



# Safer Recruitment Policy and Procedure

**This policy applies to:**

All Staff

**Person responsible for the policy:**

HR and Compliance Manager

**Review Dates:**

Last Review Sept 2023

Next Review Sept 2024

## Purpose

Ardingly College recognises that it is of fundamental importance to attract, recruit and retain staff of the highest calibre. This recruitment process is in place to ensure that Ardingly College meets all statutory requirements and adopts safer recruitment best practice in recruiting all members of staff (this includes contractors, volunteers and Governors).

## Aims

The aims of the Ardingly College 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 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 (**DfE**), *Keeping children safe in education* (September 2023) (**KCSIE**), *Disqualification under the Childcare Act 2006* (**DUCA**), the Prevent Duty Guidance for England and Wales 2015 (the **Prevent Duty Guidance**) 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.

## Principles

The following key principles and guidelines apply to all recruitment at Ardingly College:

- All posts should be advertised internally and on the Ardingly College website;
- Applicants should complete an Ardingly College application form rather than a CV and ensure that all employment gaps are accounted for ;
- Short listing should be carried out independently by at least two people;
- There should be at least two interviewers on each recruitment panel, one of whom is trained in Safer Recruitment (**a list of whom can be requested from HR**);
- There should be a written record of the interview and outcome;
- Two written references including the most recent employer will be sought on all shortlisted candidates. Where possible these will be requested prior to interview;
- The College will verify the reference with each referee by direct contact by telephone or email from a legitimate source;

- All offers of employment will be subject to receipt of satisfactory references and recruitment checks (listed below) Staff members, particularly those working directly with pupils should not begin work until satisfactory completion of all checks;
- The College has an established system for carrying out DBS checks on agency staff, self-employed contractors, non-employees who live on site, and volunteers;
- The Single Central Register (SCR) is held by the HR Department. This is audited on a termly basis by relevant members of senior leadership, including but not limited to the Senior Deputy Head, the Designated Safeguarding Lead (DSL) and the Governor responsible for compliance.
- An employment checklist is kept in each employee's file that is held in the HR Department;
- All employees receive an induction programme to effectively integrate them into the College and to cover relevant College policies

## Recruitment Procedure

The recruitment procedure is designed to be simple and effective, but if staff have any questions or need support, they should contact the HR department.

2.1 A vacancy arises because an employee leaves or there is a new post. Before the decision to recruit is made the manager should consider if there are other ways to cover the work required. If recruitment is needed the hiring manager completes a Permission to Recruit form, which is received by HR and Finance, along with the Job Description and Person Specification. HR can provide support in production of these documents. HR and Finance will seek appropriate authorisation of all vacancies.

2.2 HR maintain a record of all approved vacancies on a vacancy spreadsheet and on the recruitment operating system.

2.3 The HR department prepares the recruitment advert. This is approved by the recruiting manager. The HR department places the advertisement internally and/or externally, including on internet job-boards and the Ardingly College website.

2.4 Recruitment application information can be obtained from the Ardingly College recruitment system. This will contain the job description person specification, and application form. Applications will only be accepted using the application form, not just a CV. Applicants will be encouraged to apply on-line.

2.5 The HR department records and acknowledges all applicants via the recruitment system and tracks equal opportunities data throughout the process.

2.6 The Hiring Manager and at least one other qualified person shortlists the applicants independently based on the job description and person specification and records the outcome for all applicants. Where an applicant has a disability, any interview decision should be reviewed with HR. The application forms and short-listing criteria for all rejected candidates are to be sent to HR. Emails will be sent to unsuccessful candidates by the HR department. **References will be taken up prior to interview, unless in exceptional circumstances.**

2.7 All shortlisted candidates will be asked to complete a self-declaration form before arriving at the interview. Details of what is asked can be found in appendix 1.

2.8 Interviews will be carried out by at least two people, including one person who is trained in Safer Recruitment in Education. Records are to be made for all interviews. Those involved in the interview process will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made as to whether or not an interviewer should withdraw from the panel. Where there is a question regarding this, this will be brought to the attention of the Head for a final decision. Where it relates to the head, the Chair of Governors will make the final decision.

Copies should be made of original certificates of relevant professional qualifications, two forms of ID: e.g. UK Passport, Birth Certificate, Driving Licence, and one proof of address in the form of a utility bill, credit card or bank statement (all of which must be less than 3 months old), proof of right to work in the UK, proof of any change of name and driving licence, if applicable. A full list of accepted ID documents can be obtained from the HR department.

