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<h1>Recruitment, Selection and Disclosure Policy and Procedure</h1>	
<p><b>Owner:</b> Head</p>	<p><b>Author:</b> Deputy Director of Human Resources (HR)</p>

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### Executive Summary

This policy is for staff and its purpose is to create structure and process to facilitate the fair resourcing of high calibre staff, whilst ensuring compliance with legal obligations in relation to recruiting staff to work with children and young people.

## Supporting documents

This policy should be read in conjunction with the following School documents:

- Data Protection Policy
- Information and Records Management Policy
- Safeguarding and Child Protection Policy
- Staff Code of Conduct
- Privacy Notice

To request a copy of any of the documents listed above please contact the Policies, Inspection and Strategy Coordinator:  
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## Contents

Introduction .....	3
Identification of a vacancy .....	4
Organisational Change .....	4
Secondments/acting up .....	4
Initiating recruitment.....	5
The Application Process.....	5
Internal Applications.....	5
Shortlisting .....	6
The Selection Process .....	6
Preparing.....	6
Suitability to work with children, young and vulnerable people.....	7
Conducting the interview.....	7
Identifying the Preferred Candidate .....	8
Making a Conditional Offer.....	8
Unsuccessful Applicants.....	8
Pre-employment Checks.....	8
References .....	9
Online Searches .....	9
Criminal Records .....	10
Medical fitness.....	10
Verification of identity and the right to work in the UK.....	11
Qualifications .....	11
Agency Staff .....	11
Volunteers.....	11
Interviewing Volunteers.....	12
Induction for Volunteers.....	12
Contractors and Self Employed.....	12
For small scale contracts, including self-employed: .....	12
Large scale contracts.....	12
Checks for Contractors and Self Employed.....	12
IR35 Status Assessment .....	13
Visitors and Speakers .....	13
Recruitment of Ex-offenders.....	13
Assessment Criteria .....	13
Equality, Diversity and Inclusion .....	14

Retention of Records .....	15
Referrals to the DBS and Teaching Regulation Agency .....	15
Induction .....	15
Data Collection and Protection .....	15
Appendix 1 –Summary of changes for Issue 3 .....	16
Appendix 2 - Employed, Self Employed and IR35 .....	16
Common indicators of employment: .....	17
Common indicators of self-employment: .....	17

## Introduction

Sherborne Girls (hereafter referred to as the School) is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. Furthermore, the School is committed to providing a supportive and flexible working environment to all its employees. The School recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The School is committed to equality of opportunity for all job applicants and aims to select people for employment on the basis of their skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

The aims of the School's recruitment policy are as follows:

- to create structure and process to facilitate the recruitment of high calibre staff;
- to ensure compliance with legal obligations in relation to recruiting people to work with children and young people;
- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds, including gender, transgender status, sexual orientation, marital or civil partnership status, colour, race, nationality, ethnic or national origins, religion or belief, age, pregnancy or maternity leave or trade union membership.
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education — September 2024 (KCSIE), Disqualification Under the Childcare Act 2006 (DUCA), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff must have appropriate training and are responsible for familiarising themselves with and complying with the provisions of this policy and the

relevant legislation. At least one member of every recruitment panel should be safer recruitment trained.

If a member of staff involved in a recruitment process has a close personal or familiar relationship with an applicant, they must declare this relationship as soon as they are aware of the individuals' application.

### Identification of a vacancy

A vacancy may arise when:

- A member of staff has left a post
- A change in workload, departmental structure or job design is required
- Cover for long-term sickness, maternity, adoption, paternity or shared parental leave is required

On identifying a vacancy, the following considerations should be made:

- Whether the vacant post is still necessary
- How the post will be funded
- Whether the post is established or outside of the existing budget or staffing structure
- Whether the Job Description for the post needs updating or whether a new job description is needed
- Whether the post is appropriate for job share or other flexible working type of arrangement
- Whether the post is suitable or appropriate for redeployment purposes in the event of organisational change
- Whether the post needs to be filled on a temporary or permanent basis based on the needs of the school

Where a vacancy is identified, approval to proceed with recruitment should be sought from the Head, or the COO for Support Staff vacancies.

### Organisational Change

If the School is going through a period of organisational change, prior to advertising, appropriate consideration should be given as to whether the vacancy is suitable to redeployees. Redeployees are employees who:

- For medical reasons are not able to fulfil requirements of the role for which they were employed;
- Due to organisational change no longer have a substantive role and are looking for a new role within the School.

### Secondments/acting up

Where a secondment or temporary 'acting up' arrangement is being considered, the process should be treated as an internal vacancy. Therefore, the interim position should be advertised internally. It must be stated that the position will be offered on a fixed-term basis.

