



## Whole College

# Recruitment Policy including Ex-offenders

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## St Clare's Recruitment Policy including Ex-offenders Policy

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## Recruitment Policy including Ex-Offenders

### Introduction

1. St Clare's ("the College") is committed to ensuring the best possible environment for the students in its care. Safeguarding and promoting the welfare of children and young people is our highest priority. The College aims to recruit staff that share and understand this commitment. The College also wants to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.
2. All queries on the College's recruitment process must be directed to the HR department by email to [recruitment@stclares.ac.uk](mailto:recruitment@stclares.ac.uk).
3. An entry will be made on the Single Central Register (SCR) for all current members of staff at the College, the Governing body and all individuals who work in regular contact with children including volunteers, supply staff and those employed by third parties.
4. The College is a Company and is registered as a Charity, and the Board of Governors are directors and trustees respectively.
5. All checks will be made in advance of appointment or if appropriate, as soon as practicable after appointment.

### Scope of this Policy

6. This policy refers and applies to all staff directly recruited and employed by the College. The Education (Independent Colleges Standards) (England) Regulations 2014, defines staff as:

*'Any person working at the College 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.'*

7. For agency or contract workers, the College will set out the safeguarding requirements in the contract with the organisation and the College must obtain written confirmation from the agency or company that it has carried out the same checks as the College would otherwise perform on any individual working at the College (or who will be providing education on the College's behalf, including through online delivery). The College will conduct identity checks on agency and contract workers on arrival at the College and, in the case of agency workers (including supply staff), the College must be provided with a copy of the appropriate level of DBS check for staff.
8. For supply agency workers, the College will check that the required checks have been carried out (identity, enhanced disclosure, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus, those checks set out in KCSIE as 'pre-employment' checks). The Single Central Register shows these checks have been made and the College carries out its own identity check and has seen a copy of the disclosure (whether or not any information is disclosed).
9. Any staff who TUPE transfer into the College's staff will be required to accept the statutory requirements regarding safer recruitment checks. If staff are transferred under TUPE, information will be passed to

the new employer and a note made on the Single Central Register that details provided to the previous employer have been accepted under TUPE.

10. This policy does not apply to contractors and employees of third parties, other than as stated above. However, unchecked contractors will under no circumstances be allowed to work unsupervised in College. The College will determine the appropriate level of supervision depending on the circumstances.

## **Application Process**

11. The College will only accept applications from candidates completing the relevant Application Form in full. CVs will not be accepted unless submitted alongside a completed Application Form.
12. Candidates will be made aware that all posts in the College involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates will receive a Job Description and Person Specification for the role applied for.
13. Applicants' previous employment history will be reviewed to ascertain satisfactory reasons for any gaps in employment. This information will be checked against references and any discrepancies discussed with the candidate.
14. The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the position and, where appropriate, a check of the Barred List will be undertaken. Any offer of employment will be conditional on obtaining such satisfactory checks. Additionally, successful applicants should be aware that they are required to notify the College immediately if there are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration.
15. The College takes its responsibility to safeguard children very seriously and any candidate who is aware of anything that may affect their suitability to work with children must notify the HR Department immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings they may receive.
16. If the candidate is currently working with children, whether on a paid or voluntary basis, the College will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired). Such referees will also be asked whether the candidate has been the subject of any child protection allegations or concerns and if so, the outcome of any enquiry or disciplinary procedure. Any information received by the College about past disciplinary action or substantiated allegations will be considered in the circumstances of each individual case.
17. If the candidate is not currently working with children but has done so in the past, the College will ask the relevant previous employer about the issues outlined above.
18. Where neither the current nor previous employment has involved working with children, the College will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the College will request references from the candidate's school, college or university. In addition, character references may also be requested.

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

### **Invitation to Interview**

20. The College will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities for the role for which they have applied. At least two members of College staff will normally carry out the shortlisting exercise. As part of the shortlisting process, they will consider any inconsistencies in the application form, look for gaps in employment and reasons given for them, and explore all potential concerns.
21. As part of the shortlisting process, the College will carry out an online search on all shortlisted candidates as part of its due diligence. This is to help identify any incidents or issues that have happened to the applicant, and that are publicly available online, and which the College may want to explore with an applicant at interview.
22. These measures form part of the College's wider safeguarding due diligence which aims to prevent and/or deter individuals who may be unsuitable to work with children from working in an educational setting.
23. Shortlisted applicants will be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail. The invitation will ask candidates to complete a self-declaration form which relates to their criminal record or information that would make them unsuitable to work with children. Such self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. Applicants will be asked to sign the declaration confirming that the information they have provided is true.
24. Where there is an electronic signature on either the application form or the declaration, the candidate will be asked to physically sign a hard copy of either or both document at the point of interview.
25. The College will, where possible, take up references on the candidates prior to interview. This allows any concerns to be explored further with the referee and can be taken up with the candidate at interview.
26. All formal interviews will have a panel of at least two people chaired by an appropriate senior member of staff. At least one person on the interview panel will have undertaken safer recruitment training.
27. The Chair of Governors will chair the panel responsible for the Principal's and Bursar's appointments. The interviewers involved will be required to declare any prior personal relationship or knowledge of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. If the Chair has a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.
28. Interviews will normally be conducted in person. If, in exceptional circumstances, the interview is conducted online it should be 'face to face'. The interview will explore suitability for the position and also explore the candidate's suitability to work with children including where appropriate, any discussion of information shared by the candidate in their self-declaration form.