All candidates must supply their birth certificate (or a certified copy) in order to establish any changes of name.

In situations where in person interviews are not possible, candidates will be invited to attend a remote interview using Microsoft Teams (or other similar platforms). Prior to the interview the candidate will be asked to send HR scanned copies of original certificates of relevant professional qualifications and two of the following forms of ID: Passport, Birth Certificate, Driving Licence, and one proof of address in the form of a utility bill, credit card or bank statement (all of which must be less than 3 months old), proof of right to work in the UK, proof of any change of name and driving licence, if applicable.

At the interview, the panel will request that the applicant confirm their identity and right to work by showing a piece of photographic ID to the camera this will then be recorded in the interview notes.

2.9 The hiring manager returns all interview notes, references and application forms to HR with feedback notes on each candidate.

2.10 Upon an offer of employment, the HR department will send a formal conditional offer letter to the successful candidate with an authorisation to contact referees (if not already contacted prior to interview), medical questionnaire and employer record sheet. The candidate will also be added to the online DBS checking platform and Ardingly People (onboarding module) for further completion of the pre-employment checks.

2.11 The HR department creates and retains employee files and enters details of all recruitment checks made onto the Single Central Register (SCR). All applications and recruitment paperwork relating to the post, and to unsuccessful candidates is retained by HR for a minimum of six months from the start date of the successful candidate. For successful candidates, the recruitment information is retained in the employee's personnel file for their duration of employment at the College and retained as per the College document retention policy as detailed in the Data Protection Policy.

2.12 Upon commencement of employment the employee will be given access to Ardingly People where all induction, probation and ongoing development documents are stored.

## Internal Appointments

Where a role is open only to internal candidates e.g. additional roles, internal promotions or restructures/redundancies, relevant additional checks will be undertaken, including (but not limited to);

- an additional reference (where possible this will be taken from the staff members current or most recent Manager)
- additional appropriate suitability checks (e.g. disqualification from childcare if the staff member is transferring to a relevant role or S128 checks for those entering a leadership or management role)

## Pre-Appointment Checks

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 an offer letter and employment contract incorporating the College's standard terms and conditions of employment;
- verification of the applicant's identity and right to work in the UK against an official document i.e., photographic ID (where that has not previously been verified);
- the receipt and verification of at least two references (one of which must be from the applicant's most recent employer) which the College considers to be satisfactory and neither referee to be a relative or someone known to the applicant solely as a friend;
- full employment history check with written satisfactory explanation of any gaps on the application form;
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by, a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the College;
- for all staff the receipt of an enhanced disclosure from the DBS (including a Children's Barred List check) which the College considers to be satisfactory;
- for positions which involve "teaching work", information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 relating to whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency (**TRA**) which renders them unable or unsuitable to work at the College;
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008, which renders them unable or unsuitable to work at the College;
- verification of the applicant's medical fitness for the role;
- applicants who have lived or worked outside the UK will be subject to any further checks which the College decides are necessary, which may include an overseas criminal records check, certificate of good conduct or professional references;

- verification of professional qualifications which the College deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified);
- Digital Footprint; potential candidate's social media or other online activity will be checked prior to interview in order to identify any incident or issues that have happened and are publicly available online which the College may wish to explore with the applicant at interview

### **Suitability Checks**

Relevant suitability checks will be, where possible, renewed annually. Suitability checks include, but are not limited to:

- Disqualifications under the Childcare act (for relevant members of staff)
- Medical fitness
- Understanding of current and updated policies and regulatory guidance
- Updated next of personal information (inclusive of next of kin)

### **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.

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 (such as being in receipt of a letter from the applicants GP or receiving information from the College's occupational health consultants), considering reasonable adjustments and suitable alternative employment.

### **Disclosure and Barring Service (DBS) Checks**

The College applies for an enhanced disclosure from the DBS (which includes a check of the Children's Barred list) 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 is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. Any position undertaken at, or on behalf of the College 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 a voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

It is for the College to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the College amount to regulated activity.

It is a condition of employment with the College that the **original** disclosure certificate is verified by the College on or before the start date of employment.

