



## Safer Recruitment Policy

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## **Introduction**

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of children in education. Melrose Education Limited, and its subsidiaries/schools, is committed to safeguarding and promoting the welfare of all children in its care and adhering to its legal obligations under Keeping Children Safe in Education (KCSIE) 2023. As an employer, Melrose Education expects all staff, school advisory members and volunteers to share this commitment.

## **Aims and Objectives**

The purpose of this policy is to set out the minimum requirements of a recruitment process that aims to:

- always follow safer recruitment procedures to ensure compliance with all statutory requirements and relevant recommendations and guidance, including the recommendations of the Disclosure and Barring Service (DBS).
- ensure that all our schools meet its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks and following interview procedures.
- ensure that the best possible staff are recruited based on their merits, abilities and suitability for the position measured against the job description/role analysis.
- ensure that all job applicants are considered equitably and consistently, in line with the company's Equal Opportunities Policy.
- help deter and identify and reject prospective applicants who are unsuitable for work with children.

This Policy has regard to:

- Keeping Children Safe in Education (September 2023) [[KCSIE](#)]
- Working Together to Safeguard Children (July 2018, updated December 2020) [[WTTSC](#)]
- The Equality Act 2010

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

The schools have a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job at the school based on the applicant's abilities, qualification, experience, and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance (including KCSIE 2023 and [Prevent Duty Guidance](#)).



If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.

Our schools aim to operate this procedure consistently and thoroughly while obtaining, collating, analysing, and evaluating information from and about applicants applying for job vacancies.

### **Roles and Responsibilities**

Melrose Education ensures that procedures and policies are in place for the safe recruitment of all staff (including supply staff), contractors and volunteers in accordance with best practice within the sector. Additionally, the Directors ensures appropriate staff have received up to date safer recruitment training. The Directors also receive appropriate training and are aware of their duties under the Equalities Act 2010.

It is the responsibility of the principal, and any other staff member nominated by the principal to:

- implement the company's safer recruitment procedures correctly.
- ensure all staff and volunteers working at the school undergo appropriate checks.
- monitor agency and contractor compliance with safe recruitment.
- promote the welfare of children at all stages of the process.
- ensure that members of the school's Independent Advisory Panel undergo relevant training.

The schools will always ensure that at least one person involved in the recruitment and selection process has undertaken Safer Recruitment training.

### **Definition of Regulated Activity and Frequency**

Any position undertaken at, or on behalf of a school will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am or
- satisfies the "period condition", meaning four times or more in a 30-day period; and
- provides the opportunity for contact with children.

Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

A school is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". A school is required to carry out an enhanced DBS check for all staff, supply staff and advisory panel members who will be engaging in regulated activity. However, a 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. It is the policy of Melrose Education that all our schools will carry out an enhanced DBS check on anyone who has contact with or who may be on the premises at the same time as children/learners in our care.



## **Recruitment and Selection Procedure**

### **Advertising**

To ensure equality of opportunity, the school will advertise all vacant posts to encourage as wide a field of applicant as possible, normally this entails an external advertisement. On occasion, our recruitment may be internal only to allow career progression and promotion opportunities.

Any advertisement will make clear the school's commitment to safeguarding and its commitment to promoting the welfare of children and the safeguarding responsibilities of the post as per the job description and person specification.

All advertising will make it clear references will be sought if shortlisted and online searches conducted, and whether the post is exempt from the Rehabilitation of Offenders Act 1974.

All documentation relating to applicants will be treated confidentially in accordance with the General Data Protection Regulation (GDPR).

### **Application Forms**

Melrose Education uses its own application form and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history). Applicants submitting an incomplete application form will not be shortlisted.

The application form will include the applicant's declaration regarding convictions and working with children, making it clear that it is an offence to apply for the role (if the role involves engaging in a regulated activity) if the applicant is barred from engaging in regulated activity relevant to children. It will also make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. Whilst CVs will be accepted as an initial expression of interest, an application form must be completed as part of the recruitment procedure, and this is noted on the application form.

It is unlawful for the school to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the school. All applicants will be made aware that providing false information is an offence and could result in the application being rejected, or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

### **Job Descriptions/Role Analyses**

A job description/role analysis is a key document in the recruitment process and must be finalised prior to taking any other steps in the process. It will clearly and accurately set out the duties and responsibilities of the job role.

