



MOUNT  
KELLY

## **Recruitment and Selection Policy**

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Owner         HR Manager

<b>DATE OF REVIEW</b>	<b>AUTHOR</b>	<b>PAGE / PARA</b>	<b>SYNOPSIS OF AMENDMENT</b>
16/09/16	PDH	Page 6, para 4	The reporting line is now Head of Prep, HM.
14/09/2016	HR Manager	Page 3, para 3	Updated from Leadership Team to Management Team
14/09/2016	HR Manager	Page 4, para 4	Updated to Staff Equality Policy
14/09/2016	HR Manager	Page 8, para 7	Updated to KCSIE September 2016.
16/02/2017	HR Manager	Page 12	Updated to include references to Governors safer recruitment checks.
13/09/2018	HR Manager	Page 6, para 7	Updated to KCSIE September 2018.
13/09/2018	HR Manager	Page 6, para 7	Removed disqualification by association.
13/09/2018	HR Manager	Page 6, para 8	Removed Commercial Director
13/09/2018	HR Manager	Page 8 para 11	References updated as should ideally be from a senior person with appropriate authority (in a position to be aware of any concerns), not usually a colleague.
13/09/2018	HR Manager	Page 11 Para 15	Removed disqualification by association.
13/09/2018	HR Manager	Page 13 para 18	Removed Commercial Director

13/09/2019	HR Manager	Throughout	Removed reference to Bursar, positions to be authorised by Head Master.  Updated KCSIE to September 2019
13/09/2019	HR Manager	Page 13	Updated Governors recruitment to ensure pre-appointment checks
20/10/2020	HR Manager	Page 7	Updated Safer Recruitment Training.
20/10/2020	HR Manager	Page 7	Updated Government plans to change criminal record disclosure regime.
01/01/2021	HR Manager		From 1 January 2021 professional regulators in the EEA will not longer share information about sanctions imposed on EEA teachers with the Teaching Regulation Agency (TRA)

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## **1. Introduction**

This policy aims to ensure both safe and fair recruitment and selection is conducted at all times. Safeguarding and promoting the welfare of children and young people is an integral factor in recruitment and selection and is an essential part of creating safe environments for children and young people.

This recruitment and selection policy has been produced in accordance with the guidance *Safeguarding Children and Safer Recruitment in Education (2012)*. The policy aims to ensure that safer and fair recruitment and selection is conducted at all times. Safeguarding and promoting the welfare of children and young people is an integral factor in recruitment and selection at Mount Kelly and is an essential part of creating safe environments for children and young people.

Mount Kelly is committed to attracting, selecting and retaining employees who will successfully and positively contribute to providing a valuable service. A motivated and committed workforce with appropriate knowledge, skills, experience and ability to do the job is critical to our performance and fundamental to the delivery of a high-quality service.

Mount Kelly is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share in this commitment.

## **2. Purpose**

To ensure the recruitment of both permanent and fixed-term staff (including voluntary staff) is conducted in a fair, effective and economic manner. To achieve this, those who are responsible for each stage of the recruitment process will demonstrate a professional approach by dealing honestly, efficiently and fairly with all internal and external applicants.

The *Prevent* guidance requires any visiting speakers invited to the school must be appropriately checked and supervised. Please see the Anti-Radicalisation policy for further guidance.

## **3. Scope**

This policy applies to all Mount Kelly employees, including Mount Kelly Enterprises Ltd and Mount Kelly Swimming Ltd and governors responsible for and involved in the recruitment and selection of all staff.

The ultimate responsibility for recruitment and selection lies with the governing body. The governing body has delegated the responsibility to the Principal for appointing staff including those to the management team.

