



Westbourne  
House School

CHICHESTER

## **SAFER RECRUITMENT POLICY**

**This is the policy of Westbourne House School, which incorporates the Prep School, Pre-Prep, Early Years Foundation Stage as well as provision for boarding**

### **Policy Statement**

The safer recruitment of staff in schools is the first step to safeguarding and promoting the welfare of the children in education. The school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. It is recognised that this can only be achieved through sound procedures, good inter-agency co-operation and the recruitment and retention of competent, motivated employees who are suited to, and fulfilled in the roles they undertake.

This school recognises the value of, and seeks to achieve a diverse workforce which includes people from different backgrounds with different skills and abilities. The school is committed to ensuring that the recruitment and selection of all who work within the school is conducted in a manner that is systematic, efficient, effective and promotes equality of opportunity and that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010. This document provides a good practice framework to comply with the principles set down in the school's Equal Opportunities Policy.

All posts within school are exempt from the Rehabilitation of Offenders Act 1974 and therefore all applicants will be required to declare spent and unspent convictions, cautions and bind-overs, including those regarded as spent and have an Enhanced Disclosure and Barring Service Clearance.

The school is committed to ensuring people who have been convicted are treated fairly and given every opportunity to establish their suitability for positions. Having a criminal record will not necessarily be a bar to obtaining a position.

All queries on the School's Application Form and recruitment process must be directed to the Assistant Bursar – HR and Administration.

An entry will be made on the Single Central Register for all current members of staff at the School, the proprietorial body and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

The School is managed by a Board of Governors, who also act as Trustees of Westbourne House School, which is a registered charity.

All checks will be made in advance of appointment or as soon as practicable after appointment and will be completed in accordance with the requirements set out in Keeping Children Safe in Education (KCSIE).

### **Scope of this Policy**

The Safer Recruitment Policy herewith refers and applies to staff directly recruited and employed by the School. In the Education (Independent Schools Standards) (England) Regulations 2014, 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.*

In the case of agency or contract workers, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. The School conducts identity checks on agency and contract workers on arrival in School and, in the case of agency workers which includes supply staff, the School must be provided with a copy of the DBS check for such staff.

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus in line with KCSIE two references, declaration of medical fitness, check of previous employment history). The Single Central Register shows these checks have been made and the School carries out its own identity check and has a copy of the disclosure.

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

The arrangements for volunteers will vary by individual and activity. The school will assess whether or not the individual will be in regulated activity and the level of supervision required, if at all. This will determine which checks are required, including whether or not an enhanced DBS needs to be completed and if this is to include a check of the barred list also. Where appropriate, a risk assessment will be conducted in relation to the volunteers work. Where the role involves providing personal care, it is always regulated activity.

The DfE provide the following guidance on the supervision of volunteers:

- There must be supervision by a person who is in regulated activity
- The supervision must be regular and day-to-day
- The supervision must be reasonable in all circumstances to ensure the protection of children

All governors must provide proof of their right to work and complete an identity check, DBS check, overseas check (where applicable) and prohibition from management check. The Chair of Governors will undertake a DBS check with the Secretary of State.

With due regard to boarding:

- The school is aware of the need to have stringent practice and procedures with regard to all adults who may come into contact with boarders.
- All members of staff will have enhanced DBS checks.
- For all persons over 16 (not on the roll of the school) who after April 2002 began to live on the same premises as boarders but are not employed by the school, will have an Enhanced DBS check completed and a Barred List Check.
- There is also a written agreement between the school and any person over 16 not employed by the school but living in the same premises as boarders. This specifies the terms of their accommodation, guidance on contact with boarders, their responsibilities to supervise their visitors, and notice that accommodation may cease to be provided if there is evidence that they are unsuitable to have regular contact with children. They must be required to notify an unrelated designated senior member of staff if they are charged with, or convicted of any offence.
- All persons visiting boarding accommodation are kept under sufficient staff supervision to prevent them gaining substantial unsupervised access to boarders or their accommodation.

Any staff who TUPE transfer into the School's staff will be required to undertake the statutory requirements with regard to safer recruitment checks.

If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

### **Advertising**

Where applicable the school will advertise vacant posts to encourage as wide a field of candidates as possible; normally this will entail an external advertisement.