The person specification, which is included in the role analyses, is of equal importance and informs the selection decision. It contains the details of the skills, experience, abilities, attitudes, and behaviours required to do the job. The job description/role analysis also states that the successful candidate will be engaging in regulated activity relevant to children.



## Shortlisting

Shortlisting will be undertaken by at least two people from the recruitment panel. Candidates will be assessed against the person specification.

Shortlisted candidates should be asked to complete a self-declaration of 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, further information can be found on GOV.UK.

For example:

- if they have a criminal history.
- if they are included on the children's barred list.
- if they are prohibited from teaching.
- if they are prohibited from taking part in the management of an independent school.
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted.
- if they are known to the police and children's local authority social care.
- if they have been disqualified from providing childcare.
- any relevant overseas information.

This information should only be requested from applicants who have been shortlisted. The information should not be requested in the application form to decide who should be shortlisted.

## References

References for short-listed applicants will be sent for immediately after short-listing. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after interview.

All offers of employment will be subject to the receipt of a minimum of two references (preferably three) which are considered satisfactory by the school. 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 reference should be from the employer with whom the applicant most recently worked with children. The referee should not be a relative. References will always be sought and obtained directly from the referee and their purpose is to provide objective and information to support appointment decisions.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised, so that they do not support terrorism or any form of "extremism".

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

Any discrepancies or anomalies will be followed up via telephone, where possible.



Direct contact by phone will be undertaken with each referee, where possible, to verify the reference and the reason for the candidate leaving their current or most recent employment will always be established.

The school does not accept open references, testimonials, or references from relatives.

The school will 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. Electronic references will always be checked to ensure they originate from a legitimate source.

### **Interviews**

Assessment will be by face-to-face interview, and the same panel will see all the applicants for the vacant position. At least one member of the panel will be safer recruitment trained. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps have been identified to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Procedures), and to determine the applicant's suitability to work with children. Any areas of potential concern arising during the interview will be further probed.

Any information regarding past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process.

All applicants who are invited to an interview will be required to bring evidence of their identity, address, right to work in the UK and qualifications. Original documents only will be accepted, and photocopies will be taken. Unsuccessful applicant documents will be destroyed following at the end of the recruitment programme unless the applicant has given specific consent for data to be retained for the purpose of later re-consideration.

Interviews for members of the senior management team will always be conducted by the Regional Schools Director and the principal.

### **Offer of Appointment and New Employee Process**

The appointment of all new employees is subject to the successful completion of all checks required for the Single Central Record (SCR) – see the SCR Section below. These include a Confidential Health Declaration. Anyone appointed to a post involving regular contact with children must possess the appropriate level of physical and mental fitness before any appointment offer is confirmed. All applicants are requested to complete a health questionnaire and where appropriate a doctor's medical report may be required.

No employee will be permitted to start work until all statutory checks have been completed. The only exception to this rule is where there may be delayed receipt of a DBS certificate or delayed completion of overseas police checks. In such instances a barred list check will be completed and a risk assessment and signed off weekly to ensure the candidate is engaging in an appropriate level of activities with appropriate supervision pending final approval. The appropriate levels will vary depending on the risk factors and nature of the role.



## **The Rehabilitation of Offender Act 1974**

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with or having access to children. Therefore, any convictions and cautions that would normally be considered 'SPENT' **must be** declared at the shortlisting stage, when applying for any position at Melrose Education Limited.

## **DBS (Disclosure and Barring Service) Certificate**

All staff at the school require an enhanced DBS Certificate and therefore a DBS Certificate must be obtained before the commencement of employment of any new employee. The employee must bring their certificate to the school before commencing any form of regulated activity. The certificate will be recorded in the Single Central Record (SCR) though copies will not be retained for longer than six months in line with data protection legislation.

Any employee that takes leave for more than one term (i.e., maternity leave, career break etc.) must obtain a new DBS (or have their DBS checked using an update service if applicable) before returning to work. Members of staff at the school must inform the principal of any cautions or convictions that arise between these checks taking place as well as their obligation to disclose if they are disqualified from providing relevant childcare provision (as defined in the Department for Education's statutory guidance on Disqualification under the Childcare Act 2006 (as amended from time to time)).

