

Policy Manual

A.10 RECRUITMENT, SELECTION AND DISCLOSURES POLICY AND PROCEDURE

Inspiring Futures Education (IFE) and its colleges Padworth College and Bishopstrow College are committed to ensuring the best possible environment for the children and young people in their care. Safeguarding and promoting the welfare of children and young people is our highest priority.

IFE and its Colleges aim to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

This policy covers all recruitment activity for IFE, Bishopstrow College and Padworth College. Where 'College' is referred to in the policy, this refers to both Colleges and IFE who use the same recruitment procedures.

Each College will make an entry on the Single Central Register for all current members of staff at the College, the proprietorial body, IFE staff and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

All checks will be made in advance of appointment or as soon as practicable after appointment. No person will be permitted any unsupervised contact with children until all necessary checks have been completed.

All queries on the recruitment process must be directed to the HR Coordinator.

Scope of this Policy

This Recruitment, Selection and Disclosures Policy and Procedure refers and applies to staff directly recruited and employed by IFE and both Colleges. 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.

Any staff who TUPE transfer into the College'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.

See below for required checks on supply staff, contractors and volunteers.

Recruitment and Selection Process

When a post becomes vacant or is created then the following procedure takes place:

1. Advert

An advert is placed by the College. A job description and person specification are prepared for the role which confirms:

A.10	Page 1 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

- the skills, abilities, experience, attitude, and behaviours required for the post; and
- the safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children.

The advert will contain:

- The College's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken;
- the safeguarding responsibilities of the post as per the job description and personal specification; and
- whether the post is exempt from the *Rehabilitation of Offenders Act 1974* and the amendments to the Exceptions Order 1975, 2013 and 2020

The College will make candidates aware that all posts in the College involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post.

The application pack for candidates includes the job description, person specification and the application form, along with a copy of the College's Safeguarding and Child Protection policy and policy on employment of ex-offenders (see below).

2. Application Form

The College 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 application form includes a statement that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

The application form asks applicants to provide:

- personal details, current and former names, current address and national insurance number;
- details of their present (or last) employment and reason for leaving;
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate;
- qualifications, the awarding body and date of award;
- details of referees/references; and
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

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

3. Shortlisting

The College 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.

A.10	Page 2 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

Short-listing will be undertaken by the appropriate sub-committee of at least 2 people. All applications submitted for that vacancy will be looked at and applicants will be assessed against the criteria in the person specification. Any inconsistencies and gaps in employment history and reasons given for them will be considered. All potential concerns will be explored.

Shortlisted candidates will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Applicants will be asked to sign a hard copy declaration to confirm the information provided is true.

4. Employment History, References and Online Searches

All references will be obtained before interview, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

References are requested using a standard template reference form, which asks the referee to confirm whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations but should not include information about allegations which are unsubstantiated, unfounded, false, or malicious.

When taking up references, the College will:

- not accept open references e.g. to whom it may concern;
- not rely on applicants to obtain their reference;
- ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations);
- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed;
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer;
- always verify any information with the person who provided the reference;
- ensure electronic references originate from a legitimate source;
- contact referees to clarify content where information is vague or insufficient information is provided;
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate;
- establish the reason for the candidate leaving their current or most recent post; and,
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

Where the candidate has no previous employment history, the College may request character references which may include references from the candidate's school or university.

The College will carry out online checks on all shortlisted candidates to identify any incidents or issues that have happened, and are publicly available online. Any findings that are of concern will be explored with the candidate at the interview.

A.10	Page 3 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

5. Invitation to Interview

All formal interviews will have a panel of at least two people. At least one person on the appointment panel will have undertaken safer recruitment training.

The interview will be conducted in person using structured questions, which include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children;
- exploring their skills and asking for examples of experience of working with children which are relevant to the role; and
- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

The interviews will be used to explore potential areas of concern to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- implication that adults and children are equal;
- lack of recognition and/or understanding of the vulnerability of children;
- inappropriate idealisation of children;
- inadequate understanding of appropriate boundaries between adults and children; and,
- indicators of negative safeguarding behaviours.