However, where there is a reasonable expectation that there are sufficient qualified internal candidates an internal appointment may be considered appropriate and advertisement of this will be at the discretion of the Headmaster.

All advertisements include a statement of the school's commitment to safeguarding.

## **Application Form**

The School will only accept applications from candidates completing the relevant Application Form in full. CVs will not be accepted in substitution for completed Application Forms.

The School will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts will receive a Job Description for the role applied for.

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.

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 Headmaster or Bursar. If candidates would like to discuss this beforehand, they are asked to please telephone in confidence to the Headmaster or Bursar for advice.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However, amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the position. Additionally, successful applicants should be aware that they are required to notify the school 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.

The Disqualification under the Childcare Act 2006 (July 2018) apply to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare.

The school takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the Headmaster immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.

Staff and/or successful candidates who are disqualified from childcare or registration may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please speak to the Headmaster or Bursar for more details.

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.

The School has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment [more guidance for schools from the DfE on this can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/439598/prevent-duty-departmental-advice-v6.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf)].

If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask their current employer about disciplinary offences and 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.

If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the School may request character references which may include references from the candidate's school or university.

All candidates should be aware that 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.

### **Invitation to Interview**

The School will short list applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

All formal interviews will have a panel of at least two people chaired by the Headmaster, Bursar or another designated senior member of staff. It is recommended best practice that at least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Governors should chair the panel for the Bursar's/Headmaster's appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

The interview will be conducted in person and the areas which it will explore will include suitability to work with children. Telephone interviews may be deemed appropriate when the candidate is living abroad, although these will ideally be carried out by Skype.

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or 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.

The School requests that all candidates invited to interview also bring with them:

1. A current driving licence including a photograph or a passport or a full birth certificate;
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Where appropriate any documentation evidencing a change of name;
4. Where the candidate is not a citizen of a country within the European Economic Area or Switzerland, proof of entitlement to work and reside in the UK.

**Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient. The original document will be checked with the applicant present and a copy will be taken and kept on record.**

Candidates with a disability who are invited to interview should inform the School of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

## **Conditional Offer of Appointment: Pre-Appointment Checks**

Any offer to a successful candidate will be conditional upon:

1. Receipt of at least two satisfactory references (if these have not already been received);
2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK;
3. A satisfactory enhanced DBS check and if appropriate, a check of the Barred List maintained by the DBS;
4. 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. Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:
  - Planning and preparing lessons and courses for pupils
  - Delivering and preparing lessons to pupils
  - Assessing the development, progress and attainment of pupils
  - Reporting on the development, progress and attainment of pupils;
5. Verification of professional qualifications, where appropriate. Where candidates have obtained qualifications abroad, a certified comparability check by NARIC may be required;
6. Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999);
7. Where the successful candidate has worked or been resident overseas such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered;
8. Satisfactory medical fitness;
9. Receipt of a signed Staff Disqualification Declaration form showing that you are not disqualified from providing childcare under the Disqualification under the Childcare Act 2006 (July 2018);
10. Where the successful candidate will be taking part in the management of the school, 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 and teaching heads of department; and

11. For a candidate that has lived or worked outside the UK, an EEA check using the Teaching Regulation Agency employer access system for information about any teacher sanction or restriction. Checks will be obtained when a person has lived overseas for three months or more in the last ten years.

It is the School's practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence and processed in accordance with the Recruitment Privacy Notice and Data Protection Policy. This information will be reviewed against the Job Description for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, layout of the School.

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

Once all pre-appointment checks have been satisfactorily completed/received, the contract of employment will be issued. The contract will be issued as soon as possible but in all circumstances within eight weeks of employment commencing.

## **References**

The School will seek the references referred to in the 'pre-appointment checks' section above for shortlisted candidates and may approach previous employers for information to verify particular experience or qualifications, before interview. One of the references must be from the candidate's current or most recent employer. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying.

The School will ask all referees if the candidate is suitable to work with children. References must be in writing and specific to the job for which the candidate has applied, open references or testimonials will not be accepted. The School will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies will be discussed with the candidate.

Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case.

## **Criminal Records Policy**

The School 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 School 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>.

There are limited circumstances where the school will accept a check from another educational institution which are as follows:

This is where the new member of staff (“M”) has worked in:

- (a) A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- (b) A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M 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 M regularly into contact with children or young persons, during a period which ended not more than three months before M’s appointment.