29. All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary and relevant for the post (e.g., the original or certified copy of certificates, diplomas etc). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.
30. All candidates invited to interview will also be asked to bring with them:
  - a. Their passport, or a current driving licence (including a photograph) and a full birth certificate;
  - b. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
  - c. Where appropriate any documentation evidencing a change of name;
  - d. Where applicable, proof of entitlement to work and reside in the UK.
31. Please note that originals of the above documents are necessary. Photocopies or certified copies are not sufficient.
32. Candidates with a disability who are invited to interview should inform the College of any necessary reasonable adjustments or arrangements that are necessary to assist them to take part in the interview.

## References

33. The College will seek the references referred to above for shortlisted candidates before interview. If the candidate does not wish the College to take up references in advance of the interview, they should notify the College at the time of application by indication on the application form.
34. One of the references obtained will be from the applicant's current or most recent employer. Previous employers will be asked for information to verify relevant experience or qualifications. Such references must be completed and/or authorised by a senior person with appropriate authority to provide the information requested.
35. All referees will be asked if the candidate is suitable to work with children. They will also be asked to provide facts of any substantiated safeguarding concerns or allegations that meet the harm threshold set out in Part 4 of the statutory guidance 'Keeping Children Safe in Education' as substantiated allegations that meet the harm threshold should be included. Any repeated concerns or allegations which do not meet the harm threshold which have been found to be false, unfounded, unsubstantiated, or malicious should not be included in any reference.
36. Only references obtained directly from the referee will be accepted and the College will not rely on references or testimonials provided by the applicant or provided in open references or testimonials.
37. The College will verify all references with the referee and where references are received electronically, the College will ensure they originate from a legitimate source. The College will also compare any information provided by the referee with that provided by the candidate on the Application Form and any inconsistencies will be discussed with the candidate.

## Conditional Offer of Appointment: Pre-Appointment Checks

38. Any offer of employment made to a successful candidate will be conditional upon:

- a. Receipt of at least two satisfactory references (if these have not already been received).
  - b. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK (if not already received).
  - c. A satisfactory enhanced DBS check and, if appropriate, a check of the Children’s Barred List maintained by the DBS.
  - d. For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012. Teaching work is defined in The Teachers’ Disciplinary (England) Regulations 2012 to encompass:
    - (1) Planning and preparing lessons and courses for pupils;
    - (2) Delivering and preparing lessons to pupils;
    - (3) Assessing the development, progress and attainment of pupils; and
    - (4) Reporting on the development, progress and attainment of pupils.
  - e. Verification of professional qualifications, including Qualified Teacher Status, where appropriate.
  - f. Where the successful candidate has worked or been resident overseas for longer than three months in the last five years, such further checks and confirmations as the College may consider appropriate so that any relevant events that occurred outside the UK can be considered. This may include obtaining a certificate of good conduct from the relevant authorities and/or the candidate obtaining a letter from the professional regulating authority in the country (or countries) in which they have worked which confirms that the candidate has not been subject to any sanctions or restrictions, and or that the relevant authorities are not aware of any reason why the candidate may be unsuitable to teach.
  - g. Evidence of satisfactory medical fitness (see below).
  - h. Where the successful candidate will be taking part in the management of the College, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Governors, Senior Management Team, teaching Heads of department and managers for support teams.
  - i. For a candidate to be employed into a senior management position as set out below, receipt of a signed “senior charity manager positions: automatic disqualification declaration” confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities.
39. All successful candidates must complete a pre-employment health questionnaire. The information contained in the questionnaire will be held by the College in strict confidence and processed in accordance with the Privacy Notice for Job Applicants and the Data Protection Policy. The information provided by the candidate will be reviewed against the relevant job description and person specification, any other known physical or mental requirements of the role e.g., workload, extra-curricular activities, and/or the layout of the College. The College is aware of its duties under the Equality Act 2010 and no job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.
40. Certain individuals are automatically disqualified from acting in senior management positions within a charity. Whether an individual falls into the category of a senior management position is judged using the following criteria:
- a. A person who is accountable only to the governors, and who carries overall responsibility for the day-to-day management and control of the charity. At St Clare’s this would be the Principal.
  - b. A person who is accountable only to the Principal or the governors, and who is responsible for the overall management and control of the charity’s finances. At St Clare’s this would be the Bursar.