The seconded employee is entitled to return to their substantive post (or, in exceptional circumstances, to a comparable post of equal pay and status) at the end of their time in secondment.

### Initiating recruitment

The advert, department/supplementary information, job description and person specification should be drafted/reviewed as necessary. The requirements listed should be clear, fully justifiable and associated to the role. These measures will help increase the pool of candidates and minimise the risk of discrimination. An effectively written job description and person specification will aid effective evaluation of applications during the shortlisting process and identification of appropriate interview questions.

In the interest of ensuring equality, the job description and person specification should be evaluated under any job evaluation scheme the School may have in place and this would be facilitated by the HR department.

Where the Recruiting Manager (the designated individual overseeing the recruitment episode) is not the Head or COO, the job description and person specification should be submitted to the Head (or COO for Support Staff) for approval. The Recruiting Manager will then liaise with HR to agree a recruitment timeline. The HR Department will then proceed to appropriately advertise the vacancy.

Advertising of all School vacancies should support the Equality Act 2010 by ensuring that:

- In most circumstances, posts will be advertised internally and externally concurrently;
- Only in specific circumstances (such as during organisational change, the allocation of additional responsibilities or where the vacancy is short term or urgent) it may be appropriate to only advertise internally;
- The content of the advertisement will comply with anti-discrimination legislation;
- Advertisements will be placed in media that will reach a wide, diverse audience.

### The Application Process

All applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

The School's Safeguarding and Child Protection Policy and Privacy Notice will be available for applicants to download from the School's website.

#### **Internal Applications**

Internal candidates are defined as staff, who, are employed on either permanent or fixed-term contracts or agency workers.

Where a post is advertised as internal only applicants may be asked to complete a shorter application form.

## Shortlisting

The Recruiting Manager is responsible for identifying the shortlisting panel and communicating this to the HR department. The HR department will circulate shortlisting information to all panel members, usually at least 24 hours before the shortlisting meeting is due to take place, or on an alternatively agreed date.

In all cases, it is recommended that the shortlisting panel should consist of **at least two** people who hold enough knowledge of the School and the post in order to objectively assess the suitability of each candidate.

Where possible, all the panel members should have appropriate recruitment and selection training and understand:

- The legal impact and consequences of not following consistent recruitment and selection procedures;
- The School's Recruitment Policy and Procedure;
- Equality and Diversity requirements;
- The importance of developing the necessary skills for effective interviewing;
- The importance of safeguarding children.

In order to ensure fair and effective shortlisting, only those criteria listed on the Person Specification can be used for making shortlisting assessments. It is unfair and unethical to introduce new criteria at this stage. In all cases, candidates selected for interview must meet the essential criteria listed in the Person Specification of the Job Description.

If only one candidate meets the shortlisting criteria the selection process may still go ahead.

All applications should be scrutinised by both the Recruiting Manager and the HR department to ensure that they are fully complete, that the information provided is consistent and does not contain any discrepancies, and to identify any gaps in employment. Reasons for obvious gaps in employment, a history of repeated changes of employment without any clear career progression, or a mid-career move from a permanent to a temporary post should be fully explored and verified.

It is essential that all staff involved in the recruitment and selection process ensure the confidentiality of information supplied by applicants and referees.

Candidates can request feedback as to why they were not shortlisted for interview. It is the responsibility of the Recruiting Manager or interview panel chair to ensure that feedback is provided. At risk candidates and disabled candidates who meet the essential criteria must be shortlisted.

## The Selection Process

### Preparing

In most cases, the School will take a multi-assessment approach to the selection process. The selection process will be appropriate to the role and may include: a main panel interview, smaller panel interviews to explore specific areas, a lesson observation (where appropriate), a written, computer or group task and informal activities such as meetings/lunch/coffee with department members or pupils and a tour of the School.

The Recruiting Manager is responsible for making arrangements for the selection process, they should identify the activities required and the members of staff to be involved and liaise with the HR department to make sure that appropriate arrangements are in place. The Recruiting Manager is responsible for compiling relevant competency-based interview questions which must be relevant to the job.

### **Suitability to work with children, young and vulnerable people**

For all School based posts, the interview questions will need to explore issues relating to safeguarding and promoting the welfare of children. The depth of the Safeguarding questions will depend on the amount of contact the post is likely to have with pupils.

In accordance with the guidance defined in [Keeping Children Safe in Education](#) (KCSIE 2024), the interview questions must explore:

- The candidate's attitude towards children and young people and their motivation to work in an educational setting;
- The candidate's ability to form and maintain appropriate relationships and personal boundaries with children and young people;
- Their emotional resilience in working with children and young people;
- Their attitude to the use of authority and maintaining discipline;
- Their ability to support the School's agenda for safeguarding and promoting the welfare of children.