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

Wherever possible students will be involved in the recruitment process using a variety of methods such as tours of the College, a student panel, a demonstration lesson. (Candidates will be under the supervision of a member of the College staff at all times.)

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

1. A full birth certificate;
2. A passport or a current driving licence including a photograph;
3. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
4. Original certificates for any qualifications relevant to the role;
5. Where appropriate any documentation evidencing a change of name;
6. Where applicable, 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.

A.10	Page 4 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

[Temporary changes to right to work checks were implemented during the height of the coronavirus pandemic to assist with safer recruitment where face to face contact was not possible in the usual way. Candidates should notify the College immediately if they are experiencing any issues with providing right to work information as a result of covid-19. The College may be able to initiate right to work checks on the basis of scanned images and live video links. Further guidance is available at <https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks>]

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

7. Conditional Offer of Appointment: Pre-Appointment Vetting Checks

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service (“DBS”) for the position and, where appropriate, a check of the Barred List will be undertaken. Any offer of employment will be conditional on obtaining such satisfactory checks. Additionally, successful applicants should be aware that they are required to notify the College immediately if 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 (July 2018)” 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.

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 Principal for more details.

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;
3. A satisfactory enhanced DBS check (see Appendix 1) and, if appropriate, a check of the Barred List maintained by the DBS;
4. A separate children’s barred list check (if an individual will start work in a regulated activity before the DBS certificate is available);
5. Verification of the candidates’ mental and physical fitness to carry out their work responsibilities (see ‘Health Questionnaire’ below);
6. Evidence of the right to work in the UK;
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. **For an EEA teaching candidate:** This shall include the candidate providing the School with proof of his/her past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which s/he has worked;
8. Verification of professional qualifications, including Qualified Teacher Status, where appropriate;

A.10	Page 5 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

9. Where the successful candidate will be taking part in the management of the College, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Proprietors, Senior Management Team and teaching heads of department (See Appendix 1);
10. For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012 (See Appendix 1). 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; and
 - Reporting on the development, progress and attainment of pupils;
11. Receipt of a signed Staff Suitability Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)";

Health Questionnaire

It is the College'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 College 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 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 College 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.

Prevent

The College 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 checked against the College 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].

Applicant moving from a previous post

There are limited circumstances where the College 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;

A.10	Page 6 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

- (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 College 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 College will:

- obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check;
- confirm the DBS certificate matches the individual's identity;
- examine the original certificate to ensure that it is valid for the children's workforce; and,
- ensure that the level of the check is appropriate to the job they are applying for, e.g. enhanced DBS

A separate barred list check will still be required, and carried out by the College.

If a DBS disclosure is delayed

A short period of work is allowed under controlled conditions, at the Principal's discretion, before the DBS certificate is available. However, the following conditions must have been met:

- All other pre-appointment checks and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
- A separate barred list check has been undertaken, if the person will be working in regulated activity;
- The DBS application has been made in advance for them starting work;
- A risk assessment has been undertaken detailing any appropriate safeguards taken (for example, loose supervision);
- The person in question is informed what these safeguards are and provided with a copy of the risk assessment before starting work;

The safeguards will be reviewed at least every two weeks by the Principal and member of staff, and a note added to the single central register and evidence kept of the measures put in place.

The appointment will not be confirmed until the DBS certificate has been received and the original copy seen by the college.

Recording Information

A.10	Page 7 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

Both Colleges will maintain a single central record of pre-appointment checks, referred to in the Regulations as the register and more commonly known as the single central record and is checked termly by the Safeguarding Governor.

The Single Central Record will cover the following people:

- All staff (including supply staff, and teacher trainees on salaried routes) who work at the college
- All others who work in regular contact with children in the school or college, including volunteers, contractors and agency staff
- All members of the proprietor body.

For agency and third-party supply staff, schools and colleges must include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.

