

UPPINGHAM

Recruitment, Selection and Disclosure Policy

Introduction

Uppingham School ("the School") is committed to ensuring that it offers an outstanding learning environment for the children and young people in its care. Safeguarding and promoting the welfare of children is the School's highest priority. The School is also committed to providing a supportive and flexible working environment to all its members of staff.

The School aims to recruit staff that share and understand its commitment to safeguarding and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

The aims of the School's recruitment policy are to ensure:

- That the best possible staff are recruited on their merits, abilities and suitability for the position;
- That all job applicants are considered equally and using consistent assessment criteria;
- That no job applicant is treated unfairly on any grounds including race, colour, national or ethnic origin, gender, sexual orientation, marital or civil partnership status, religion or belief, age or physical or mental disability;
- Full compliance with all relevant legislation, recommendations and guidance including the current statutory guidance published by the Department for Education ("DfE"), "Keeping Children Safe in Education" and the Prevent Duty; the DfE's "Boarding Schools National Minimum Standards"; the Education (Independent School Standards) Regulations 2014; and the Home Office document "Revised Code of Practice for Disclosure and Barring Service Registered Persons" ("the DBS Code of Practice");
- That the School meets its commitment to safeguarding and promoting the welfare of the children in its care 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.

All queries on the School's application form and recruitment process must be directed to the HR Department.

Scope

This Recruitment, Selection and Disclosure Policy and Procedure refers, and applies to, staff directly recruited, employed and hired for services by the School. In the Education (Independent Schools Standards) Regulations 2014, "staff" are defined as:

"Any person working at the School whether under a contract of employment, under 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 same checks for their employees that the School is required to complete for its staff. The School requires confirmation that these

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checks have been completed before employees of the contractor can commence work at the School. Evidence of these checks is recorded on the SCR.

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 and these are recorded on the SCR.

The School will also independently verify the identity of staff supplied from contractors or an agency.

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

Details, including dates, of any previous applications(s) made for flexible working

Where applicable, state that the application is being made in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability

The application must be submitted to the HR Department where the application will be registered and then passed to your Line Manager for consideration.

Application Form

The School will only accept applications from shortlisted candidates completing the relevant application form in full. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. CVs, although accepted in some instances for the first initial phase of a vacancy listing, will not be accepted in substitution for completed application forms for candidates shortlisted for interview.

The School makes candidates aware that all posts in the School involve a responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts may access a job description including person Specification for the role applied for. Job Descriptions and vacancy adverts advise candidates that, if appointed, they will be required to undergo checks, including DBS checks, appropriate to the post. The School's Safeguarding (Child Protection) Policy is forwarded to shortlisted applicants prior to interview.

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. 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 when making recruitment decisions. 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 an application form from the Disclosure and Barring Service ("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.

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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, including any relating to children or young persons (whether the disciplinary sanction is current or time expired), 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 shortlist 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 their relevant skills and experience will be discussed in more detail. Prior to interview, online checks shall be conducted on all shortlisted candidates. Any issues identified as part of the online checking process will be followed up during interview.

All formal interviews will have a panel of at least two people chaired by a recruiting manager. It is recommended best practice that at least one person on the appointment panel will have undertaken safer recruitment training. A member of staff from the HR department is involved in all interviews. The Chair of Trustees should chair the panel for the Chief Operating Officer's/Head'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, a 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.

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;

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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.

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

In accordance with the recommendations set out in the Guidance, the requirements of the Education (Independent School Standards) Regulations 2014 and the “Boarding Schools National Minimum Standards, the School carries out a number of pre-employment checks in respect of all prospective employees. Any offer to a successful candidate will be conditional upon:

- Receipt and verification of at least two satisfactory references;
- Verification of identity and qualifications;
- Evidence of the right to work in the UK;
- A satisfactory enhanced DBS check and if appropriate, a check of the Children’s Barred List maintained by the DBS;
- For a candidate to be employed as a teacher, a check that the candidate is not subject to a prohibition order issued by the Secretary of State;
- For a candidate appointed to a management position, a check that the candidate is not subject to a prohibition order issued by the Secretary of State (also known as a section 128 direction);
- Verification of professional qualifications, where appropriate;
- Receipt of such checks and confirmations as the School may consider appropriate (in line with the School’s “Policy on obtaining overseas criminal records checks as part of safer recruitment”) so that any relevant events that might have occurred outside the UK can be considered,; and
- Satisfactory medical fitness.