As from 1 January 2021 the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanctions and professional regulators in the EEA (EU, Iceland, Liechtenstein, and Norway) will no longer share information about sanctions imposed on EEA teachers with the Teaching Regulation Agency (TRA) via the IMI (Internal Market Information) system. Therefore, we will ask teachers to provide a letter of professional standing. This should be a letter of professional standing issued by the professional regulating authority in the country in which they worked. We will consider such evidence alongside other information obtained through other pre-appointment checks to help assess their suitability. The school if required may look to apply for any equivalent clearance document.

For applicants that have lived or worked outside of the UK, we will continue to follow safer recruitment requirements and make any further checks we think appropriate so that relevant events that occurred outside the UK can be considered; this will include obtaining an enhanced DBS certificate with barred list information (even if the teacher has never been to the UK).

Checks may include (where available):

- criminal records check for overseas applicants - Home Office guidance can be found on GOV.UK, and for teaching positions.
- obtaining a letter (via the applicant) from the professional regulating authority (this is often the Department/Ministry of Education but varies across the world) 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.





- Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Whilst the safeguarding and qualified teacher status (QTS) processes are different it is likely that this information will be obtained from the same place therefore applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

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

Where the information is not available the principal will seek alternative methods of checking suitability and/or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

### **Portability of Enhanced DBS Certificates Checks**

Staff may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service for a fee of £13 per annum (cost as of 2023), which is payable by the applicant, but Melrose Education will fully reimburse this cost.

This allows for portability of a Certificate across employers. The school will:

- Obtain consent from the applicant to carry out an update search.
- Confirm the Certificate matches the individual's identity.
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, i.e., enhanced certificate/enhanced including barred list information.

The Update check would identify and advise whether there has been any change to the information recorded, since the initial Certificate was issued. Applicants will be able to see a full list of those organisations that have carried out a status check on their account. Principals will be required to check termly on the update service for those that are registered.

### **Dealing with Convictions**

The exemption provisions under the Rehabilitation of Offenders Act 1974 do not apply to positions which involve working with or having access to children. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at the school.

The school operates a formal procedure if a DBS Certificate is returned with details of convictions. Consideration will be given to:

- the nature, seriousness, and relevance of the offence.
- how long ago the offence occurred.
- one-off or history of offences.
- changes in circumstances,
- decriminalisation and remorse

A formal meeting will take place face-to-face to establish the facts with the principal. A decision will be made following this meeting and a risk assessment will be undertaken.





### **Secretary of State Prohibition Orders**

In all cases where an applicant is to undertake a teaching role of any kind, a Prohibition Order check will be made using the Employer Access Online Service. It is anticipated that this will be performed at offer stage. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is in the public interest to do so. A section 128 direction 39 prohibits or restricts a person from taking part in the management of an independent school.

A person who is prohibited is unable to participate in any management of an independent school, a governor on any governing body in an independent school, or a management position that retains or has been delegated any management responsibilities. A check for a [section 128 direction](#) will be carried out using the Teacher Services' system. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

### **Proof of Identity, Right to Work in the UK and Verification of Qualification and Professional Status.**

All applicants invited to attend an interview at the school will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. The school does not discriminate on the grounds of age.

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. In addition, applicants must be able to demonstrate that they have obtained any academic or vocational qualification legally required for the position and claimed in their application form.

### **Medical Fitness**

The school is legally required to verify the medical fitness of anyone to be appointed to a post at the school, after an offer of employment has been made but before the appointment can be confirmed.

All applicants are requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required. This information will be reviewed against the job description and the person specification for the role, together with details of any other physical or mental requirements of the role.

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



## **Induction Programme**

All new employees will be given an induction programme which will clearly identify the school's policies and procedures and make clear the expectation and Code of Conduct which will govern how staff carry out their roles and responsibilities. The programme seeks to:

- ensure candidates understand the school's Safeguarding and Child Protection Policy.
- check the candidate has read Part 1 and Annexe A of KSCIE 2023, in addition to key school policies and procedures.
- support individuals in a way that is appropriate for the role to which they have been appointed.
- provide opportunities for the candidate to discuss any issues or concerns about their role or responsibilities.
- enable the candidate's subject co-ordinator or mentor to identify any concerns regarding the settling in process, teaching, behaviour management, relationships with children or staff and rectify them swiftly.

## **Single Centralised Register (SCR)**

In addition to the various staff records kept in school and on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with the Education (Independent School Standards) Regulations 2014 requirements. This is kept up-to-date and retained by the principal in the school.

