies in late 2014.

Your role within our school has been identified as one which the disqualification declaration applies to.

So, what does this mean in practice?

We need to make you aware that there are certain things that may mean that you are automatically disqualified from providing childcare (affecting your role within this school) by you having committed a disqualifiable offence or a disqualifying event. These broadly fall into the four below categories:

- 1 That you have a caution/conviction for certain violent/sexual offences
- 2 Grounds relating to the care of children
- 3 That you have had registration refused/cancelled in relation to childcare
- 4 That you have committed an offence overseas which would constitute an offence regarding disqualification under the 2009 Regulations if it had been done in any part of the United Kingdom.

Ofsted has provided a list of disqualifiable offences/events in tables A & B of the below guidance

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006>

You need to read through this and report to the Headteacher without delay if there is anything to declare under the disqualification guidance. It is only the offences/events on this list that we require you to declare. If you are unsure of a specific offence/event is applicable after reading the Ofsted lists, then please let us know so that we can advise you appropriately.

You should also be aware that from this point forward if your circumstances change relating to the disqualification guidance, you are obligated to inform us of this without delay.

You will be required to sign to confirm that you are clear relating to your obligations regarding disclosure pertaining to Disqualification under the Child Care Act 2016, so please do make sure that you ask any questions that you are unclear on. If you wish to do this, please speak with the Head in person.

If you require additional information or help with any aspect of this, then please let the Head know so that we can take advice from our HR provider on your behalf.

I have read and understood the information in this document.

Signed

Print Name

Date

APPENDIX 2 – Positive DBS – Record of Recruitment Decision

Please complete this form fully and consider seeking guidance from the school's HR Advisor, as it will form the basis of a decision to appoint/not to appoint someone into a position where positive disclosures have been identified on a returned DBS check.

POSITIVE DBS DISCLOSURE – RECORD OF RECRUITMENT DECISION	
<p>All disclosures which are relevant to child protection, regardless of the seriousness of the offence(s)/conviction(s) /charge(s) revealed, will be subject to an objective assessment. All sections of this form must be completed and the form retained on file.</p>	
SECTION 1: General	
Date:	
Name of applicant:	
Post applied for:	
SECTION 2:	
Questions	Comments
Does the applicant meet all the essential criteria for the post in terms of skills, knowledge, experience and ability?	
<p>Does the applicant agree that the information detailed on the DBS certificate is correct?</p> <p>In the event of a challenge from the applicant the matter needs referring to the disputes team at the DBS.</p>	
The country in which the offence was committed (for example, some activities are offences in Scotland and not in England and/or Wales and vice versa). Whether the offence has since been decriminalised by Parliament.	
What was the nature of the crime, when did the relevant offence(s) occur (for example, less/more than two years ago, what were the circumstances involved and what was the sentence)?	
Do the matters disclosed form any pattern? Was the offence a one-off, or part of a history of offending? Is the offence likely to re-occur?	

What is the seriousness of the offence(s) and relevance to the safety of other employees, students, service users and property?	
Are there any assessments and reports from those agencies involved in the applicant's process of rehabilitation (for example, probation service, specialists working in prison, other agencies)?	
Are the type and/or nature of the offence(s) directly relevant to the post?	
What is the nature of the contact the applicant will have with children/adults/the public and how vulnerable are they? Will the applicant have access to finances or to items of value?	
Was the relevant offence committed at work (either paid or unpaid work)? Does the job present any opportunities for the applicant to re-offend in the place of work?	
Did the applicant declare the matters on the Weatherhead High School application form or DBS self-disclosure application form?	
Are there any mitigating circumstances (for example, any relevant information offered by the applicant about the circumstances that led to the offence being committed such as the influence of domestic or financial difficulties)?	
Has the applicant's circumstances changed since the offence was committed, making re-offending less likely (for example, improved personal circumstances, drug addiction therapy etc). Can the applicant demonstrate any efforts not to re-offend (for example rehabilitation course)?	
Would the applicant do anything differently now? Has their motivation changed? Does the individual regret the matter (degree of remorse) and what is their attitude towards the matters now?	
What level of and how much supervision is required to the applicant?	

Can any safeguards be implemented to reduce/remove any risk (for example, no unsupervised contact)?	
Have two references been received? What do they say about the applicant's suitability for work in a "regulated position"?	
Any questions/additional comments from the applicant?	

Declaration by applicant and any additional comments in support of their employment

I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required could make an offer of employment invalid or lead to termination of employment. I understand that this pro forma will be held securely by Weatherhead High School for 25 years from the date of the assessment if appointed/6 months if not appointed. It will only be accessed if a) Regulatory/enforcement organisations ask for clarification on this recruitment decision, or b) any allegations are made against me during the course of my employment with the Weatherhead High School, where an investigation would require access to this data. It will be destroyed in line with the Weatherhead High School's Policy on the Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information.

I consent to the above:

Name:

Signature:

Date.....

Additional comments from the Headteacher or Governing Body

I understand the school's policy on the recruitment of Ex-Offenders and having considered the above assessment I believe the applicant does/does not* constitute a risk for the following reasons (please provide detail):

Nature and date of offence:

Therefore, the applicant should/should not* be offered this post.

Please note, if proposing to appoint a person with a conviction for a **high-risk offence** please ensure that this document is countersigned by the Chair of Governors. Please state (if applicable) whether approval is dependent upon conditions being met, such as recommendations, restrictions, safeguards to be implemented by the employer.

Name of Headteacher:

Signature of Headteacher:

Date:

Name of Chair of Governors:

Signature of Chair of Governors:

Date:

Name of HR Advisor (consulted if applicable):