The single central record will indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained:

- an identity check;
- a barred list check;
- an enhanced DBS check requested/certificate provided;
- a prohibition from teaching check;
- further checks on people who have lived or worked outside the UK;
- a check of professional qualifications, where required;
- a check to establish the person's right to work in the United Kingdom; and
- details of the section 128 checks undertaken for those in management positions.

The details of an individual will be removed from the single central record once they no longer work at the College.

Retention, Security of Records and Data Protection Obligations

The College will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months.

The College will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the *Recruitment Privacy Notice* (see Appendix 2) and the *Data Protection Policy* (Manual Section A.11).

Other checks that may be required

Individuals who have lived or worked outside the UK

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information,

A.10	Page 8 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, the College will make any further checks appropriate so that any relevant events that occurred outside the UK can be considered.

Following the UK's exit from the EU, the College will apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

These checks could include, where available:

- criminal records checks for overseas applicants
- obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.

Where available, such evidence will be considered together with information obtained through other pre-appointment checks to help assess their suitability.

Where this information is not available the College will seek alternative methods of checking suitability (such as taking out additional references) and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Agency and third-party staff (supply staff)

The Colleges will obtain written notification from any agency, or third-party organisation, in writing that they have carried out the checks on an individual who will be working at the College that the College would otherwise perform. In respect of the enhanced DBS check, the College will ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the college, which has disclosed any matter or information, or any information was provided to the employment business, the college will obtain a copy of the certificate from the agency.

Where the position requires a children's barred list check, this will be obtained by the agency or third party by obtaining an enhanced DBS certificate with barred list information, prior to appointing the individual.

The College conducts identity checks on agency and contract workers on arrival in College and, in the case of agency workers which includes supply staff, the College must be provided with a copy of the DBS check for such staff. The Single Central Register shows these checks have been made.

Contractors

Where the college use contractors to provide services, we will set out their safeguarding requirements in the contract between the organisation and the college.

The college will ensure that any contractor, or any employee of the contractor, who is to work at the college, has been subject to the appropriate level of DBS check. Contractors engaging in regulated

A.10	Page 9 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

activity relating to children will require an enhanced DBS check (including children's barred list information).

For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required.

Under no circumstances will a contractor on whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity relating to children. The College will determine the appropriate level of supervision depending on the circumstances.

If an individual working at a school or college is self-employed, the college will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

The College will always check the identity of contractors on arrival at the college.

Visitors

The College will not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a College event, such as a sports day.

For visitors who are onsite in a professional capacity i.e. educational psychologists, social workers etc. the College will check their ID and be assured before arrival that the visitor has had the appropriate DBS check (or the visitor's employers have confirmed that their staff have appropriate checks).

The College policies and procedures sets out the arrangements for individuals coming onto the site, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.

Volunteers

The College generally does not use Volunteers at the current time.

However, in the future where the College does decide to use volunteers then under no circumstances should a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

The College will undertake a written risk assessment and use our professional judgement and experience when deciding what checks, if any, are required.

The risk assessment will consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability; and
- whether the role is eligible for a DBS check and if it is, what level is appropriate.

A.10	Page 10 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

Details of the risk assessment will be recorded and held on file.

Adults who supervise children on work experience

The College when organising work experience placements will ensure that the placement provider has policies and procedures in place to protect children from harm.

Children's barred list checks via the DBS might be required on some people who supervise a student under the age of 16 on a work experience placement. The College will consider the specific circumstances of the work experience. Consideration must be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary.

These considerations would include whether the person providing the teaching/training/instruction/supervision to the student on work experience will be:

- unsupervised themselves; and
- providing the teaching/training/instruction frequently (more than three days in a 30 day period, or overnight).

If the person working with the student is unsupervised and the same person is in frequent contact with the student, the work is likely to be regulated activity relating to children. If so, the college will ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

Proprietors of independent schools

Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school, the Secretary of State will:

- carry out an enhanced DBS check; and where such a check is made, obtain an enhanced DBS certificate (either including or not including children's barred list information as appropriate);
- confirm the individual's identity; and
- if the individual lives or has lived outside of the UK, where applying for an enhanced check is insufficient, such other checks as the Secretary of State considers appropriate.