The Single Centralised Register will contain details of the following:

- All employees who are employed to work at the school.
- all employees who are employed as supply staff to the school whether employed directly or through an agency.
- all others who have been chosen by the school to work in regular contact with children. This will cover Directors, volunteers, governors, peripatetic staff, and people brought into the school to provide additional teaching or instruction for children but who are not staff members, e.g., sports coaches, therapists.

A designated member of the will be responsible for auditing the Single Centralised Register and reporting their findings to the Board on a termly basis.

The SCR contains details of the following:

- Proof of identity and address.
- Confirmation of reference checks.
- Disqualification from childcare disclosure.
- Medical fitness disclosure.
- Enhanced DBS check for all those in regulated activity.
- Professional qualifications if appropriate.
- Overseas police check where applicable.
- Right to work in the UK.
- Prohibition from teaching orders check where applicable.
- Prohibition from management check where applicable.



## **Retentions and Security of Disclosure Information**

The school's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information, with reference to data protection legislation.

In particular, the school will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the school's senior leadership team.
- not retain disclosure information or any associated correspondence for longer than is necessary, usually for a maximum of six months. The school will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken.
- ensure that any disclosure information is destroyed by suitably secure means such as shredding at the date logged in the personnel file.
- prohibit the photocopying or scanning of any disclosure information.

## **Retention of Other Records**

The school will retain any relevant information provided on the application form (together with any attachments) on the personnel file of candidates who are offered and accept the position for which they have applied. These files will be stored in a locked and secure cabinet.

DfE guidance requires that schools retain copies of identity documents, right to work, medical fitness and qualifications. Medical information may be used to help the school to discharge its obligations as an employer e.g., so that the school may consider reasonable adjustments if an employee suffers from a disability, or to assist with any other workplace issue.

It is normal practice for the school to retain personnel files for seven years after the member of staff has left, though any information relating to potential safeguarding concerns may be permanently retained.

The school will retain all interview notes on all applicants for a period of 6 months, after which time the notes will be destroyed (i.e., shredded). The 6-month retention period is in accordance with the Data Protection Act 1998 and the UK GDPR 2018 and will also allow the school to deal with any data access requests, recruitment complaints or to respond to any complaints made to an Employment Tribunal.

If the school wishes to retain the name and details of unsuccessful candidates on file for future vacancies, this will be by consent obtained on the application form, and candidates will be offered the opportunity to remove their details from the school's records.

## **On-Going Employment**

Melrose Education and its schools recognise that safer recruitment and selection is not just about the start of employment but should be part of a larger policy framework for all staff. The school will therefore provide on-going training and support for all staff, as identified through the termly review/annual appraisal process.



### **Leaving Employment at the School**

Despite the best efforts to recruit safely there may be occasions when allegations are made against staff. These allegations will be handled in accordance with the Safeguarding and Child Protection Policy.

In cases of dismissal (or resignation), the school will inform the Department of Education and the DBS of the circumstances. A referral may also be made to the Teaching Regulation Agency (TRA) in respect of teaching staff.

### **Contractors, Supply and Agency Staff**

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 checks have been completed before employees of the Contractor can commence work at the school.

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.

The school will independently verify the identity of staff supplied by contractors or an agency and will require the provision of the original DBS certificate before contractors or agency staff can commence work at the school.

### **Visiting Speakers (and Prevent Duty)**

The Prevent Duty Guidance requires the school to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by children, are suitable and appropriately supervised.

The school is not permitted to obtain a DBS disclosure or Children's Barred List check on any visiting speakers, and the visiting speakers are not allowed to perform any other regular duties for or on behalf of the school.

All visiting speakers will be subject to the school's usual visitors signing in protocol. This will include signing in and out at Reception, the wearing of a visitor's badge at all times and being always escorted by a fully vetted member of staff.

The school will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the school. In doing so, the school will always have regard to all relevant policies and procedures, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:



*"Extremism' is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."*

In fulfilling its Prevent Duty 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, disability, or age.

### **Volunteers**

The school will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with children at or on behalf of the school (the definition of regulated activity set out previously will be applied to all volunteers).

Under no circumstances will the school permit an unchecked volunteer to have unsupervised contact with children.

It is the school's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the school for three consecutive months or more. Those volunteers who are likely to be involved in activities with the school on a regular basis may be required to sign up to the DBS update service as this permits the school to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, the school will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- formal or informal information provided by staff, parents, and other volunteers.
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.