



LOCHINVER HOUSE

Recruitment Policy

Lochinver House School is committed to providing the best possible environment, care and education for the pupils and young people in it's care. Safeguarding and promoting the welfare of children and young people is our highest priority and the School endeavours to recruit staff that share and understand this commitment whilst ensuring no applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

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

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Aims, Purpose and Scope of this Policy

Lochinver House School seeks to ensure the best possible employees are recruited and selected on the basis of their merits, abilities and suitability for the position as measured against the job description and person specification while ensuring compliance with all relevant legislation, recommendations and guidance including the Independent School Standards Regulations 2014 (ISSRs), 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).

Employees involved in recruitment and selection are responsible for familiarising themselves with and complying with the provisions of this policy.

This Recruitment Policy refers and applies to staff directly recruited and employed by the School. In the Independent Schools Standards 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.* Lochinver House School treats any volunteer in regulated activity as staff.

It is for the School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the School amount to regulated activity. A person will be engaging in regulated activity with children if, as a result of their work, they:

- are responsible, on a regular basis for teaching, training, instructing, caring for or supervising children
- have regular contact with children, or
- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

In the case of agency or contract workers, the School obtains written confirmation from the agency or company that it has carried out the same checks as the School would otherwise perform on any individual working at the school. 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 appropriate level of DBS check for such staff. The School will check with the relevant supply agency that the required checks set out in KCSIE as 'pre-employment' checks have been carried out. Unchecked agency or contract workers will, under no circumstances, be allowed to work unsupervised at Lochinver House School. The School will determine the appropriate level of supervision depending on the circumstances.

The Vacancy

A vacancy may occur through an existing employee moving to another position within the School, changing their working hours or leaving the School's employment. It may also occur through the creation of a new post. No recruitment to fill a vacancy, however that vacancy may occur, may take place without the prior agreement of the Head.

Vacancies for permanent positions (whether full or part time) should be advertised. The scope of such advertising will be at the discretion of the Head, having regard to the requirements of the vacancy, the School's legal obligations and the School's commitment to promote a more inclusive environment to attract all candidates. Existing employees are able to apply.

Our ambition is to work together to promote a more inclusive environment, which attracts all candidates and signals our commitment to celebrate and promote diversity.

When there is a need to employ an existing employee for an internal position which holds additional responsibility, the Head will ask for parties interested to apply. An internal interview procedure will then take place. The appointment will be announced and unsuccessful candidates will be informed by the Head or their representative.

Before a vacancy is advertised externally, a job description and person specification will be drawn up setting out the elements of the job, likely required qualifications, skills and other attributes, principal terms and conditions of employment and any other relevant facts.

Application Form

The School will only accept applications from candidates completing the School's Application Form in full or a completed TES online application form. CVs will not be accepted in substitution for completed Application Forms, but are permitted to be submitted alongside an Application Form.

Applicants will also be asked to provide details of their online profile, including account names and social media handles so that online searches can be carried out on shortlisted candidates. This information must be provided for the application to be accepted.

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 including a Person Specification for the role applied for.

All applicants are advised that provision of false information is an offence and could result in the application being rejected or summary dismissal by the School if they are appointed, and a possible referral to the police and/or DBS.

Selection Process

The School will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. At least two people will carry out the shortlisting exercise, consider any inconsistencies, look for gaps in employment and reasons given for them and explore all potential concerns. Anyone involved in the recruitment 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 that person should withdraw from the process.

The School recognises the potential that unconscious bias has to impact selection decisions and the School's shortlisting exercise may include removing personal information from application forms. The shortlisting exercise will usually be conducted by two employees who will ideally also be involved in the interview process.

Shortlisted applicants will be invited to attend a formal interview at which their skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children. All shortlisted applicants will be required to complete a self-declaration form prior to interview in which they will be asked to provide information about their criminal records history and other factors relevant to their suitability to work with children. This information will be considered and discussed with applicants.

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.

Where permission has been granted by the candidate on the application form, the School may take up references before the shortlisting procedure to support the shortlisting process.

Invitation to Interview

Shortlisted applicants will be invited to attend a formal interview at which relevant skills and experience will be discussed in more detail.