The proprietors will be included on the College's single central register.

Ensuring the ongoing safeguarding of children and legal reporting duties of employers

Safer recruitment is not just about carrying out the right DBS checks. Similarly safeguarding should not be limited to recruitment procedures. Good safeguarding requires a continuing commitment from proprietors and all staff to ensure the safety and welfare of children is embedded in all of the Colleges' processes and procedures, and consequentially enshrined in its ethos.

A.10	Page 11 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

Ongoing vigilance

The proprietors ensure there are processes in place for continuous vigilance, maintaining an environment that deters and prevents abuse and challenges inappropriate behaviour.

To support this, the College leaders create the right culture and environment so that staff feel comfortable to discuss matters both within, and where it is appropriate, outside of the workplace, which may have implications for the safeguarding of children. This can assist the College to support staff, where there is a need, and help them manage children's safety and welfare, potentially providing them with information that will help them consider whether there are further measures or changes to procedures that need to be put in place to safeguard children in their care.

Existing staff

There are limited circumstances where the College will need to carry out new checks on existing staff. These are when:

- an individual working at the college moves from a post that was not regulated activity with children into work which is considered to be regulated activity with children. In such circumstances, the relevant checks for that regulated activity must be carried out;
- there has been a break in service of 12 weeks or more; or
- there are concerns about an individual's suitability to work with children.

Duty to refer to the Disclosure and Barring Service

There is a legal requirement for schools and colleges to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in relevant conduct in relation to children and/or adults,
- satisfied the harm test in relation to children and/or vulnerable adults; or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

The DBS will consider whether to bar the person. Detailed guidance on when to refer to the DBS (including what is the harm test and relevant conduct), and what information must be provided, can be found on GOV.UK.

Referrals will be made as soon as possible, when an individual is removed from regulated activity. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned. It is important that as much relevant information is provided to the DBS as possible, as it relies on the quality of information provided to them.

When an allegation is made, an investigation should be carried out to gather enough evidence to establish if it has foundation, and employers should ensure they have sufficient information to meet the referral duty criteria explained in the DBS referral guidance, which can be found on GOV.UK. See also *Allegations Against Staff Policy*.

A.10	Page 12 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

Duty to consider referral to the Teaching Regulation Agency

Where the College dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002.

The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person. Details about how to make a referral to the TRA can be found on GOV.UK.

Policy on the Recruitment of Ex-Offenders

The College will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The College 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 College. 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 College to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the College to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the College 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 (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 College. The College will report the matter to the Police and/or the DBS if:

- the College receives an application from a disqualified person;
- is provided with false information in, or in support of, an applicant's application; or
- the College 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 College will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- 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;

A.10	Page 13 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

- 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 College'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 College's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the College's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.

Appendix 1

Types of Disclosure and Barring Service (DBS) checks

Four types of DBS checks are referred to in KCSIE (2022)

- Basic DBS check – This provides details of convictions and conditional cautions considered to be “unspent” under the terms of the Rehabilitation of Offenders Act 1974.
- Standard - This provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out;
- Enhanced - This provides the same information as a standard check, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and
- Enhanced with barred list check - where people are working or seeking to work in regulated activity with children, this allows for an additional checks to be made as to whether the person appears on the children's barred list.

For staff who have an opportunity for regular contact with children but are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

All staff working within the College who have substantial access to children have been checked as to their suitability to work with children, including verification of their identity and qualifications, satisfactory references, a satisfactory barred list check, an enhanced DBS check, a right to work in the UK check and additional overseas checks for those who have lived or worked abroad is also completed. For teachers an additional check has been carried out to ensure they are not prohibited from teaching. For those engaged in management roles an additional check is carried out to ensure they are not

A.10	Page 14 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

prohibited under section 128 provisions. A check of any prohibition orders is carried out using the Teacher Services System to see if there is a prohibition order which would prevent a person from carrying out teacher work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes.