The School is legally required to verify the medical fitness of anyone to be appointed to a post at the School, **with** or **after** an offer of employment has been made but **before** the appointment can be confirmed. The successful candidate must complete a pre-employment health questionnaire. This questionnaire should be completed and returned to Occupational Health and held in strictest confidence. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, and layout of the School. If the School’s occupational health advisor has any doubts about an applicant’s fitness the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

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

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and whether reasonable adjustments can be made to enable them to carry out the role with the School.

References

The School will ask for candidates' permission to seek the references referred to in section 5 above before interview. The School may also approach previous employers for information to verify particular experience or qualifications before interview of the candidate. One of the references must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

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 on the application form.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied, whether they have any reason to believe that the applicant is unsuitable to work with children and if they are completely satisfied that the applicant is not involved in "extremism". All referees will be sent a copy of the job description and person specification for the role which the applicant has applied for. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title/duties, reason for leaving, performance,
- sickness and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues
- related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated, unfounded or malicious;
- whether any allegations or concerns have been raised about the applicant that relate to the
- safety and welfare of children or young people or behaviour towards children or young people, except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated, unfounded or malicious.

The School will only accept references obtained directly from the referee and will not accept references or testimonials provided by the applicant or "to whom it may concern" references or testimonials. The School will compare any information provided by the referee with that provided by the candidate on the application form. Any inconsistencies will be probed with the candidate.

Overseas Checks

The School accepts that to meet the standards outlined in **The Education (Independent School Standards) Regulations 2014** and **Keeping children safe in education September 2020**, a DBS certificate may not be sufficient to establish an individual's suitability to work with children where the individual has also worked overseas. It therefore undertakes to carry out

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pre-recruitment overseas checks according to this policy. The policy follows guidance from the **ISI Regulatory Handbook (the Commentary)**:

- Where an individual is coming to work at the School in whatever capacity, the HR department will require that overseas criminal records checks (“overseas check”) are carried out for stays of three months or more that have taken place in the last five years.
- It will also require an overseas check from the individual’s country of origin, unless the time in residence in the country was solely prior to the individual reaching 16 years of age, in which case the check will not be made.
- From 1 January 2021 the Teaching Regulation Agency no longer maintains a list of EEA teachers with sanctions, so this check is no longer available. Instead, teachers will be asked to provide a letter of professional standing from the organisation responsible for regulating teachers in the country in which they qualified. Teachers who qualified in the EEA will be required to present this when they apply for Qualified Teacher Status in England.
- Where the individual has worked in a school in the UK since moving from overseas, it will not be necessary to carry out the overseas check.
- Where the individual’s start date with the School has been delayed because of a pending overseas check by one month, or where the overseas check is not received by the beginning of term (for teachers) the HR department will take and verify an additional professional or character reference for the individual relating to their time spent in the country in question, with a view to potentially allowing the individual to start work.
- The HR department will nonetheless continue to regularly pursue the relevant overseas check to the best of its ability.
- On obtaining the additional reference, the HR department will then risk assess the situation with the Chief Operating Officer or Headmaster, according to the content of the reference and particularly the individual’s role within the School. Where there is unlikely to be lone contact with children e.g. in some support staff roles, the decision may be taken to allow the individual to start work. Where the individual will have regular unsupervised time with children, or where they will be working in a pastoral capacity (e.g. some members of the Senior Management Team, HsMs, Matrons, Resident Tutors), the decision might be taken to:
 - a. Defer the individual’s start date of employment until the overseas check is received; or
 - b. Allow the individual to start work, but not to commence those aspects of the role that involve unsupervised contact with children until the overseas check is received; or
 - c. Allow the individual to start work, but fully supervised where there is lone contact with pupils until the overseas check is received.

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2. In the event that the additional reference raises concerns, the HR department will risk assess the situation with the Chief Operating Officer or Headmaster, with a view to deciding whether:
 - a. The individual should be allowed to start work with appropriate safeguarding measures; or
 - b. To delay the start of employment and take another reference with a view to probing any concerns further; or
 - c. To wait until the overseas check is back before allowing the employee to start work; or
 - d. To withdraw the employment offer on the basis that the pre-recruitment safeguarding checks have not proven satisfactory to the School.

The HR department will undertake regular reviews of this policy to ensure its compliance with the latest statutory safeguarding requirements.

