



RADLEY

Recruitment Procedure

January 2020

Recruitment procedure

Introduction

Radley College (“the school”) is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The school is also committed to providing a supportive and flexible working environment to all 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 aim of the school’s recruitment is as follows:

- to ensure the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including, race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education “Keeping Children Safe in Education” and any guidance or code of practice published by the Disclosure and Barring Service (“DBS”);
- to ensure 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.

Scope of this policy

This policy refers and applies to staff directly recruited and employed by the school. In the Education (Independent Schools Standards) (England) Regulations 2010, staff are defined as:

“Any person working at the school whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer.”

Contractors engaged by the school must complete the necessary criminal background and right to work in the UK checks for their employees that the school is required to complete for its staff. The school requires confirmation that these checks have been completed before employees of the contractor can commence work at the school.

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

Application form

The school will only accept applications from candidates completing the relevant application form in full. Incomplete applications forms will be returned to the applicant where the deadline for completed applications has not passed. CVs will not be accepted in substitution for completed application forms.

Applicants will receive a job description for the role applied for. Application forms, job descriptions, person specifications and the College’s Safeguarding policy are available from the College’s website.

As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the school with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the school shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Head of HR.

Any unspent convictions, cautions, reprimands or warnings must be disclosed the school. However, amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are “protected” and are not submit to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the DBS website.

The successful applicant will be required to complete a Disclosure form from the DBS for the position. Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

All candidates should be aware that the provision of false information is an offence and could result in the application being rejected or summary dismissal by the school if they have been appointed, and a possible referral to the police and/or DBS.

Following an interview, if it is decided to make an offer of employment 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 school’s terms and conditions of employment;
- verification of the applicant’s identity (where that has not been previously verified);
- the receipt of at least two references (one of which must be from the applicant’s most recent employer) which the school 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;
- for positions that have access to young children (choristers), completion of a Disqualification by Association form;
- the receipt of an enhanced disclosure from the DBS which the school considers to be satisfactory;
- where the position amounts to “regulated activity” (see below) confirmation that the applicant is not named on the Children’s Barred List administered by the DBS*;
- verification of the applicant’s medical fitness for the role;
- verification of the applicant’s right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked abroad in the past 5 years; and
- verification of professional qualifications which the school deems as a requirement for the role.

*A check of the Children’s Barred List is not permitted if an individual will not be undertaking “regulated activity”. Whether a position amounts to “regulated activity” must therefore be considered by the school in order to decide which DBS checks are appropriate. It is however unlikely that this would not be required.

Medical fitness

The school is legally required to verify the medical fitness of anyone to be appointed to a post in the school, after an offer of employment has been made but before the appointment can be confirmed. It is the school's policy that all applicants who are offered a position must complete the school's health questionnaire.

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

Pre-employment checks

In accordance with the recommendations set out in the Guidance, KCSIE and the requirements of the Education (Independent School Standards) (England) Regulations and the Boarding schools: national minimum standards, the school carries out a number of pre-employment checks in respect of all prospective employees. Further information on these checks can be obtained from the Head of HR, but include:

- verification of identity and address;
- references;
- criminal records check.

Retention of records

The College is legally required to undertake the above pre-employment checks. If an applicant is successful in their application, the College will retain on their 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 discharge its obligations as an employer.

This documentation will be retained by the College for the duration of the successful applicant's employment with the College. After the employment ends it will be archived. If the application is unsuccessful all documentation relating to the application will normally be confidentially destroyed after 6 months.

Referral to the DBS and National College for Teaching and Learning (NCTL)

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the College also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position despite being barred from working with children; or
- has been removed by the College from working in regulated activity 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.

Any questions concerning this policy, or on the application process, should contact the College's HR department.

Recruitment of Ex-Offenders

It is of fundamental importance to the school to ensure as far as possible, that those who take up appointments do not pose a risk to the children in its care. It is therefore important for the school to apply for and review the past criminal records of any successful applicants for positions before confirming the conditional offer of appointment. The school considers it also essential that the confidential and personal Disclosure information from the DBS is used fairly and sensible in order to avoid unfair discrimination of applicants for appointments at the school.