Once the DBS checks are complete, the DBS will send a certificate (the DBS certificate) to the applicant. The applicant must show the original DBS certificate to their potential employer before they take up post or as soon as practicable afterwards.

Teacher and Management prohibition orders

Teacher prohibition orders, and Interim prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. Advice about how to refer allegations of misconduct to the Teaching Regulation Agency (TRA) for consideration can be obtained from the Teacher misconduct section of the GOV.UK website. <https://www.gov.uk/guidance/teacher-misconduct-referring-a-case>

Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so. The TRA's role in making prohibition orders and the process used to impose them are described in more detail in its publication **Teacher Misconduct: the prohibition of teachers.**

Section 128 direction

A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited, is unable to participate in any management of an independent school such as: a management position in an independent school, academy or free school as an employee; a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

A section 128 direction disqualifies a person from holding or continuing to hold office as a governor of a maintained school. A check for a section 128 direction can be carried out using the **Teacher status checks information for employers.** Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

A.10	Page 15 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

Appendix 2 - RECRUITMENT PRIVACY NOTICE

Data protection privacy notice (recruitment)

This notice explains what personal data (information) we will hold about you, how we collect it, and how we will use and may share information about you during the application process. It applies to all individuals applying for a position at IFE, Bishopstrow College and Padworth College, including positions as a member of staff (full time or part time), contractors, workers, volunteers and peripatetic staff. It also applies to individuals we will contact in order to find out more about our job applicants, including referees, or those that are provided by job applicants as an emergency contact. We are required to notify you of this information under data protection legislation. Please ensure that you read this notice (sometimes referred to as a 'privacy notice') and any other similar notice we may provide to you from time to time when we collect or process personal information about you.

Who collects the information

IFE (including Bishopstrow College and Padworth College) ('College') is a 'controller' and gathers and uses certain information about you. The College's contact details are as follows:

IFE: Barrow House, Bishopstrow, Warminster, Wiltshire, BA12 9HU. Tel: 01985 291210

Bishopstrow College: Bishopstrow, Warminster, Wiltshire, BA12 9HU. Tel: 01985 291210

Padworth College: Sopers Lane, Padworth, Reading RG7 4NR. Tel: 0118 983 2644

Data protection principles

We will comply with the data protection principles when gathering and using personal information, as set out in our *Data Protection Policy*.

About the information we collect and hold

The table in Part 1 of the Schedule below summarises the information we collect and hold, up to and including the shortlisting stage of the recruitment process, how and why we do so, how we use it and with whom it may be shared.

The table in Part 2 of the Schedule below summarises the additional information we collect before making a final decision to recruit, i.e. before making an offer of employment unconditional, how and why we do so, how we use it and with whom it may be shared.

We seek to ensure that our information collection and processing is always proportionate and necessary for specific legitimate purposes. We will notify you of any changes to information we collect or to the purposes for which we collect and process it.

Where information may be held

Information may be held on college premises in our filing systems and on our servers. It may also be held by third party agencies, service providers and representatives.

A.10	Page 16 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

How long we keep your information

We keep the personal information that we obtain about you during the recruitment process for no longer than is necessary for the purposes for which it is processed. How long we keep your information will depend on whether your application, or the application you are supporting (e.g. as a referee) is successful and you (the job applicant) become employed by us, the nature of the information concerned and the purposes for which it is processed.

We will keep recruitment information (including interview notes) for no longer than is reasonable, taking into account the limitation periods for potential claims such as race or sex discrimination (as extended to take account of early conciliation), after which they will be destroyed. This is likely to be for six months from the communication of the outcome of the recruitment exercise which takes account of both the time limit to bring claims and for claims to be received by the College. If there is a clear business reason for keeping recruitment records for longer than the recruitment period, we may do so but will first consider whether the records can be pseudonymised, and the longer period for which they will be kept.

If you are an applicant and your application is successful, we will keep only the recruitment information that is necessary in relation to your employment.