Shortlisted candidates will be asked to complete a self-declaration form in relation to their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. Applicants will be asked to sign a declaration confirming that the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at the point of interview.

The School will seek references for shortlisted candidates (including internal applicants) and will approach previous employers for information to verify particular experience or qualifications, before interview. One of the references must be from the applicant's current or most recent employer. References must be received by a senior person with appropriate authority. 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.

All formal interviews will have a panel of at least two people chaired by the Head, the Bursar or another designated member of the Senior Leadership Team. At least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Governors will chair the panel for the Bursar's/Head's appointment.

The interview will explore the candidates suitability to work with children including where appropriate, any discussion of information shared by a candidate in their self-declaration form.

All candidates invited to interview must bring original documentation as follows. Photocopies or certified copies are not sufficient:

- A current driving licence including a photograph or a passport and a full birth certificate. Where appropriate any documentation evidencing a change of name
- A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
- Any educational and professional qualifications that are necessary or relevant for the post
- Where applicable, proof of entitlement to work and reside in the UK.

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.

Successful Candidates

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 is conditional on obtaining such satisfactory checks. Additionally, successful applicants should be aware that they are required to notify the school immediately if they are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration.

The statutory guidance "Disqualification under the Childcare Act 2006" applies 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 their suitability to work with children must notify the Head immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings they 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.

Any offer of employment following the formal interview, will be conditional on:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment
- verification of the applicant's identity
- verification of qualifications, whether professional or otherwise, which are relevant to the appointment decision, or which are referred to in the application form, whether a requirement for the role or not
- verification of the applicant's employment history
- the School being satisfied that any information generated through online searches does not make the applicant unsuitable to work at the School
- the receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory
- for positions which involve "teaching work", the receipt of information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency which renders them unable or unsuitable to work at the School
- for applicants who have carried out teaching work outside the UK, the receipt of 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 School
- where the position amounts to "regulated activity"* the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory
- where the position amounts to "regulated activity"* confirmation that the applicant is not named on the Children's Barred List*
- the receipt of information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School
- 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 School
- confirmation that the applicant is not disqualified from acting as a trustee / governor or senior manager of a charity under the Charities Act 2011
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable)
- verification of the applicant's medical/mental health fitness for the role
- verification of the applicant's right to work in the UK
- any further checks which the School decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references.

The School is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all employees, supply staff, governors and other individuals who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

Whether a position amounts to "regulated activity"* must therefore be considered by the School to decide which checks are appropriate. It is however likely that in nearly all cases the School will be able to carry out an enhanced DBS check and a Children's Barred List check.

Pre-employment checks

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the ISSRs the School carries out a number of pre-employment checks in respect of all prospective employees.

In fulfilling its obligations the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, gender reassignment, disability or age.

In addition to the checks set out below, the School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. All offers of employment are conditional upon the School being satisfied the successful applicant is suitable to work at the School in light of any information generated from all the pre-employment checks.

Online searches

Online searches may be completed as part of due diligence checks. In carrying out online searches, the School is looking for any publicly available information about an applicant that:

- may be relevant to their suitability to carry out the role for which they have applied
- may be relevant to their suitability to work at the School or in an education setting
- is of a safeguarding nature
- may have an impact on the School's reputation (whether positive or negative).

Verification of identity, address, right to work in the UK and qualifications

All applicants who are invited to an interview will be required to bring with them evidence of their identity, right to work in the UK, address and qualifications which the School deems a requirement for the post, or which were otherwise cited in the application form.

The School asks for this information at interview to ensure that the person attending interview is who they claim to be, that they are permitted to work for the School if appointed and that they hold appropriate qualifications.

Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. They will also be asked to provide their birth certificate.

The School asks for the date of birth of all applicants in order to check for any unexplained discrepancies in the employment and education history. The School does not discriminate on the grounds of age.

For teaching positions the School requires to see verification of the successful completion of statutory induction period. This requirement applies to applicants who obtained QTS after 7th May 1999.