#### **4. Principles**

The following principles are encompassed in this policy:

- All applicants will receive fair treatment and a high-quality service.
- The job description and person specification are essential tools and will be used throughout the process.
- Employees will be recruited on the knowledge, experience and skills needed for the job.
- Selection will be carried out by a panel with at least two members but preferably with three. At least one panel member will have received appropriate training on safer recruitment and selection process.
- Selection will be based on a minimum of completed application form, shortlisting and interview.
- The Equality Act 2010 makes it a requirement to make reasonable adjustments to the recruitment process if an applicant makes the employer aware that they have a disability. This applies to the entire recruitment process, from advertisement to appointment.
- Monitoring and evaluation are essential for assessing the effectiveness of the process in accordance with relevant employment legislation, safer employment practices and equalities legislation.

All posts will normally be advertised. The following will be carried out in connection with the advertising of vacancies:

- All vacancies for permanent posts will be advertised.
- Advertisements will not be confined unjustifiably to those geographical areas or publications that would exclude or disproportionately reduce the numbers of applicants from a particular group.
- Advertisements shall not state a specific length of residence or experience in the United Kingdom as a requirement for a vacancy.
- Advertisements shall not differentiate between qualifications obtained in the UK and those that are fully comparable but obtained outside the UK.
- All applicants for posts will be sent a copy of Mount Kelly Staff Equality Policy, if requested.
- Where an advertisement contains an informal contact point, this shall be for the purpose of expanding on the job details and requirements and not as an informal selection procedure.

#### **5. Equal opportunities**

Mount Kelly is committed to providing equality of opportunity for all and ensuring that all stages of recruitment and selection are fair. Recruitment and selection procedures will be reviewed on a regular basis to ensure no form of discrimination occurs in the recruitment, selection, promotion and training of employees.

## **6. Safer Recruitment – recruitment and selection training**

It is a requirement that at least one member of the interview panel has completed the Safer Recruitment programme training successfully prior to the start of the recruitment process.

## **7. The Disclosure and Barring Service/Keeping Children Safe in Education**

The Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) merged on 1st December 2012 to become a single organisation called the Disclosure and Barring Service (DBS).

All posts at Mount Kelly will involve regulated activity; the recruiting manager is required to request a DBS Disclosure check under the Police Act 1997 and the Vulnerable Groups Act 2006. All positions are exempt from the Rehabilitation of Offenders Act 1974 because duties of posts in schools (paid or unpaid) involve regular contact with children and therefore fall under the Rehabilitation of Offenders Act (Exemptions Order) 1975 and 2000.

The Government announced the intention to make changes to the criminal records disclosure rules in July 2020 to ensure the right balance is struck between rehabilitating offenders and protecting the public.

The new legislation will remove the requirement for automatic disclosure of youth cautions, reprimands and warnings and remove the 'multiple conviction' rule which requires the automatic disclosure of all convictions where a person has more than one conviction, regardless of the nature of their offence or sentence. The Statutory Instrument will be debated in the Commons and Lords later in 2020 before the changes come into effect.

Employment checks will also have regard for the Childcare (Disqualification) Regulations 2009 to ensure individuals working with children under the age of 8 have not been disqualified. Employees and volunteers involved in providing early years childcare (including education) or later years before and after school clubs will be required to complete a self-declaration. Full details of the Childcare (Disqualification) Regulations can be found at <http://www.legislation.gov.uk/uksi/2009/1547/contents/made>

The latest version of Keeping Children Safe in Education (September 2020) will be circulated to all staff as part of the induction process.

## 8. Pre-recruitment process

Planning is vital to successful recruitment, it is important to be clear about the details of the position including the qualifications and experience the successful candidate will need to demonstrate. It is essential to plan the recruitment process, identifying who will be involved and setting aside sufficient time for the work needed at each stage so that safeguards are not overlooked.

The job description and personal specification will need to be reviewed to ensure it covers the details required for the vacant position and that it is not unlawfully discriminatory, directly or indirectly

The Principal of the Foundation will authorise the request to advertise the position.

The objective of the recruitment process is to attract, select and retain staff who will successfully and positively contribute to the future development of Mount Kelly. The first experience an individual has is important, so the experience should be positive and all those responsible for recruiting will:

- leave a positive image with unsuccessful applicants
- give successful applicants a clear understanding of the post and what is expected of them
- strive to reduce the risk of a bad selection decision that can be expensive and may cause line-management problems in the future or may not meet Mount Kelly's commitment to safeguard children and young people.