Your DATA rights to correct and access your information and to ask for it to be erased

Please contact our HR Coordinator, Amy Keast, if you would like to correct or request access to information that we hold relating to you or if you have any questions about this notice. You also have the right to ask for information we hold and process to be erased ('the right to be forgotten') or not used in certain circumstances.

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. This includes personal information being locked away, password protected or encrypted. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected personal data breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

How to complain

We hope that our HR Coordinator, Amy Keast can resolve any query or concern you raise about our use of your information. If not, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/> or telephone 0303 123 1113 for further information about your rights and how to make a formal complaint.

A.10	Page 17 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

SCHEDULE About the information we collect and hold

Part 1 Up to and including the shortlisting stage

The information we collect	How we collect the information	Why we collect the information	How we use and may share the information
Your name and contact details (i.e. address, home and mobile phone numbers, email address)	From you	Legitimate interest: to carry out a fair recruitment process Legitimate interest: to progress your application, arrange interviews and inform you of the outcome at all stages	To enable HR personnel or the manager of the relevant department to contact you to progress your application, arrange interviews and inform you of the outcome To inform the relevant manager or department of your application
Details of your qualifications, experience, employment history (including job titles, salary and working hours) and interests	From you, in the completed application form and interview notes (if relevant)	Legitimate interest: to carry out a fair recruitment process Legitimate interest: to make an informed decision to shortlist for interview and (if relevant) to recruit	To make an informed recruitment decision
Your name, contact details and details of your qualifications, experience, employment history and interests	From you, in the completed application form and interview notes (if relevant)	Legitimate interest: to carry out a fair recruitment process Legitimate interest: if you are unsuccessful in your application, your details may be passed on to an associated college to see	To see whether an associated college has any suitable vacancies

A.10	Page 18 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

		if they have any suitable vacancies	
Details of your referees	From your completed application form	<p>Legitimate interest: to carry out a fair recruitment process</p> <p>In the regulated sector, to comply with our legal obligations to request references</p>	<p>To carry out a fair recruitment process</p> <p>To comply with legal/regulatory obligations</p> <p>Information shared with relevant managers, HR personnel and the referee</p>

Part 2 Before making a final decision to recruit

The information we collect	How we collect the information	Why we collect the information	How we use and may share the information
Information about your previous academic and/or employment history, including details of any conduct, grievance or performance issues, appraisals, time and attendance, from references obtained about you from previous employers and/or education providers	From your referees (details of whom you will have provided)	<p>Legitimate interest: to make an informed decision to recruit</p> <p>To comply with our legal obligations</p> <p>Legitimate interests: to maintain employment records and to comply with legal, regulatory and governance obligations and good employment practice</p>	<p>To obtain the relevant reference about you</p> <p>To comply with legal/regulatory obligations</p> <p>Information shared with relevant managers and HR personnel</p>

A.10	Page 19 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024

Policy Manual

<p>Information regarding your academic and professional qualifications</p>	<p>From you, from your education provider, from the relevant professional body</p>	<p>Legitimate interest: to verify the qualifications information provided by you</p>	<p>To make an informed recruitment decision</p>
<p>Information regarding your criminal record, in criminal records certificates (CRCs) and enhanced criminal records certificates (ECRCs) in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)</p>	<p>From the Disclosure and Barring Service (DBS)</p>	<p>To perform the employment contract</p> <p>To comply with our legal obligations</p> <p>Legitimate interest:</p> <p>For reasons of substantial public interest (preventing or detecting unlawful acts, and protecting the public against dishonesty)</p>	<p>To make an informed recruitment decision</p> <p>To carry out statutory checks</p> <p>Information shared with DBS and other regulatory authorities as required</p>
<p>Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information</p>	<p>From you and, where necessary, the Home Office</p>	<p>To enter into/perform the employment contract</p> <p>To comply with our legal obligations</p> <p>Legitimate interest: to maintain employment records</p>	<p>To carry out right to work checks</p> <p>Information may be shared with the Home Office</p>

A.10	Page 20 of 20	Version: August 2021
Updated	MDC/AK	March 2023
Review	MDC/AK	March 2023
Next Review Due		March 2024