

Recruitment, Selection and Disclosure Policy and Procedure

INTRODUCTION

Marymount International School (the School), a Catholic independent day and boarding school, is committed to providing the best possible care and education for its students and to safeguarding and promoting the welfare of children and young people. The School is also committed to providing a supportive and flexible working environment for all its members of staff. The School recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

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

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position, including their support of the Catholic Mission of the School
- to ensure that all job applicants are considered equitably and consistently
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, sex or sexual orientation, marital or civil partner status, disability, age or, with due regard to the Catholic identity of the School, religion or religious belief.
- to ensure compliance with all relevant recommendations and guidance including the recommendations of the Department for Education in Keeping Children Safe in Education (2019), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance), the code of practice published by the Disclosure and Barring Service (DBS) and the National Minimum Standards for Boarding Schools.
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy. At least one person on every recruitment panel will have completed Safer Recruitment training.

VISITING SPEAKERS (AND PREVENT DUTY)

The Prevent Duty Guidance requires the School to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by students, are suitable and appropriately supervised.

The School is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the School or perform any other regular duties for or on behalf of the School.

All visiting speakers will be subject to the School's usual visitors signing in protocol. This will include signing in and out at Reception, the wearing of a visitors badge at all times and being escorted by a fully vetted member of staff between appointments. A Risk Assessment will be completed for visiting speakers to ensure that the correct procedures are in place to ensure the safety and wellbeing of the students. This is signed by the Head/Bursar/

Designated Safeguarding Lead (DSL) or Deputy DSL. The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the School. In doing so the School will always have regard to the Prevent Duty Guidance and the definition of “extremism” set out in KCSIE.

In fulfilling its Prevent Duty obligations the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

DEFINITION OF REGULATED ACTIVITY AND FREQUENCY

Any position undertaken at, or on behalf of the School 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.

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

The School is not permitted to check the Children’s Barred List unless an individual will be engaging in “regulated activity”. The School is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

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 a formal interview(s) at which his/her relevant skills and experience will be discussed in more detail.

If it is decided to make an offer of employment following the formal interview(s), any such offer will be conditional on the following:

- the agreement of the signing of a contract incorporating the School’s standard terms and conditions of employment and a mutually acceptable start date;
- the receipt of two references (one of which must be from the applicant’s current/most recent employer) which the School considers to be satisfactory; the receipt of an enhanced disclosure from the DBS with a barred list information where the person will be engaging in regulated activities which the School considers to be satisfactory;
- the receipt of a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;*
- using the Employer Access Online/Teacher Services to check that the candidate to be employed as a teacher and/or in a management position (including governance position) is not subject to a prohibition order issued by the Secretary of State;

- a check must be made for teachers from countries in the EEA on whether they are subject to sanction or restriction imposed by another EEA professional regulating authority for teachers. The TRA enables schools to carry out this check. This is required for staff taking up posts from September 5, 2016.
- verification of the applicant's medical fitness for the role from the School's medical adviser.

Anyone appointed to a post involving regular contact with children or young people must be medically fit. It is the School's responsibility to satisfy itself that employees of the School have the appropriate level of physical and mental fitness before an appointment is confirmed. It is the School's practice that all short-listed applicants must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence and will not form part of the selection process. The School will then arrange for the information contained in the questionnaire of the successful candidate to be reviewed by the School's medical advisor. 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 School. If the School's medical advisor has any doubts about an applicant's fitness, the School will seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

The School is aware of its duties under the Disability Discrimination Act 1995 and the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence, considering reasonable adjustments and suitable alternative employment.

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Whether a position amounts to "regulated activity" must therefore be considered by the School in order to decide which checks are appropriate. It is however likely that in nearly all cases the School will be able to carry out an enhanced DBS check and a Children's Barred List check.

PRE-EMPLOYMENT CHECKS

In accordance with the recommendations of the Department of Education in Keeping Children Safe in Education (2019) the School carries out a number of pre-employment checks in respect of all prospective employees.

The School will keep a single central record of all checks carried out on staff, governors, peripatetic tutors and volunteers and, in the case of agency staff, of the information about checks provided by the agency.

1.1 Verification of identity and address

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

- passport and other evidence of right to work in the UK (eg. Visa; Certificate of right to abode); and
- two utility bills or statements (from different sources) showing their name and home address; and
- for UK based applicants, documentation confirming their National Insurance Number (P45, P60 or National Insurance Card); and
- original documents confirming any educational and professional qualifications referred to in their application form

Where an applicant claims to have changed his/her name by deed poll or any other mechanism (e.g. marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change.