All posts should be advertised as widely as possible unless there are clearly defined reasons not to. Posts advertised internally should also be circulated to staff on maternity leave and long term absences if applicable.

A reasonable period of time should be allowed between the publication of the advertisement and the closing date. If known, shortlisting and interview dates should be included within the advertisement.

In line with DFE Guidance the paragraph below should be included in all publicity materials, entries on recruitment websites, advertisements, candidate information packs or job descriptions.

*This school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. The successful applicant will be DBS checked for Regulated Activity.*



## **9. Application form**

A standard application form will be used to obtain a common set of core data from all applicants. The application form may be supported with a covering letter and/or CV.

## **10. Shortlisting**

Shortlisting will be undertaken by panel members. All applications must be scrutinised to ensure that they are fully and properly completed, that the information provided is consistent and does not contain any discrepancies, and to identify any gaps in employment history. Incomplete applications will not generally be accepted. All applicants must be assessed equally against the criteria. If there are gaps in employment history it is best practice to:

- identify gaps
- check if the date for leaving full time education has been recorded
- check if an explanation of any gaps has been given
- record the gaps at this stage, if shortlisted
- check recorded reasons for leaving previous employments e.g. repeated changes of employment without any clear career or salary progression.

Late applications will not generally be considered.

If only one candidate is shortlisted, consideration should be given on whether to interview and possibly appoint the candidate or postpone the interview until a larger pool of applicants have been sought, for example, after re-advertisement.

A written record of decisions should be retained for both shortlisted and non-shortlisted applicants.

Any candidate with a disability who demonstrates that they meet the essential criteria or who may do so with reasonable adjustments must be shortlisted. It is unlawful to eliminate applicants from the short list on the grounds of disability, gender, pregnancy, sexual orientation, race, religion or belief or age.

## **11. References**

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. They will always be sought and obtained directly from the referee; Mount Kelly will not accept references or testimonials provided by the candidate.

References will be sought on all shortlisted candidates and will be obtained before interview where practicable so that any issues of concern that they raise can be explored further with the referee, and taken up with the candidate at interview.

In some circumstances it might not be possible to obtain references prior to interview, either because of delay on the part of the referee, or because a candidate strongly objects to their current employer being approached at that stage. In any case, where a reference has not been obtained on the preferred candidate before interview, Mount Kelly will ensure that a satisfactory reference is received, before the person's appointment is confirmed.

At least two references must be sought for each shortlisted candidate; one must be from the current or most recent employer. Where there is no current employer, verification of the most recent period of employment and reasons for leaving should be obtained. References, should ideally be from a senior person with appropriate authority (in a position to be aware of any concerns), not usually a colleague.

All requests for references should seek objective, verifiable information and not subjective opinion. A copy of the job description and person specification or role profile should be included with all requests, and every request must ask:

- about the referee's relationship with the candidate, for example, did they have a working relationship; if so what, how long has the referee known the candidate and in what capacity?
- whether the referee is satisfied that the person has the ability and is suitable to undertake the job in question, and for specific comments about the applicant's suitability for the post, and how s/he has demonstrated that s/he meets the person specification/role profile
- whether the referee is completely satisfied that the candidate is suitable to work with children, and, if not, for specific details of the referee's concerns and the reasons why the referee believes the person might be unsuitable
- ask the referee for their consent to the reference being disclosed to the candidate
- remind the referee that they have a responsibility to ensure that the reference is accurate and does not contain any material misstatement or omission.

In addition to the above, requests addressed to a candidate's current employer, or a previous employer in work with children, must also seek:

- confirmation of details of the applicant's present post and details of the reason for leaving
- specific verifiable comments about the applicant's performance history and conduct
- details of any disciplinary procedures the applicant has been subject to involving issues related to the safety and welfare of children and young people, including any in which the disciplinary investigation has expired, and the outcome of those; and
- details of any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, and the outcome of those concerns, for example, whether the allegations or concern was investigated, the conclusion reached, and how the matter was resolved.

