



RECRUITMENT, SELECTION AND DISCLOSURES POLICY

In this policy, the following members of staff are referred to:

TITLE	NAME OF STAFF MEMBER
Chairman of the Board of The New Model School Company	Xavier Villers
NMS Chief Executive Officer	Deborah Livsey
Head Teacher	Claire Murdoch
Head of HR	Dawn Knee

INTRODUCTION AND PRINCIPLES

The New Model School Company (NMS) is committed to ensuring the best possible environment for the children in its care. Safeguarding and promoting the welfare of children is our highest priority.

NMS aims to recruit staff who share and understand our commitment and in so doing to ensure that no job applicant is treated unfairly by reason of a "Protected Characteristic", as defined within the Equality Act 2010.

NMS and the School take its obligations under the UK GDPR and the Data Protection Act 2018 very seriously. Details on how we collect, process and retain applicant information is explained in our **Privacy Notice** available on the School's and NMS's websites.

SCOPE OF THIS POLICY AND NOTES ON DEFINITIONS

In the Education (Independent Schools Standards) (England) Regulations 2014, Staff are defined as:

Any person working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer.

For the purposes of this Policy, Staff are defined as those individuals working in or on the schools who were directly recruited by NMS and who are paid directly by NMS. These may be either employees or self-employed contractors. Where another entity has recruited or pays workers at the School, NMS obtains written confirmation from the agency or company involved that it has carried out the appropriate *employment checks* (identity, enhanced disclosure, right to work in the UK, Barred List, Prohibition, qualifications, overseas checks plus those checks set out in KCSIE as "pre-employment checks") Depending on the nature of the third-party business, NMS may need to carry out its own check for the Barred List and Prohibition from Teaching as access to the Teaching Regulation Agency is limited to schools . The School conducts *identity checks* on agency and contractors on the date of their first arrival; in the case of agency workers, the School is provided with a copy of the DBS check for such staff.

In the case of NMS Directors and Advisors who manage or advise on the business of the company and the schools it operates, checks will be made in advance of appointment, or as soon as practicable after appointment. NMS is registered with the Department for Education (DfE) and its board members are responsible for the management of the School. As required by the DfE, the Chairman of the NMS Board is personally registered with the DfE.

In the case of volunteers, checks are carried out by NMS prior to appointment, in much the same way as employed staff. As the nature of volunteers varies, a risk assessment will be carried out to determine the checks that are needed for the role. This assessment will consider the following:

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

All current members of staff, supply staff, and those employed as third parties; NMS Directors and Advisors; and all individuals who come into regular contact with children, including volunteers; will be entered onto the Single Central Register, which is held at NMS Head Office.

APPLICATION FORM

For those individuals directly recruited by NMS, NMS will only accept applications from candidates for positions of work at its schools after they have completed the relevant job application form. This must include explanations for any gaps in employment, as required under the Keeping Children Safe in Education regulations as updated 2023. Checks will be made as part of the reference process and any discrepancies will be taken up with candidates. Curricula Vitae (CVs) are not accepted as a substitute for completed application forms but may be submitted at an early stage of the process.

All recruitment advertising will be done by NMS Head of HR and 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. Job Descriptions and Person Specifications will be available to candidates for all roles which includes responsibility for the Safeguarding of children.

As the position for which candidates are applying involves substantial occasion for access to children, it is important that applicants provide NMS with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as NMS shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors, and this will only be asked post-shortlist. Information related to this would be submitted in confidence enclosing details in a separate sealed envelope which would be seen and then destroyed by the NMS Head of Human Resources (HR). If candidates would like to discuss this beforehand, they are asked to telephone in confidence to the Head of HR for advice.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to NMS, after the shortlisting stage and there is a "post-shortlist" application form for this purpose. However, amendments to the Exceptions Order 1975 (as amended) 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, NACRO and on the relevant NMS application form. Any information provided can then be discussed at interview.

All applicants will be required to and undergo an Enhanced Check from the Disclosure and Barring Service ("DBS") for the position, to which they would be appointed.

The successful applicant will also be required to complete a staff suitability questionnaire which will check on their suitability to work with children, including disqualification from childcare or registration. Please see further guidance on barring, referrals and relevant offences using the following link:

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

The Childcare (Disqualification) Regulations 2009 apply to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 and to those who are directly concerned in the management of that childcare.

Additionally, successful applicants should be aware that they are required to notify NMS immediately if there are any other reasons why they should not be working with children.

NMS takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect their suitability to work with children must notify the NMS Head of HR immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings they may receive.