In these circumstances the school may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.

### **DBS Update Service**

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the school to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required.

### **If disclosure is delayed**

A short period of work is allowed under controlled conditions, at the Headmaster’s discretion. However, if an ‘enhanced disclosure’ is delayed, a Headmaster may allow the member of staff to commence work:

- Without confirming the appointment;
- After a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
- Provided that the DBS application has been made in advance;
- With appropriate safeguards taken (for example, loose supervision), including the completion of an Early Employment Risk Assessment;

- Safeguards reviewed at least every two weeks by the Headmaster or Bursar and member of staff;
- The person in question is informed what these safeguards are; and
- It is recommended, but not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

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

The School 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 for longer than 6 months.

The School will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Recruitment Privacy Notice and the Data Protection Policy.

The school will retain all interview notes on all applicants for a six month period, after which time the notes will be destroyed. The six month retention period will allow the school to deal with any data access requests, recruitment complaints or to respond to any complaints made to an Employment tribunal.

### **Monitoring and review**

The School will review and monitor the effectiveness and compliance of this policy (and appendices – if appropriate). This policy will be kept up-to-date and amended to take account of legislative and regulatory changes.

<b>Last Review Date</b>	<b>Next Review Date</b>	<b>Reviewer(s)</b>
January 2019	August 2019	Head Assistant Bursar - HR

## **Appendix 1**

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

The School will not unfairly discriminate against any candidate 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 individual 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 below.

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.

Under the relevant legislation, it is unlawful for the School 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 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 also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the Disqualification under the Childcare Act 2006 (July 2018).

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. The School will report the matter to the Police and/or the DBS 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.

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;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;

- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the School'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.

If the post involves access to money or budget responsibility, it is the School'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 School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.

### **Staffing and Resources**

It is the responsibility of the governing body to:

- Ensure the school has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements.
- Monitor the school's compliance with them.

It is the responsibility of the Headmaster and other managers involved in recruitment to:

- Ensure that the school operates safer recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school.
- To monitor contractors' and agencies' compliance with this document.
- All persons visiting boarding accommodation (eg: visitors, outside delivery and maintenance personnel) are kept under sufficient staff supervision to prevent them gaining substantial unsupervised access to boarders or their accommodation.
- Promote welfare of children and young people at every stage of the procedure.
- Ensure at all times newly appointed staff with only a Barred List check, awaiting a DBS check, have had an Early Employment Risk Assessment completed.

It is the responsibility of all potential and existing workers, including volunteers to comply with this document.

It is the responsibility of all contractors and agencies to comply with safer recruitment pre-employment checks.

The school has an appointed Assistant Bursar - HR to deal with the administration of the safe recruitment, disclosure and all employment issues for the school.

The governing body has delegated responsibility to the Headmaster to lead in all appointments outside of the Deputy Head and Bursar.

School governors may be involved in staff appointments, but the final decision will rest with the Headmaster. The Headmaster may delegate the selection process of staff to other managers in the school but remains responsible for the decision to appoint.

### **Probation Periods**

Newly appointed teachers will be subject to the school's probationary period as per the contractual agreement.

School staff will be given a copy of the Staff Handbook, Employee Handbook, Staff Behaviour Code of Conduct and are directed to the School Policies file (both on the school system and the hard copies, held in both the Prep and Pre-Prep Office and Staffrooms). Staff are asked to sign a declaration that they have read and understood the documents and will follow the guidelines required to maintain professional boundaries at all time.

The school has a specific Child Protection (Safeguarding) Policy, which has been disseminated to all staff and volunteers. All new staff receive a Child Protection briefing from one of the school's designated persons as part of their induction.

### **Current Staff**

All staff are made aware of the legislation relating to disqualification, including:

- Being cautioned for, convicted of or charged with certain violent and sexual criminal offences against children and adults, at home or abroad.
- Being the subject of certain other orders relating to the care of children.
- Refusal or cancellation of registration relating to childcare or being prohibited from private fostering.
- Staff are requested to complete a self-declaration on an annual basis. Dates of such disqualification checks will be recorded.

The school will follow DFE and West Sussex Safeguarding Children procedures and refer any allegation for initial consultation with the Local Authority Designated Officer.