On receipt of references, they should be checked to ensure that all the specific questions have been answered satisfactorily; all references will be verified by telephone. Any discussions must be documented as these will form part of the written documentation of the recruitment and selection process.

## **12. Interviews**

### Invitation to interview

Shortlisted candidates should be invited to interview by letter including the arrangements for interview, time, date and location, membership of the interview panel, and an overview of what will be expected in addition to the interview, for example, presentation, exercise and so on, and suitability to work with children.

The invitation should also stress that the identity of the successful candidate will need to be checked and where a DBS check is appropriate. Candidates should also be asked to bring documents confirming education and professional qualifications that are necessary and relevant to the position. If the successful candidate is unable to supply original documents, written confirmation of his/her qualifications must be obtained from the award body.

### Interview

The interview will assess the merits of each candidate against the job requirements, and explore their suitability to work with children and young people. The selection process for people who will work with children and young people will always include a face-to-face interview, even if there is only one candidate.

A minimum of two interviewers will form the interviewing panel, but preferably three. The members of the panel will:

- have the necessary authority to make decisions about appointments
- be appropriately trained (one member of interview panel will have undertaken training in accordance with the Safer Recruitment training)
- meet before the interviews to:
  - reach a consensus about the required standard for the job to which they are appointing
  - consider the issues to be explored with each candidate and who on the panel will ask about each of those
  - agree their assessment criteria in accordance with the person specification.

Where a candidate is known personally to a member of the selection panel it will be declared before shortlisting takes place. It may then be necessary to change the selection panel to ensure that there is no conflict of interest and that equal opportunities principles are adhered to.

The panel/Interviewer should consider the questions that will be put to all candidates relating to the requirements of the post. In addition to assessing the applicant's suitability for the particular post, the interviewer should also explore:

- the candidate's attitude toward children and young people
- his/her ability to support Mount Kelly's agenda for safeguarding and promoting the welfare of children and young people
- motivation to work with young people
- ability to form and maintain appropriate relationships and personal boundaries with children and young people
- emotional resilience in working with challenging behaviours and, attitudes to use of authority and maintaining discipline
- gaps in the candidate's employment history
- concerns or discrepancies arising from the information provided by the candidate and or referee; and
- ask the candidate if they wish to declare anything in light of the requirement for a DBS Enhanced Check for Regulated Activity.

Records of interviews for unsuccessful candidates must be retained for six months from the date of the advertisement. Records should include:

- assessment and selection criteria used
- application of assessment and selection criteria
- interview and other selection method notes
- reasons for the decision made.

Reasons for the decisions taken by the interview panel must be recorded, to be completed and filed. This must include details of all the information used to reach a decision. All recruitment paperwork relating to the successful candidate must be retained and placed on his/her personal file.

Mount Kelly has a responsibility to maintain a central record for the complete recruitment process including interview notes, DBS checks and copies of qualifications.

### **13. Restrictions on health/disability questions**

The Equality Act (2010) does not permit employers to ask any job applicant about their health or disability until the person has been offered the post. This includes checking previous attendance levels. There are some exceptions where it is possible to ask health related questions as follows:

- to determine if the candidate is able to participate in an assessment to test their suitability for the role
- to determine reasonable adjustments for the interview or any tests

- to establish whether the applicant can carry out a function which is fundamental/intrinsic to the performance of the role
- to monitor the diversity of the applicant (this could be incorporated in the application form).

#### **14. Unsuccessful candidates**

Unsuccessful candidates should be contacted as soon as possible. It is good practice to offer feedback and provide this at a mutually agreed time.

Should the successful candidate subsequently refuse the appointment, Mount Kelly may recruit from the unsuccessful applicants without re-advertising the post as long as this is within six months of the original recruitment process.