It is unlawful for the school to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to attempt to apply for a position at the school. The school will make a report to the police and/or the DBS if:

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

DBS checks are required not only for staff working at the school, but for anyone who may come into regular or intense contact with the pupils. This may include volunteers, staff working on behalf of the school, all residents and visitors (over 16 years) living in Socials.

The school's HR Department has been trained to identify and assess the relevance and circumstances of offences. They have also received appropriate guidance in the relevant legislation relating to the employment of ex-offenders, for example, the Rehabilitation of Offenders Act 1974.

Disclosure and Barring Service

Applicants will be asked to declare any convictions, cautions, reprimands or final warnings including those regard as "spent" which would not be filtered under the current DBS guidance. As of 29 May 2013 the DBS commenced the filtering and removal of specified information relating to old and minor offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions as follows:

For those aged 18 years and over at the time of the offence

An adult conviction will be removed from a DBS disclosure if:

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

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

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

For those aged under 18 years at the time of the offence

A conviction will be removed from a DBS disclosure if:

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

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

A caution received when a person was aged under 18 years will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of “specified offences”.

The list of specified offences which must always be disclosed

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

www.gov.uk/government/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check A paper copy can be made available on request from the HR Department.

The Disclosure will contain details of all filtered convictions on record (including those regard as “spent”) and details of any cautions, reprimands, or final warnings held on the police national computer in line with the filtering guidance. It will also indicate if there are no such matters on record.

Procedure

All applicants are encouraged to provide details of any cautions or convictions that may appear on the Disclosure certificate at the earliest opportunity. This information should be placed in a sealed envelope marked “DBS Confidential” and attached to the application form when applying for a position within the school.

All Disclosure information is separated from the application form at the point of receipt to avoid any potential for unfair discrimination of applicants with criminal records. This information will only be seen by those who need to see it as part of the recruitment process.

Successful applicants will be issued with instructions on how to apply for an Enhanced DBS clearance via our online provider, unless the applicant has indicated that they subscribe to the DBS Update Service. Successful applicants are required to complete the online application as soon as possible and advise the HR Department when they have done so. Appropriate documentation should be brought in person (wherever possible) to the designated person in the school so that the online application can be finalised.

Consideration of Disclosure information

On receipt of a DBS Disclosure containing information on cautions and/or convictions, the school shall consider the following:

- whether the conviction or other information disclosed is relevant to the position in question;
- the seriousness of the 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.

At interview, or in a separate discussion, the school will discuss any offences or other matters that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought, could lead to a withdrawal of an offer of employment as outlined in the school's recruitment policy. Any DBS Disclosure revealing that the applicant may be unsuitable to work with, or have regular contact with children, will not be employed or permitted to live or work on school premises.

Employment decisions based on consideration of any information provided by the DBS will relate to the existence and extent of any risk to the welfare of children; offences that do not indicate any significant risk to children will not necessarily debar applicants from employment at the school.

Applicants wishing to dispute any information contained in a Disclosure can do so by contacting the DBS directly. In cases where an applicant would otherwise be offered a position were it not for the disputed information, the school will, where practical and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the Disclosure information.

DBS Disclosure Application Policy

Owing to the nature of the work, Radley College ("the school") applies for an enhanced disclosure from the DBS in respect of all prospective members of staff, volunteers and those living in boarding houses.

An enhanced disclosure will reveal whether an applicant is barred from working with children by virtue of their inclusion on the lists, maintained by the DBS, of those considered unsuitable to work with children.

The disclosure document is only sent to the prospective staff member. A copy will not be sent to the school. It is therefore essential that the prospective member of staff shows the original document to the HR department upon receipt and prior to commencement of employment. The school will make a record of this in the Centralised Register.

If there is a delay in receiving a DBS disclosure the Warden/Bursar has discretion to allow an individual to start work pending receipt of the disclosure. This will only be allowed if all other checks, including a check on the Children's Barred List, have been carried out satisfactorily. In this instance, a risk assessment will be completed and appropriate supervision be put in place until the DBS disclosure has been received.

DBS checks (or their equivalent) will be requested for applicants who have lived or worked abroad in the previous five years.

The school complies with the provisions of the DBS Code of Practice, a copy of which can be accessed:

<https://www.gov.uk/government/publications/dbs-code-of-practice>