Staff and/or successful candidates who are disqualified from childcare or registration, may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please speak to the Head of HR for more details.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

NMS has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have "due regard to the need to prevent people from being drawn into terrorism". This is known as the Prevent duty, as updated June 2016. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, NMS will have due regard to the Prevent Duty.

If the candidate is currently working with children, on either a paid or voluntary basis, NMS 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 child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

If the candidate is not currently working with children but has done so in the past, NMS will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, NMS will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, NMS may request character references which may include references from the candidate's school or university.

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

All queries regarding the application form and recruitment process should be directed to the NMS Head of HR.

INVITATION TO INTERVIEW

NMS and the School, where appropriate, will short-list applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail.

All formal interviews will have a panel of at least two people chaired by either the Head Teacher/member of the Senior Leadership Team or the NMS Chief Executive Officer (CEO). In accordance with recommended best practice 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 a judgement will be made by the Chair of the interview panel as to whether or not an interviewer should withdraw from the panel. Should the Chair themselves have a conflict of interest, the Head of HR, together with the CEO if applicable, shall decide whether the Chair should withdraw from the panel. Shortlisting and interviewing will generally be carried out by the same staff members to ensure a consistent approach.

The interview will explore the candidate's suitability for the role and their suitability to work with children.

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc.). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

For identification purposes, NMS requests that all candidates invited to interview also bring with them:

1. A passport, or if not available a photo driving licence;
2. A birth certificate, so that any changes of name can be identified and checked
3. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
4. Where appropriate any documentation evidencing a change of name;

Where the candidate is not a UK citizen, candidates must also provide proof of entitlement to work and reside in the UK.

The School must see originals of the above. Photocopies or certified copies are not sufficient.

If a candidate has declared any information on the post-shortlist application form regarding criminal backgrounds they will be asked to sign the form at the interview.

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

From the 1st September 2022, as part of the shortlisting process, NMS will carry out an online search as part of their due diligence on shortlisted candidates. This may help identify any previous incidents or issues, which are publicly available online (e.g. LinkedIn, Twitter, Facebook Instagram, Snapchat). The panel may want to explore any information found with the applicant at interview. The search will be carried out by a member of NMS head Office staff who is not involved in the selection process and will focus on:

- Information which differs from the application form
- Derogatory posts written about a former employer
- Inappropriate language and/or images
- Illegal or offensive behaviour, e.g. bullying, racism, nudity, any inappropriate comments regarding a protected characteristic

From September 2023, as per Keeping Children Safe in Education 2023, all shortlisted applicants will be informed that a search may be taking place as part of our due diligence checks. We will also inform them that all social media should be set to "private" where possible.

CONDITIONAL OFFER OF APPOINTMENT: PRE-APPOINTMENT CHECKS

Any offer to a successful candidate will be conditional upon:

1. Receipt of at least two satisfactory references (if these have not already been received); taking care to ensure that these are sent from a credible source;
2. Verification of identity and qualifications including and evidence of the right to work in the UK;
3. A satisfactory Enhanced DBS check and if appropriate, a check of the Barred List maintained by the DBS;
4. For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State. 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
 - Reporting on the development, progress and attainment of pupils;
5. Verification of professional qualifications, where appropriate;
6. Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999) or exemption where applicable;
7. Where the successful candidate has worked or been resident overseas: Such further checks and confirmations as NMS may consider appropriate so that any relevant events that occurred outside the UK can be considered. This shall include the candidate providing NMS with proof of their past conduct as a teacher in the form of a letter of professional standing from the regulating authority in the country in which they worked.
8. Evidence of satisfactory medical fitness;
9. Receipt of a signed Staff Suitability Declaration form showing that you are not disqualified from providing childcare as set out in the statutory guidance under the Childcare (Act 2006)
10. Where the successful candidate will be taking part in the management of the School, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Directors and Advisors, the members of the NMS Senior Management Team and teaching heads of department; Satisfactory social media and on-line screening (if not already carried out at the short-listing stage).

It is the practice of NMS for a successful candidate to complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by NMS in strictest confidence. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, layout of the School or office.

NMS is aware of its duties under the Equality Act 2010. No job offer will be withdrawn after receipt of a completed questionnaire, without first consulting with the applicant, weighing up the medical evidence and considering reasonable adjustments.

REFERENCES

NMS will seek the references referred to above for shortlisted candidates and may approach previous employers for information to verify particular experience or qualifications, before interview. If the candidate does not wish NMS to take up references in advance of the interview, they should notify NMS at the time of applying.

NMS will ask all referees if the candidate is suitable to work with children.

NMS will compare any information provided by the referee with that provided by the candidate on the application form. Any inconsistencies will be discussed with the candidate.