Criminal Records Policy

Uppingham School is a Registered Body with the Disclosure and Barring Service (“DBS”) for the purposes of obtaining DBS clearance, to ensure as far as is possible that those who take up appointments do not pose a risk to children in its care.

Owing to the nature of the work, the School applies for an Enhanced Disclosure from the DBS in respect of all prospective staff members, trustees; all individuals aged 16 or over living in School accommodation; also regular volunteers (except where wholly supervised by a fully-checked member of staff in regulated activity),

The School will also request a check of the Barred List for individuals in regulated activity (this excludes fully-supervised volunteers, in accordance with the DBS Code of Practice). The School will verify the identity of the person in respect of whom the DBS submission is being made, prior to the submission of the application.

The DBS now removes certain old and minor cautions and convictions, reprimands and warnings from criminal record certificates. However, certain offences are considered so serious that they will always be disclosed regardless of when they took place and the person’s criminal record. A full list of these offences can be found at <https://www.gov.uk/government/publications/dbs-filtering-guidance>. An enhanced disclosure will also reveal, where requested, whether an applicant is barred from working with children by virtue of their inclusion on the lists of those considered unsuitable to work with children maintained by the DBS.

Upfront disclosure of a criminal record will not necessarily debar a candidate from appointment as the School will consider the nature of the offence, how long ago and at what age it was committed, and any other relevant factors. The School will not withdraw any offer of employment without discussing the content of the disclosure with the applicant.

The DBS certificate is only sent directly to the prospective staff member. A copy will not be sent to the School. It is therefore a requirement that the prospective staff member shows the original document to a member of the HR Department upon receipt. The School will then take a copy for recording the details on the Single Central Register as required by law. The copy is destroyed immediately the details have been entered on the SCR.

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If there is a delay in receiving a DBS certificate the Headmaster and/or Chief Operating Officer has the discretion to allow an individual to begin work pending receipt of the certificate. This discretion is delegated to the HR Director. This will only be allowed if all other checks, including a check of the Children's Barred List have been completed and once appropriate supervision has been put in place. In this instance, the individual will only be allowed to commence employment when a risk assessment has been completed by the line manager and signed off by the HR Director.

Criminal record checks will be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. In line with the School's policy on overseas criminal records checks (copy available from the HR department on request), these applicants will also be required to undertake overseas checks (equivalent to a DBS disclosure), from the relevant jurisdiction(s) of the Country in which they were born and resided in after the age of 16, and/or any country where they have lived or stayed for a period of three months or more, in the last five years. Any overseas criminal record checks must be received before employment can commence, unless a robust risk assessment has been completed and express authorisation obtained from the Headmaster or Chief Operating Officer. The School will have regard to the DfE document, "Keeping Children Safe in Education" and the ISI Regulatory Handbook and any amended versions in carrying out the necessary requirement for DBS and overseas criminal record checks.

The School complies with the provisions of the DBS Code of Practice, a copy of which can be accessed here: [Revised Code of Practice for Disclosure and Barring Service Registered Persons](#)

Retention and Security of Records

The School will comply with its obligations regarding the correct handling, use, storage, retention, security and disposal of records in accordance with the DBS Code of Practice and its obligations under the Data Protection Act 2018 and any other relevant legislation. Copies of DBS certificates will not be retained.

If an applicant is appointed, the School will retain any relevant information provided on their application form (together with any attachments) on their personnel file. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

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Appendix

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 will appointment decisions based on merit and ability. If an individual has a criminal record, this will not automatically bar them from employment within the School. Instead, each case will be assessed in accordance with the objective assessment criteria set out below.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare previous convictions, cautions, reprimands or final warnings, including those which would normally be considered “spent” except for those to which the DBS filtering rules apply. DBS filtering rules can be found at <https://www.gov.uk/government/collections/dbs-filtering-guidance>.

The DBS certificate will show whether the individual appears on the barred list held by the DBS. This list holds the names of people who are deemed to be unsuitable to work with children.

A failure to disclose a previous unfiltered conviction 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.

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 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 children.

In the event that relevant information (whether in relation to previous convictions or otherwise) is declared by an applicant during the recruitment process or obtained through a DBS 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; and

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- 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.

In the event that relevant information (whether in relation to previous convictions or otherwise) is declared by an applicant during the recruitment process or obtained through a disclosure check, the School will discuss this with the applicant and carry out a risk assessment by reference to the criteria set out above.

If an applicant wishes to dispute any information contained in a disclosure, he/she can do so by contacting the DBS directly. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.