#### **15. Conditional offer of appointment: pre-appointment checks**

An offer of appointment to the successful candidate will be conditional on:

- a check of the Children's Barred list
- a satisfactory DBS enhanced Certificate
- overseas checks where appropriate
- verification of the candidate's identity
- verification of the candidate's medical fitness
- the receipt of two satisfactory references
- If the candidate is to be employed as a teacher a check to ensure the teacher is not subject to a prohibition order issued by the Secretary of State
- For applicants that have lived or work outside of the UK, schools must may any further checks they think appropriate so that relevant events that occurred outside the UK can be considered. Teachers will be requested to provide proof of their past conduct as a teacher e.g. a letter of professional standing issued by the professional regulating authority in the country they worked.
- If the candidate is to be employed within Early Years a signed self-declaration that they are not disqualified under the Childcare (Disqualification) Regulations 2009.
- verification of qualifications
- verification of professional status, where required, for example, QTS status
- verification of eligibility to work in the UK (employers are required to re-check documents at least every 12 months if the employee has time limited leave to enter or remain in the UK).
- If the candidate is to be employed in a management position, a check to ensure the applicant is not subject to a prohibition from management of independent school directions (also known as "section 128 directions").

All pre-employment checks will be:

- confirmed in writing

- documented and retained on the personal file (subject to certain restrictions on the retention of information imposed by DBS regulations)
- recorded on Mount Kelly's Single Central Register database; and
- followed up where they are unsatisfactory or there are discrepancies in the information provided.

If the disclosure of conviction information supplied is different from the information supplied by the candidate on their original job application, this must be further explored with the candidate. If a judgement is reached that the candidate deliberately falsified the information supplied on the job application this can be taken into account when considering whether a job offer can be withdrawn. It is normal policy that any deliberate falsification of an application, in any respect, will debar a candidate from appointment.

The facts must be reported to the police and/or the Children's Safeguarding Operations Unit at the local authority where:

- the candidate is found to be on the Children's Barred List, or the DBS Certificate shows they have been disqualified from working with children by a court
- an applicant has provided false information in, or in support of, his/her application
- there are serious concerns about an applicant's suitability to work with children.

#### Overseas Checks

The Disclosure and Barring Service is only able to supply information relating to the period the candidate has been resident in this country. Therefore, if the successful candidate has lived outside the UK for a period of over three months in the last five years (excluding BFPO addresses), the disclosure will not be considered sufficient as it will not cover offences committed abroad. The school will request the successful applicant to obtain a Certificate of Good Conduct from the country of origin or where he/she has lived. The Home Office has published guides on what checks are available from different countries. Further details can be found at <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

It may be necessary for the applicant to obtain a translation of the Certificate of Good Conduct. The original certificate must be presented, photocopies will not be accepted.

#### Governors

Members of the Governing Body will also be subject to safer recruitment checks prior to appointment, including:

- Children's Barred List check
- Enhanced DBS
- Verification of identity including photograph ID and address ID.
- Overseas checks if applicable
- Entitlement to live and work in the UK

- A check to ensure the applicant is not subject to a prohibition from management of independent school directions (also known as “section 128 directions”)

It is not usual practice at Mount Kelly for Governors to carry out teaching work or to be involved in the day to day management of Early Years. If this was applicable further checks including teachers’ prohibition checks and Early Years declarations will also be completed.

### Chair of Governors

The arrangements for checking the proprietor/Chair of Governors will be carried out by the DfE.

### **16. Post-appointment induction**

There will be an induction programme developed for all staff, governors and other volunteers newly appointed to Mount Kelly regardless of previous experience.

### **17. Agency Workers**

Mount Kelly must undertake checks with employment agencies to ensure that the agency has carried out the necessary checks in respect of safeguarding and eligibility to work in the UK. Mount Kelly will record whether they received confirmation of relevant checks from the supply agency and will request copies of the DBS Certificates.