Right to work in the UK

All applicants must also bring to interview a valid form of evidence which confirms their right to work in the UK. Valid forms of evidence can be found in the [Home Office 'Right to Work Checklist'](#). The School will check this evidence in accordance with the [Home Office 'Code of Practice on preventing illegal working: February 2024'](#).

Qualifications

All applicants must bring to interview original documents which evidence any educational and professional qualifications referred to in their application form and/or which the School requests.

References

The School will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

The School will ask all referees if the candidate is suitable to work with children and 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'. Substantiated allegations that meet the harm threshold should be included in references. Any repeated concerns or allegations which do not meet the harm threshold which have all been found to be false, unfounded, unsubstantiated, or malicious should not be included in any reference.

The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials. The School will verify all references. Where references are received electronically, the School will ensure they originate from a legitimate source.

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.

If factual references are received i.e. those which contain limited information such as job title and dates of employment, this will not necessarily disadvantage an applicant although additional references may be sought before an appointment can be confirmed.

The School may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

The School treats all references given or received as confidential which means that the applicant will not usually be provided with a copy.

All internal candidates who apply for a new role at the School will have their application assessed in accordance with this procedure. References may be taken up on internal candidates as part of the application process and can be provided by colleagues as the School will be the most recent employer and will previously have taken up references from past employers.

The DBS disclosure certificate

A satisfactory enhanced DBS check and, if appropriate, a check of the Children's Barred List maintained by the DBS.

Prohibition from Teaching check

For a candidate to be employed as a Teacher, a check The School is required to check whether employees who carry out "teaching work" are prohibited from doing so. The School uses the Teaching Regulation Agency Teacher Services 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 Teaching Regulation Agency.

The School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012, which state that the following activities amount to "teaching work":

- planning and preparing lessons and courses for pupils
- delivering lessons to pupils
- assessing the development, progress and attainment of pupils; and
- reporting on the development, progress and attainment of pupils.

Prohibition from management check

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, teaching posts on the Senior Leadership Team, teaching posts which carry a departmental head role and support posts on the Senior Leadership Team.

Disqualification from acting as a charity trustee or senior manager

Under the Charities Act 2011 it is a criminal offence for a person to act as a trustee or senior manager of a charity when disqualified from doing so. The Charities Act 2011 sets out the grounds on which a person can be disqualified from acting as a trustee or senior manager. These include various spent and unspent criminal offences and other sanctions.

Medical/mental health fitness

No questions will be asked about health or medical/mental health fitness prior to any offer of employment being made.

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 School's Privacy. 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/or 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.

Criminal Records Checks

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 Head's discretion. However, if an 'enhanced disclosure' is delayed, a Head 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 engaging 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)
- Safeguards reviewed at least every two weeks by the Head/Bursar and member of staff
- The person in question is informed what these safeguards are, and
- It is recommended, but is not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

Applicants with periods of overseas residence

Where the successful candidate has worked or been resident overseas, such further checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered. This shall include the candidate providing the School with proof their past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which they have worked.

The School will take proportionate risk based decisions on a person's suitability in these circumstances. All suitability assessments must be documented and retained on file. If the formal check is delayed and the School is not satisfied about the applicant's suitability in the absence of that information, the applicant's proposed start date may be delayed until the formal check is received.

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 taken.

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 School's Privacy Notice.

An entry will be made on the Single Central Register ("SCR) for all current members of staff at the School, the Governors and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties. All checks are made in advance of appointment or as soon as practicable after appointment.

Policy on 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 them 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 statutory guidance "Disqualification under the Childcare Act 2006".

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;
- 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);
- 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 of 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.

Policy Reviewed: 01.05.2024
Policy Review Date: 19.04.2025
Policy linked to: Child Protection and Safeguarding Policy and Procedure (incorporating Staff Behaviour and Code of Conduct), Contractor Policy, Data Protection Policy, Data Retention Policy, DfE Keeping Children Safe in Education (September 2023), Equal Opportunities Policy, Privacy Notice, Residents Policy, Visitor and Visiting Speaker Policy and Procedure.

Any data held in relation to the content of this policy will be managed in accordance with our Data Protection Policy and Privacy Notice.