



UPDATES

Date	Description	Done by
November 2022	Reviewed and updated in line with KCSIE 2023. Recruitment of ex-offenders now incorporated within this policy. Shortlisting paragraph added to include Criminal Declaration prior to interview. (8.2)	Heidi Shuttleworth (HR Manager)
November 2023	Additional paragraph added regarding internet and social media checks. (6.4)	Heidi Shuttleworth (Director of People)
February 2024	Update re KCSIE 2023. On-line and social media checks. (8.3)	Heidi Shuttleworth (Director of People)
September 2024	Updated clause 15 for the change to the online Prohibition from Teaching check. (15) Updated and removed KCSIE publication year (20.2) Updated Data Protection clause wording (29.1)	Heidi Shuttleworth (Director of People)

SAFER RECRUITMENT AND SELECTION POLICY

1. Introduction

- 1.1 The Oratory School ("the School") is committed to ensuring the best possible environment for the children and young people in our care. The safety and wellbeing of our pupils is our highest priority. We all share in the objective to help keep children and young people safe by contributing to the provision of a safe environment. We therefore take great care in the recruitment and selection process to ensure that we recruit and retain high calibre staff who share and understand the ethos of the School.
- 1.2 The Oratory School is committed to the guidance for all schools in the document published by Gov.UK - Keeping Children Safe in Education. The School will comply with the latest guidance set out in Part 3 of Keeping Children Safe in Education (Safer recruitment) and this Safer Recruitment and Selection Policy is in line with this guidance.
- 1.3 The recruitment process is robust in seeking to establish the commitment of candidates to support the School's measures to safeguard children and to identify, deter or reject

individuals who might pose a risk of harm to children or who are otherwise unsuited to work with them.

- 1.4 All staff working at The Oratory School that will have substantial access to children will be checked as to their suitability, including verification of their identity, qualifications and a satisfactory barred list check, Enhanced DBS Check and a right to work in the UK.
- 1.5 We will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.
- 1.6 We are committed to tackling discrimination and promoting inclusion through equality, diversity and inclusion. We will also ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act. We will make reasonable adjustments in order to ensure that disabled staff or prospective staff are not placed at a disadvantage compared with non-disabled staff.
- 1.7 All queries on the School's recruitment and selection process should be directed to the Director of People or the Head Master.

2 Scope of this Policy

- 2.1 This Safer Recruitment and Selection Policy applies to staff directly recruited and employed by the School.
- 2.2 In the case of agency or contract workers, the School shall obtain written confirmation from the agency or company, that it has carried out the appropriate checks. The School conduct's identity checks on agency and contract workers on arrival in School and, in the case of agency workers, the School must be provided with confirmation from the agency of the DBS check for such staff.
- 2.3 Any staff who TUPE transfer into the School's staff, will be required to comply with the statutory requirements with regard to safer recruitment and selection checks.

3. Authorisation of Posts

- 3.1 All appointments (both new and replacement) will be authorised by the Head Master or Bursar and managed by the HR Department to ensure consistency of employment practice and budget requirements.

4. Advertising of Posts

- 4.1 All agreed appointments will normally be advertised both externally and internally (in the media and School websites) and will be subject to a competitive selection procedure. The aim of advertising is to attract a wide range of high calibre candidates from diverse backgrounds.
- 4.2 There may be some occasions where positions will not be advertised, or advertised externally, and internal appointments will be made. This will usually be in response to a specific need such as redeployment, business need or succession planning, and where it is anticipated that a suitable internal candidate or candidates exist. Where the role is new to the School, internal candidates will be asked to supply a letter of motivation for the role and if selected for interview, will undergo an internal interview.

5. Recruitment Documentation

- 5.1 Prior to advertising, a job description which describes the purpose, duties and responsibilities of the post will be prepared by the HR Department in liaison with the appropriate line manager. There will also be a Person Specification that will outline the qualifications, knowledge, skills and experience that will be essential and desirable for the successful post holder. The Job Description and Person Specification document will include reference to the importance of Safeguarding and Child Protection.
- 5.2 An information pack will also normally be compiled and made available to applicants. This will give more information about the School, Department, and Terms and Conditions and Benefits of employment.

6. Application Form (Including full employment history and online searches)

- 6.1 A full employment history is required from all candidates as part of the School's commitment to Keeping Children Safe in Education. For candidates to be appointed, the School will only accept applications from candidates completing the relevant The Oratory School Application Form in full. Although CVs may be accepted during the recruitment process, they must be supplemented by the School completed Application Form prior to appointment.
- 6.2 Checks of the application form will be made to ascertain the employment history and to ascertain satisfactory reasons for any gaps in employment. Any discrepancies will be explored with the candidate.
- 6.3 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.
- 6.4 The School will carry out internet searches and social media checks on candidates who have been shortlisted. The objective of this process is to assist and identify any incidents, issues or concerns relating to the candidate's suitability to work with children and behaviour that does not support good safeguarding principles. If any concerns arise, they will be discussed during the interview phase and prior to a final appointment being made. By submitting an application, the candidate is consenting to these online investigations to be undertaken.