The School asks for the date of birth of all applicants (for proof of identity) in accordance with the Department of Education's guidance in Keeping Children Safe in Education (2019). Proof of date of birth is necessary so that the School may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The School does not discriminate against applicants on the grounds of age.

In no circumstances will a member of staff, governor, peripatetic tutors, volunteer or agency staff be permitted to commence work, whether paid or unpaid, at the School without satisfactory identity checks having been made.

1.2 References

References will normally be taken up on short listed candidates prior to second interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. One of the references must be from the applicant's current or most recent employer. If the candidate is not currently employed, verification of their most recent period of employment and reasons for leaving should be obtained. If the applicant has ever worked with children but the current/most recent employment does/did not involve work with children, then the second reference should be obtained from the employer with whom the applicant most recently worked with children. The referee will preferably be from a senior person with appropriate authority. Neither referee should be a relative or someone known to the applicant principally as a friend. Applicants will permit the School to approach any previous employer for a reference.

All referees will be asked whether they believe the applicant is suitable for the job for which the applicant has 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)
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare or behaviour towards children or young people

The School 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 School will make direct contact with each referee to verify the reference.

The School 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.

The National Minimum Standards for Boarding Schools require that direct contact be made with the referees of any person applying for a position working with boarders. The School may go beyond those standards by making direct inquiries with referees of applicants for all positions.

1.3 Criminal records check

Due to the nature of the work, the School applies for criminal record certificates from the DBS with barred list check in respect of all prospective staff members, governors, peripatetic tutors and volunteers in regulated activity.

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

Applicants with recent periods of overseas residence and those with little or no previous UK residence will also be asked to apply for the equivalent of a disclosure, if one is available in the relevant jurisdiction(s).

The School expects supply/temporary worker agencies/contractors that are used by the School to register with the DBS on their own account and to follow their policy or their own comparable policy. Proof of registration will be required before the School will commission services from any such organisation. Where the School takes on an individual from an agency the School will obtain a written notification from the agency that indicates the following:

- That an enhanced DBS disclosure has been received
- Whether the disclosure included any disclosed information.

Where there is disclosed information the School will obtain a copy of the DBS disclosure. The agency staff member will not be able to commence work at the School until the School is satisfied that the above requirements have been completed.

STARTING WORK PENDING A DBS DISCLOSURE

The School has imposed the highest standards on its procedures: Those applicants’ who commence work in exceptional circumstances pending on DBS outcome, will only do so if an appropriate risk assessment has been carried out and signed by the Headmistress / Bursar Deputy Heads, the individual is supervised and that all other checks, including a separate barred list check, have been completed. The risk assessments will be reviewed regularly.

POLICY ON RECRUITMENT OF EX-OFFENDERS

1.3 Background

The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 1.5 below.

In view of the fact that all positions within the School will amount to “regulated positions” within the meaning of the Protection of Children Act 1999 (as amended by the Criminal Justice and Courts Services Act 2000), all applicants for employment must declare all previous convictions (including those which would normally be considered “spent” under the Rehabilitation of Offenders Act 1974). A failure to disclose a previous conviction may lead to an application being rejected and may also amount to a criminal offence.

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the Department of Education and the Department of Health of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ

anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. If:

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

It will report the matter to the Police, DBS and/or the Teaching Regulation Agency (TRA) (formerly the NCTL).

1.4 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 School will consider the following factors before reaching a recruitment decision:

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

If the post involves regular contact with children, it is the School's normal policy not to employ anyone who has been convicted at any time of any the following offences or dishonesty and breach of honesty or trust:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence
- serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the School's normal policy not to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the School's normal policy not to employ anyone who has been convicted of dangerous driving or driving under the influence of alcohol or narcotic substances.

1.5 Assessment procedure

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Bursar and the Headmistress of the School 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 School will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

RETENTION AND SECURITY OF DISCLOSURE INFORMATION

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

In particular, the School will:

- store disclosure information and other confidential documents issued by the DBS securely;
- not retain disclosure information or any associated correspondence for longer than is necessary. Generally this will be for a maximum of six months. The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, 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;
- prohibit the photocopying or scanning of any disclosure information.

The School complies with the provisions of the DBS code of practice, a copy of which is available on request.

RETENTION OF RECORDS

If an applicant is appointed, the School will retain any relevant information provided on their application form (together with any attachments) on their personnel file. This information will then be kept for a further seven years after the contract of employment is terminated. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after four weeks. A single central record is kept which displays the relevant checks that have been done and the dates these have been completed.

QUERIES

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

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