41. Being disqualified means that a person cannot take on, or stay in, a senior manager position even on an interim basis, unless the Charity Commission has removed (or 'waived') the disqualification.

### **Criminal Records Policy**

42. The College will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education' and any amended version in carrying out the necessary required DBS checks. The College complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here: <https://www.gov.uk/government/publications/dbs-code-of-practice>.
43. There are very limited circumstances where the College will accept a DBS check from another educational institution. These are where the new member of staff has, during a period which ended not more than three months before their appointment, worked in:
- a. A school or college in England (whether maintained or independent) in a position which brought them regularly into contact with children or young persons;
  - b. A maintained school or college in England in a position to which they were appointed on or after May 2006 and which did not bring them regularly into contact with children or young persons; or
  - c. An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education, or which brought them regularly into contact with children or young persons.
44. In these circumstances the College may apply for a new disclosure but is not required to do so. However, in such circumstances, a new separate barred list check will always be obtained.

### **DBS Update Service**

45. Where an applicant subscribes to the DBS Update Service, the applicant must give their consent for the College to check there have not been any changes since the issue of the relevant disclosure certificate. A separate barred list check will however always be obtained. The applicant will also be required to provide the original disclosure certificate for verification.

### **Delays to the DBS Check**

46. A short period of work is allowed under controlled conditions, at a member of the Senior Management Group's discretion. The member of staff will be permitted to commence work without confirming their appointment in the following circumstances:
- a. a satisfactory check of the barred list has been completed (if the person will be engaging in regulated activity) and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
  - b. the DBS application has been made in advance of the commencement date;
  - c. appropriate safeguards have been taken (for example, supervision of the member of staff);
  - d. the member of staff in question is informed and aware of these safeguards; and
  - e. the safeguards are reviewed at least every two weeks by the line manager and the member of staff.
47. In these circumstances, a note will be added to the Single Central Register and evidence of the measures put in place retained.

### **Delays to the Overseas Certificate of Good Conduct (where applicable)**

48. Provided that evidence of application for such a certificate has been made in advance of the commencement date, and a satisfactory reference from the relevant country (countries) has been verified, it will be possible to follow the procedure under 'Delays to the DBS Check' above.

### **Retention, Security of Records and Data Protection Obligations**

49. The College will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained.
50. The College will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Privacy Notice for Job Applicants and the Data Protection Policy.

### Policy On The Recruitment Of Ex-Offenders

1. St Clare's will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed.
2. The College makes appointment decisions based on merit and ability. If an individual has a criminal record this will not automatically bar them from employment within the College. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.
3. All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.
4. Under the relevant legislation, it is unlawful for the College to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the College 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.
5. It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the College. The College will report the matter to the police and/or the DBS if:
  - a. the College receives an application from a disqualified person;
  - b. is provided with false information in, or in support of, an applicant's application; or
  - c. the College has serious concerns about an applicant's suitability to work with children.
6. If 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:
  - a. whether the conviction or other matter revealed is relevant to the position in question;
  - b. whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
  - c. the seriousness of any offence or other matter revealed;
  - d. the length of time since the offence or other matter occurred;
  - e. whether the applicant has a pattern of offending behaviour or other relevant matters;
  - f. whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
  - g. the circumstances surrounding the offence and the explanation(s) offered by the convicted person.
7. 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, serious class A drug related offences, robbery, burglary, theft, deception, or fraud.
8. 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.
9. 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.

## St Clare's Handling of DBS certificate information Policy

### 1. General principles

As an organisation using the Disclosure and Barring Service (DBS) to help assess applicants' suitability for positions of trust, St. Clare's complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of certificate information. We also comply fully with our obligations under the General Data Protection Regulation (GDPR) Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and have a written policy on these matters, which is available on request to those who wish to see it. Please also refer to the Privacy Notice for Job Applicants, the Employee Privacy Notice and the Retention of Records Policy.

### 2. Storage & access

Disclosure information is kept securely, with access strictly controlled and limited to those who are entitled to see it as part of their duties. We keep a record of the date a certificate is seen, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number on the certificate and the details of the recruitment decision taken. We do not keep a photocopy or other image of the certificate or any copy or representation of the contents of a certificate.

### 3. Handling

In accordance with section 124 of the Police Act 1997, disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom disclosure information has been revealed and recognise that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

### 4. Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### 5. Retention

Once a recruitment or other relevant decision has been made, we do not keep disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If it is considered necessary to keep disclosure information for longer than six-months, we will give full consideration to the General Data Protection Regulation, Data Protection and Human Rights Acts relating to the individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

### 6. Disposal

Once the retention period has elapsed, we ensure that any disclosure information is immediately destroyed by secure means.