7. Disclosing a Criminal Record

- 7.1 Shortlisted applicants will be asked to complete a self-declaration form about their suitability to work with children and this will include information about criminal records.
- 7.2 The position for which candidates are applying in a boarding school environment may involve substantial opportunity for access to children. It is therefore important that applicants provide the School with legally accurate answers regarding their criminal record. Upfront disclosure of a criminal record will not necessarily debar a candidate from appointment, as the School will consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. If candidates would like to discuss this beforehand, they are asked to telephone in confidence the Director of People for advice.
- 7.3 Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However, amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on

the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

8. Short listing

- 8.1 Shortlisting will be based on the person specification which details the required qualifications, skills, knowledge and experience. The capability of the individual to perform in the position will be the major factor in addition to their suitability to work in a school environment with children and young people, and to work as part of the wider staff team.
- 8.2 Shortlisted candidates will be asked to complete prior to interview, a self-declaration of their criminal record or information that would make them unsuitable to work with children,
- 8.3 Shortlisted applicants will be asked to provide details of their online profile, including account names and social media handles so that online searches can be carried out.

9. Interview

- 9.1 Short-listed applicants will be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail.
- 9.2 All formal interviews will have a panel of at least two people chaired by a more senior member of staff. It is recommended best practice that at least one person on the appointment panel will have undertaken Safer Recruitment Training. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and where this is the case, a judgement will be made as to whether or not an interviewer should withdraw from the panel.
- 9.3 The interview will usually be conducted in person and the panel will ask both technical and competency-based questions. The candidate will also be given the opportunity to ask questions about the role, familiarise themselves with the School, future colleagues and the working environment. In some instances, it may be appropriate for tests to take place or for second interviews to be arranged.
- 9.4 In all cases, an important part of the interview process will be to explore the applicant's understanding of safeguarding and child protection as well as their suitability to work in a school /boarding environment with children.
- 9.5 In some instances, first interviews may take place over Skype/FaceTime/Teams Zoom if it is difficult for the applicant to attend the interview (this will mainly apply to applicants from over-seas). Where this is the case, this will normally be followed by a face-to-face interview at the final stage prior to appointment. In any event candidates would be expected to visit the School prior to taking up their appointment.
- 9.6 Candidates with a disability who are invited to interview are asked to inform the School (via the HR Department) of any necessary adjustments that they feel would assist them during the interview and selection process.

10. Conditional Offer of Appointment: Pre-Appointment Checks

- 10.1 Any offer to a successful candidate will be conditional upon:
 - Verification of identity.
 - Verification of relevant professional qualifications.

- Receipt of at least two satisfactory references.
- Evidence of the right to work in the UK.
- A satisfactory Enhanced DBS check, including a check of the Children's Barred List maintained by the DBS.
- For a candidate to be employed as a teacher, a Teacher Prohibition Check.
- For overseas applicants who have carried out teaching work overseas, whether they have ever been referred to, or is the subject of a sanction, restriction or prohibition issued by an overseas regulatory authority.
- For a candidate to be taking part in the management of the School, a Prohibition from Management Check.
- Overseas check where appropriate.
- Satisfactory medical fitness.
- The Chairman of the Governors will also be subject to an Enhanced DBS Check undertaken by the Secretary of State.

More detailed information about some of these checks is given in the following points.

11. Identity Checks - Documentary Evidence Required

11.1 Prospective employees will be asked to provide documents confirming their identity including photographic evidence. Evidence of address will also be required.

The following are examples:

- Photographic proof of identity, which will usually take the form of a passport or current driving licence.
- A passport, a full birth certificate, or other documentary evidence to show proof of the right to live and work in the UK.
- A utility bill or financial statement issued within the last three months showing the candidate's current name and address.
- Where appropriate any documentation evidencing a change of name.
- When checking identity, where possible, one of the documents that should be seen is the applicant's birth certificate.

Please note that originals of the above are necessary. Photocopies are not sufficient.

12. Qualifications - Documentary Evidence Required

12.1 Employees will be asked to provide 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. Photocopies are not sufficient.

13. References

13.1 Two references will be normally taken up prior to interview and this will include confirmation that there is not any reason why the applicant should not be employed to work with children.

13.2 Once written references are received, they will be checked to ensure that all specific questions have been answered satisfactorily and employment details and dates are

consistent. References will be followed up where there are any concerns or ambiguities. Where references are taken over the telephone, detailed notes will be taken.