CRIMINAL RECORDS POLICY

NMS will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education, as updated 2023 and any amended version in carrying out the necessary required DBS checks.

NMS complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here:

<https://www.gov.uk/government/publications/dbs-code-of-practice>.

There are limited circumstances where NMS will accept a check from another educational institution which are as follows, where the new member of staff ("M") has worked in: -

- (a) A school or a maintained school in England in a position which brought M regularly into contact with children or young persons within the last three months;
- (b) A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
- (c) An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons, during a period which ended not more than three months before M's appointment.

In these circumstances NMS may apply for a disclosure but is not required to do so. A new, separate Barred List check will be made.

DBS UPDATE SERVICE

Where an applicant subscribes to the DBS Update Service the applicant must give consent to NMS to check there have not been changes since the issue of a disclosure certificate.

IF DISCLOSURE IS DELAYED

If a DBS certificate is not received prior to commencement of the work envisaged, a short period of work may be allowed under controlled conditions, at the Head Teacher's discretion. However, if an 'enhanced disclosure' is delayed, the Head Teacher only allows the member of staff to commence work with the following conditions:

- Provided that the DBS application has been made in advance;
- After a satisfactory check of the barred list - if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
- Without confirming the appointment;
- With appropriate safeguards taken (for example, loose supervision);
- Safeguards reviewed at least every two weeks;
- The person in question is informed what these safeguards are;

It is recommended, but not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

VISITING SPEAKERS

The Prevent statutory guidance, as updated April 2021, requires schools to have clear protocols for ensuring that any visiting speakers are appropriately supervised and suitable. The School's responsibility to our pupils is to ensure that they can critically assess the information that they receive as to its value to themselves, and that the information is aligned to the ethos and values of the School and British values.

The Head Teacher is responsible for overseeing the selection and invitation of speakers to the School. Prior to confirming the engagement, the School Administrator carries out appropriate due diligence into the Speaker. An internet search and/or informal reference is taken wherever possible or practicable to ensure suitability. This will take into account any vetting requirements considered appropriate in the circumstances.

Visiting speakers will be expected to understand that where appropriate their session should actively promote the British values of democracy, the rule of law, individual

liberty and mutual respect and tolerance of those with different faiths and beliefs and at no point undermine these. In some cases, the School may request a copy of the Visiting Speaker's presentation and/or footage in advance of the session being provided.

Visiting speakers, whilst on the School site, will be supervised by a school employee. On attending the School, visiting speakers will be required to show original current identification document including a photograph such as a passport or photo card driving licence. The School shall also keep a formal register of visiting speakers retained in line with its Privacy Notice.

The School's **Acceptable Use of IT and Remote Working** and **Bring Your Own Device policies** provide additional information for visitors on the use of mobile technology.

RETENTION AND SECURITY OF RECORDS

NMS will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under the Data Protection Act 2018. Copies of DBS certificates will not be retained for longer than 6 months.

NMS will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Recruitment Privacy Notice and the Data Protection Policy.

Claire Murdoch
Head Teacher
October 2023

Review approved by Deborah Livsey
CEO NMS
October 2023

Next review date: August 2024

APPENDIX 1 - POLICY ON THE RECRUITMENT OF EX-OFFENDERS

NMS will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. NMS makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar them from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

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

Under the relevant legislation, it is unlawful for NMS 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 NMS to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for NMS to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the Childcare (Disqualification) Regulations 2009,

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within NMS. NMS will report the matter to the Police and/or the DBS if:

- NMS receives an application from a disqualified person;
- is provided with false information in, or in support of an applicant's application; or
- NMS has serious concerns about an applicant's suitability to work with children.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, NMS 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.

If the post involves regular contact with children, it is the normal policy of NMS 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.

If the post involves access to money or budget responsibility, it is the normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

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

APPENDIX 2

RELATED SAFEGUARDING POLICIES

Please refer to the following policies, all available at our website, which relate to Safeguarding matters and which should be read in conjunction with each other:

- **Anti-Bullying Policy**
- **Behaviour Policy**
- **Child Protection and Safeguarding Policy**
- **Educational Visits - EYFS Policy**
- **Educational Visits Policy**
- **Health and Safety General Policy**
- **Induction of New Staff, Board Members and Volunteers in Safeguarding Policy**
- **Missing Child Policy and Procedures when a Child is not Collected on Time**
- **E Safety Policy**
- **Policy for Pupils on Confidentiality**
- **Recruitment, Selection and Disclosures Policy**
- **Staff Code of Conduct Policy**
- **Taking, Storing and Using Images of Children Policy**