A short period of work is allowed under controlled conditions, at the Head of College's discretion. If an Enhanced Disclosure is delayed, the Head may allow the member of staff to commence work (but not in a Boarding context):

- without confirming appointment
- after a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks (including relevant prohibition checks) having been completed
- provided that the DBS application has been made
- with appropriate safeguards taken (including a written risk assessment signed Head of College)
- with the safeguards reviewed at least every two weeks (including the risk assessment) by the HR and Compliance Manager (for operational staff) and the Senior Deputy Head (for teaching staff)
- with the person in question is informed what these safeguards are
- With a note added to the SCR and evidence kept of the measure put in place

### **Prohibition from Teaching Check**

The College is required to check whether staff who carry out "teaching work" are prohibited from doing so. The College uses the TRA system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel on behalf of the TRA.

### **Employment of EEA/EU Teachers**

As of January 1 2021, due to changes related to the UK leaving the EU the TRA will no longer allow UK employers to check whether successful applicants are the subject of a prohibition or interim prohibition order issued by an EU professional conduct panel. As per KCSIE (2022) the College will seek to obtain a letter of professional standing from the professional regulating authority in the country in which the applicant has worked.

### **Prohibition from Management Check**

The College is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent College (a **section 128 direction**).

This check applies to appointments to the following positions made on or after 12 August 2015:

- Head (of College and subsequent Heads of Schools);
- teaching posts on the senior leadership team;
- teaching posts which carry a departmental head role;
- head of house (HoMM) and assistant head of house (AHoMM) roles;
- operational staff posts on the senior leadership team or in a management position; and
- appointments to the governing body.

S128 checks will also be conducted for any internal promotions or transfers of role to a management position.

### **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 employees of the Contractor can commence work at the College or with College pupils e.g external providers of DoFE, outdoor activities or sports camps.

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 and will require the provision of the original DBS disclosure certificate before contractor or agency staff can commence work at the College.

Further details are contained in the Supervision of Ancillary, Contract and Unchecked Staff Policy.

### **Volunteers**

The College will request an enhanced DBS disclosure on all volunteers undertaking regulated activity with pupils at or on behalf of the College. Under no circumstances will the College permit an unchecked volunteer to have unsupervised contact with pupils.

In addition the College will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- Volunteer application form
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

Further details of the volunteer recruitment and vetting process are contained within the Supervision of Ancillary, Contract and Unchecked Staff Policy.

### **Visitors**

All visitors to the school are required to sign in at the reception desks in the Senior School, Prep School or Pre-Prep School. All visitors are given a visitor's badge and are accompanied at all times by a member of staff. They are required to sign out and return their badge at the end of their visit.

Member of staff are responsible for their guests, and where they are a visiting speaker or have opportunity to interact with pupils, must seek prior permission from the Head or Deputy Head. They must ensure that appropriate checks are made in advance of their visit, to ensure that the content of their interaction is appropriate for the pupil audience with due regard to the Prevent Duty guidance, as set out in the Keeping Children Safe in Education statutory guidance. Where there is any doubt, advice should be sought from the Designated Safeguarding Lead, Deputy Head or Head. Visiting speakers must not be left alone with pupils at any time and must be escorted at all times by a fully vetted member of staff.



For frequent visitors and overnight guests to the College (i.e. those visiting more than 3 times per month) the visitor is required to undergo appropriate vetting checks via the HR Department and a record kept on the Single Central Register. Further information is provided in the **Supervision of ancillary, contract and unchecked staff policy**, the **Resident Adult policy** and the **Security policy**.

### **Policy on Recruitment of Ex-Offenders**

The College will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The College makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the College. Each case will be decided on its merits in accordance with the objective assessment criteria set out 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 and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules. Details of which can be found in appendix 1.

A failure to disclose a previous conviction (which should be declared) 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 apply for a position at 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.

### **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 applicant.

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 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.

The College will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Head before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the College may, where practicable and at its discretion, 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 College's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information. 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 management team; and
- 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.

### **Promoting a Safer Culture**

Continued awareness is vital, and it is important that all staff (with specific regard to new appointments) have appropriate training and induction so that they understand their roles and responsibilities and are confident about carrying them out. Staff, pupils, parents also need to feel confident that they can raise issues or concerns about the safety or welfare of pupils and that they will be listened to and taken seriously. This is achieved by maintaining an ethos of safeguarding and promoting the welfare of children and young people and protecting staff who is supported by:

- A clear written statement of the standards of behavior and the boundaries of appropriate behavior expected of staff and pupils that is understood and endorsed by all
- Appropriate induction and regular refresher training
- Regular briefing and discussion of relevant issues.
- Ensuring all those working with children in an educational setting are familiar with best practice
- A clear reporting system if a pupil, member of staff or any other person has concerns about the safety of children in our care