- 13.3 Where references are not received in good time before an appointment, they will be chased by telephone, and in some cases alternative references may be sought.

14. Right to Work in the UK

- 14.1 The School is aware of the rules for employing migrant workers and will carry out the necessary checks prior to appointment, to ensure that candidates are legally entitled to work in the United Kingdom.

15. Prohibition from Teaching Check

For a candidate to be employed as a teacher, a check using the Department of Education's online service is used to confirm 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. 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

16. Prohibition from Management

- 16.1 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, Members of the Leadership Team, Governors, teaching Heads of Department, and other staff with significant management responsibilities.

17. Overseas Checks

- 17.1 Where the candidate has lived overseas, the Enhanced Disclosure will not necessarily cover any offences committed abroad. In cases where candidates have lived overseas for periods of more than 3 months in the last five years (in line with NSPCC recommendations), additional checks will normally be undertaken. The School will follow Home Office guidance, on the checks that are available from different countries.
- 17.2 Where overseas checks are not available for a particular country then additional precautionary checks will be undertaken including additional references and risk assessments to ensure the suitability of the applicant.
- 17.3 In addition, where an applicant for a teaching position has worked as a teacher outside of the UK, the School will ask the applicant to obtain from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher, evidence which confirms that they have not imposed any sanctions or restrictions on the applicant and that they are not aware of any reason why the applicant may be unsuitable to work as a teacher. The School will also ask

shortlisted applicants (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work."

18. Medical Fitness - Questionnaire

- 18.1 The School must satisfy itself of the medical fitness of staff to carry out their duties. The successful candidate must complete a pre-employment medical questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence. This information will be reviewed against the Job Description and the Person Specification, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, and layout of the School.
- 18.2 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 any reasonable adjustments that can be made to support the candidate in the job role.

19. Employing candidates with a disability

- 19.1 The School is committed to supporting and promoting inclusion for people with a disability and we will make reasonable adjustments to enable people with a disability to carry out their duties effectively.

20. DBS Policy - Criminal Records Check

- 20.1 The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the position. Due to the nature of our work with children in a boarding environment, the check will be at the Enhanced level. Additionally, successful applicants should be aware that they are required to notify the School immediately if there are any reasons why they should not be working with children.
- 20.2 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 also complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request or accessed on www.gov.uk/government/publications/dbs-code-of-practice.
- 20.3 The School takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the Head Master or the Director of People immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.
- 20.4 Failure to declare any convictions may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.
- 20.5 If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any safeguarding or child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

- 20.6 If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor the previous employment has involved working with children, the School will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the School may request character references, which may include references from the candidate's school or university.
- 20.7 All candidates should be aware that providing false information is an offence and could result in the application being rejected or summary dismissal by the School if they have been appointed, and a possible referral to the police and/or DBS, and their professional body.
- 20.8 DBS Update Service/ Portable checks - Where an applicant subscribes to the DBS Update Service and holds a portable DBS certificate, the applicant must give consent to the School to check there have not been changes since the issue of a disclosure certificate. They will also need to provide the School with the original DBS certificate which must include a check against the Children's Barred List.
- 20.9 Accepting previous DBS checks - There are limited circumstances where the School will accept a check from another educational institution, which are as follows: Where the new member of staff has worked in: -
- (a) A school or a maintained school in England in a position, which brought them regularly into contact with children or young persons;
 - (b) A maintained school in England in a position to which they were appointed on or after May 2006 and which did not bring them regularly into contact with children or young persons;
 - (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 them regularly into contact with children or young persons, during a period, which ended not more than three months before their appointment at the School.

In these circumstances, the School may still apply for a disclosure but is not required to do so. A new, separate Children's Barred List check will still be obtained in all circumstances.

- 20.10 If the Enhanced Disclosure is delayed - A short period of work is allowed under controlled conditions, at the Head Masters' discretion. In these circumstances the Head may allow the member of staff to commence work:
- Without confirming the appointment;
 - After a satisfactory check of the Children's Barred List and all other relevant checks (including any appropriate prohibition checks) have been completed satisfactorily;
 - Provided that the DBS application has been made in advance;
 - With appropriate safeguards taken (for example, loose supervision) determined on the basis of a risk assessment;
 - Safeguards reviewed at least every two weeks;
 - The person in question is informed what these safeguards are;

- A note is made on the Single Central Register, and evidence is recorded of the measures that have been put in place.
- 20.11 All appointments are subject to the continued declaration of any charges, arrests, or convictions, including serious driving offences. Failure to disclose as stated could lead to the withdrawal of an offer of appointment or termination of employment.