### **18. Recruitment Procedure**

The following recruitment procedure will apply for all vacancies. No new recruitment, or any variation to staff terms of employment, may be triggered without prior approval of the Principal. The recruitment of staff is a significant child protection control and failure to follow this procedure by any member of staff will be a disciplinary offence and regarded as gross misconduct.

- The manager reviews the job description and personal specification against the requirement for the position.
- The decision to recruit is authorised by the Principal
- Job descriptions and adverts must include reference to Mount Kelly’s commitment to safeguarding and promoting the welfare of children and young people.
- Application forms must be submitted to obtain a common set of core data, but may be supported by a covering letter and CV.
- Shortlisting will be completed by the interviewing panel members after examining each application against the required criteria for the position.

- Shortlisting managers should note any gaps in employment history to discuss with applicants.
- Records should be kept on both shortlisted and non-shortlisted applicants for six months.
- References will be sought from shortlisted candidates, where possible before interview so that any areas of concern can be further explored with either the referee or candidate during interview. At least two references must be supplied, one from the current or most recent employer. References will be verified by telephone.
- If it is not possible to obtain references before interview they must be followed up after interview before the appointment is confirmed.
- The interview panel will comprise of at least two members, but usually three. At least one member of the interview panel should be trained in safer recruitment.
- Interviews will assess the candidates against the criteria for the job. The interviewer should also assess suitability of the applicant including attitude towards children and young people and ability to support the Mount Kelly safeguarding procedures.
- The candidate should be asked if they wish to declare anything in light of the requirement for a DBS Enhanced Check for Regulated Activity.
- The HR Manager will arrange for a conditional offer of employment to be sent to the successful candidate subject to the completion of all satisfactory checks.
- In order to verify the checks the HR Manager must add each entry listed below onto the schools Single Central Register. The register will show the name of the person making the check, and the date the check was completed. Copies of documents will be stored on the personal file:
  - **Barred list/List 99 check**
  - **Enhanced Disclosure**; from 17<sup>th</sup> June 2013 disclosures are not sent to the employer, only the applicant. Until the school has had sight of the original disclosure certificate, the applicant should be treated as unchecked. Also from 17<sup>th</sup> June 2013 the applicant may subscribe to the DBS Update Service. This enables employers to check that there have not been changes since the issue of a disclosure certificate. The applicant must give their consent to the new employer



- **Check of Identity;** made against an official document such as a passport, driving licence, or a birth certificate. Photographic identity should be included, together with evidence of address (for example, a utility bill, bank statement or similar issued within the last three months)
  - **If a teacher;** check that the candidate is not subject to a prohibition order issued by the Secretary of State.
  - **For applicants that have lived or work outside of the UK,** schools must may any further checks they think appropriate so that relevant events that occurred outside the UK can be considered. Teachers will be requested to provide proof of their past conduct as a teacher e.g. a letter of professional standing issued by the professional regulating authority in the country they worked.
  - **If in a management position;** check to ensure the applicant is not subject to a prohibition from management of independent school directions (also known as “section 128 directions”).
  - **Overseas check:** where applicable an overseas check will be requested from any candidate that has lived or worked overseas for longer than 3 months and within the last 5 years.
  - **Early Years;** If the candidate is to be employed within Early Years a signed self-declaration that they are not disqualified under the Childcare (Disqualification) Regulations 2009.
  - **Satisfactory medical enquiries;** a declaration is required from each member of staff that they know of no reason, on the grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the post in question
  - **Previous employment history;** any gaps in employment should be fully explored from application and CV before and during interview
  - **References;** Receipt of two satisfactory references, one from current or most recent employer. If a verbal reference is taken notes should be detailed, signed and dated. If written references have not been answered satisfactory follow up checks should be made, notes taken signed and dated
  - **Qualifications;** Original documents evidencing professional qualifications relevant to the position
  - **Eligibility to live and work in the UK**
  - **Overseas checks where appropriate**
- Once all checks have been completed the HR Manager will send a letter to the successful applicant to confirm relevant checks are complete and the start date.
  - Details of the appointment and start date are sent to the Head of Finance.