## **Monitoring**

Monitoring of both the recruitment process and induction arrangements by both the Senior Deputy Head and the HR and Compliance Manager will allow for future recruitment practices to be better informed. It is to cover:

- Staff turnover and reasons for leaving (via exit interview data)
- The attendance of new members of staff at Safeguarding and Child Protection training

## **Related Policies**

- Supervision of Ancillary, Contract and Unchecked Staff Policy
- Professional Code of Conduct for Staff
- Whole College Safeguarding and Child Protection Policy
- Equal Opportunities Policy
- Data Protection Policy
- Staff Privacy Policy

## Appendix 1. Spent convictions and the DBS filtering rules

### Spent convictions

Sentence	Rehabilitation period (in all cases the period commences from the date of the conviction)	
	Aged over 18 at the time of the conviction	Aged under 18 at the time of the conviction
<ul style="list-style-type: none"> <li>• Prison sentence of more than 4 years</li> <li>• Sentence of imprisonment, youth custody, detention in a young offender institution or corrective training of over four years</li> <li>• Sentence of preventive detention</li> <li>• Sentence of detention at Her Majesty's Pleasure</li> <li>• Sentence of custody for life</li> <li>• Public protection sentences* (imprisonment for public protection, detention for public protection, extended sentences of imprisonment or detention for public protection and extended determinate sentences for dangerous offenders)</li> <li>• A public protection sentence (the provisions for which are set out in Part 12 of the Criminal Justice Act 2003 and Part 8 of the Armed Forces Act 2006 means a sentence of imprisonment or detention, as detailed above, imposed for specified sexual and violent offences.</li> </ul>	Never	Never
Prison sentence of more than 30 months but less than or equal to 4 years	Length of sentence + 7 years	Length of sentence + 3.5 years
Prison sentence, or sentence of detention, of more than 6 months but less than or equal to 30 months	Length of sentence + 4 years	Length of sentence + 2 years
Prison sentence, or sentence of detention, of less than or equal to 6 months	Length of sentence + 2 years	Length of sentence + 18 months
Removal from HM Service	1 year	6 months
Service detention	1 year	6 months
Community order or youth rehabilitation order	1 year	6 months
Fine	1 year	6 months

Compensation order	Once paid in full	Once paid in full
Absolute discharge	Spent immediately	Spent immediately
Driving disqualification	End of the disqualification	End of the disqualification
Driving endorsement	5 years from the date of conviction	30 months from the date of conviction
Relevant order (include conditional discharge orders, restraining orders, hospital orders, bind overs, referral orders, care orders and any order imposing a disqualification, disability, prohibition or other penalty not mentioned in this table)	End of the order or, if no date given, 2 years from the date of conviction - unless the order states 'unlimited', 'indefinitely' or 'until further order' as in these cases it will remain unspent	End of the order or, if no date given, 2 years from the date of conviction - unless the order states 'unlimited', 'indefinitely' or 'until further order' as in these cases it will remain unspent r
Simple caution, youth caution	Spent immediately	Spent immediately
Conditional cautions youth conditional caution	3 months or when caution ceases to have effect if earlier	3 months or when caution ceases to have effect if earlier

## Filtering rules

Certain spent convictions and cautions are considered 'protected' and the DBS filtering rules mean that they are not included in a DBS certificate. Job applicants are not required to disclose protected convictions or cautions. If a protected conviction or caution is inadvertently disclosed the School will disregard that information when making a recruitment decision.

You are therefore not required to disclose information about a spent criminal conviction imposed for an offence committed in the United Kingdom if you were over 18 years of age at the time of the offence and:

- 11 years have elapsed since the date of the conviction;
- it did not result in a custodial sentence; and

it was not imposed for a "specified offence".

You are not required to disclose information about a spent caution issued for an offence committed in the United Kingdom if you were over 18 years of age at the time of the offence and:

six years have elapsed since the date it was issued; and  
it was not issued for a "specified offence".

You are not required to disclose information about a spent criminal conviction imposed for an offence in the United Kingdom if you were under 18 years of age at the time of the offence and:

five and a half years have elapsed since the date of the conviction;  
it did not result in a custodial sentence; and  
it was not imposed for a "specified offence".

You are not required to disclose information about a caution issued for an offence committed in the United Kingdom if you were under 18 years of age at the time of the offence.

The list of "specified offences" can be found at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>.