21. Recruitment of Ex-Offenders

- 21.1 The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.
- 21.2 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.
- 21.3 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 or someone who has been 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 Childcare (Disqualification) Regulations 2009.
- 21.4 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.
- 21.5 In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:
- whether the conviction or other matter revealed is relevant to the position in question;
 - the seriousness of any offence or other matter revealed;
 - the length of time since the offence or other matter occurred;
 - whether the applicant has a pattern of offending behaviour or other relevant matters;
 - whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;

- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
 - the circumstances surrounding the offence, and the explanation(s) offered by the convicted person.
- 21.6 If the post involves regular contact with children, it is the School's policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.
- 21.7 If the post involves access to money or budget responsibility, it is the School's policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.
- 21.8 If the post involves some driving responsibilities, it is the School's policy to consider it a high risk to employ anyone who has been convicted of a drink driving offence.
- 21.9 The final decision regarding the employment of an ex-offender will be made by the Head Master in consultation with the Chair of the Board of Governors.

22. Appointment of Supply / Agency Staff

- 22.1 Where Supply/Agency staff are employed, then the School will ensure that the required checks have been carried out. The Supply Agency will be required to confirm that the following checks have been completed and are clear.
- Identity
 - references
 - Qualifications (as appropriate)
 - Right to work in the UK
 - Children's Barred List
 - Enhanced DBS disclosure
 - Overseas check and letters of professional standing (as appropriate)
 - Prohibition from Teaching check (as appropriate)
 - Prohibition from Leadership and Management check (as appropriate)
- 22.2 In addition, the Agency Worker will be required to bring Photo ID and their original DBS certificate with them on their first day and copies of these will be checked and kept on file.
- 22.3 Where Agency Workers do not have an Enhanced DBS clearance then consideration may be given to allowing them to commence work while the check is being processed. In this instance, the DBS check must have commenced prior to the first day at work and a clear Children's Barred List must have been received. The worker will then be supervised / shadowed in the work place and a risk assessment will be undertaken.

23. The Board of Governors

- 23.1 The Governors act as the Trustees of the School in respect of its status as a charity. They provide strategic guidance on the running of the School and are the point of last appeal on issues such as the exclusion of a pupil or employees' grievances. They are also responsible for appointing the Head and the Bursar. The board consists of members with a wide range of skills, knowledge and experience and are appointed on this basis. They are all volunteers and receive no remuneration.
- 23.2 The Governors will be subject to the following checks on their appointment to the Board, or as soon as practicable after appointment.
- Identity
 - Right to work in the UK
 - Children's Barred List if appropriate
 - Enhanced DBS Disclosure
 - Overseas check if appropriate
 - Prohibition from Leadership and Management
 - The Secretary of State will carry out the Enhanced DBS check on the Chairman of the Board of Governors.

24. Transfer of Undertakings, Protection of Employees (TUPE)

- 24.1 If staff are transferred under TUPE arrangements, there is a requirement to pass on full employee information to the new employer and these details are then entered on to the relevant Single Central Register, with a note that the details have been accepted under TUPE arrangements. However, for this to be valid, the information must be complete and there must not have been a three-month (or longer) break in employment.

25. Retention and Security of Records

- 25.1 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 Privacy Policy. Copies of DBS certificates will not be retained for longer than 6 months, and recruitment files will normally be destroyed after 6 months.

26. Single Central Register (SCR)

- 26.1 The HR Department will maintain the Single Central Register (SCR) for the School. This is a secure and confidential document and is a register of all current members of staff, the Board of Governors, and all individuals who although not directly employed by the School, work in the School and are in regular contact with the children.

27. Probation period

- 27.1 All staff will be subject to a probation period when they first start working at the School and the length of the probation will vary depending on the role and this will be confirmed in the Terms and Condition of Employment. This is a period when both the School and the employee will be assessing suitability for the role, agreeing training and development needs and discussing progress. The line manager and member of staff will meet formally on a regular basis during the probation period.

28. Induction and Training

- 28.1 The School recognises that the first few weeks and months in post are a critical time for ensuring that the new member of staff is fully supported and welcomed to the School. The Line Manager and HR Department will work closely together to ensure that an appropriate and thorough induction programme is implemented to give new staff a good overview of the role, the department they are working in and the School. Mandatory training will also be organised for all new employees on Safeguarding and Child Protection, the School Code of Conduct, and Health and Safety. On-going training will also be provided to support Data Protection.

29. Data Protection and processing information

- 29.1 The School is legally required to carry out the pre-employment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to the School to enable the School to carry out the checks that are applicable to their role. The School will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulations Agency. Failure to provide requested information may result in the School not being able to meet its employment, safeguarding or legal obligations. The School will process personal information in accordance with its Privacy Policy (Staff).