### **Conducting the interview**

To ensure fairness each candidate should receive the same interview experience. In most cases the panel/s will be assessing the candidate and the candidate will be assessing the School as a potential employer.

The panel should:

- Ensure that each candidate is greeted and escorted to and from the interview room;
- Ensure that the room is appropriate for the interview (free of interruptions, comfortable, etc.);
- Ensure that appropriate arrangements are in place for candidates with a disclosed disability. Due diligence is necessary to ensure that any additional needs are accommodated at the interview;
- Give all interviewees a comparable amount of time;
- Supplement their understanding of the candidate's responses by the use of probing questions.

The Panel should follow a consistent set of pre-agreed questions that are relevant and applicable to the post. Supplementary questions may be asked in order to explore more detail and clarify understanding. Interview notes should always be taken and passed to HR after the conclusion of the process

Obvious gaps in employment or any history of repeated changes of employment without any clear career progression should be fully explored and reasons verified.

Where possible, references will be obtained prior to the interview and shared with the Head, or Recruiting Manager if the Head is not involved.

Candidates will be asked if there is anything they would like to declare or discuss in light of the declarations completed on the application form.

### **Identifying the Preferred Candidate**

The preferred candidate should be identified based on the amalgamation of the panel/s scoring sheets and any selection testing results. Where the Head or Bursar are not involved, the Recruiting Manager should communicate the preferred candidate, as appropriate to either the Head or Bursar (for support staff).

If none of the candidates are considered suitable, thought should be given to reviewing the advertising/shortlisting/interviewing process and/or the Job Description itself and if necessary re-advertising the vacancy.

## Making a Conditional Offer

A contract comes into being once a verbal offer has been made and accepted. The Head or the COO (or an individual delegated by them to do so) should make the offer verbally followed by a short confirmation email detailing simply that the position has been conditionally offered and that full details will be confirmed in writing.

All interview documents should be returned to the HR department who will then send a formal written conditional offer of employment and progress appropriate checks.

All offers will be conditional upon the School receiving all relevant pre-employment checks (as detailed below).

### **Unsuccessful Applicants**

The Head or COO (or an individual delegated by them to do so) will verbally inform unsuccessful applicants who have attended for interview. If feedback is requested by the unsuccessful candidate, a valid reason for rejection along with additional information to support them in identifying areas for development should be given. The details of unsuccessful candidates will be kept on file for six months.

## Pre-employment Checks

In accordance with the recommendations set out in KCSiE, DUCA and the requirements of The Education (Independent School Standards) Regulations and the [Boarding schools: national minimum standards](#), the School carries out a number of pre-employment checks in respect of all prospective employees. All pre-employment checks should be complete prior to the successful candidate commencing employment.

All offers of employment will remain conditional until the following have been received:

- A minimum of two satisfactory references covering at least 3 years (one of which must be from the applicants most recent employer where applicable);
- Satisfactory online searches;
- Satisfactory Disclosure and Barring Service (DBS) Enhanced Check and DBS Children's Barred List clearance (where applicable for the post);
- Verification of medical fitness clearance;



- Evidence of the right to work in the UK;
- Verification of the applicant's identity;
- Declaration of Personal and Pecuniary Interest (where required);
- Verification of professional qualifications which the School deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified);
- Verification of professional status, where required;
- Confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children;
- Confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school;
- A satisfactory General Teaching Council sanctions check where applicable;
- Any further checks which are necessary as a result of the applicant having lived or worked outside of the UK.

All pre-employment checks will be documented and retained on the employee's personal file. If any of the above checks are not satisfactory, the offer of employment may be revoked. Where this is necessary, written reason/s will be supplied.

If a candidate has an unclear DBS a risk assessment will be undertaken to decide whether to continue with the offer of employment. The ultimate decision will be made by the Head.

### **References**

Every effort will be made to obtain references for all shortlisted applicants before interview as far as practical to do so.

References will seek objective, verifiable information and not subjective opinion. Where an applicant has previously worked with children at least one reference should be from the employer with whom the applicant most recently worked with children. Referees should not be sought from a relative or someone known to the applicant solely as a friend.

All referees will be asked to complete the School's reference template, which will include questions compliant with the latest legislation and Safeguarding requirements.

The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.

The School will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

The School may make telephone contact with any referee to verify the details of the written reference provided.

### **Online Searches**

Online searches will be undertaken for shortlisted candidates.

The search will be undertaken by an individual not involved in the interview panel (normally by someone in the HR department). The individual will use an internet search engine to undertake a

search of the candidate's current and previous names, their current and previous places of work (including previous employers) and current and previous places of residence.

Searches will not be excessive and the individual undertaking the search will not normally go further than the first page of results or search for locations or employers from more than 10 previous years unless particular areas of concern are noted.

The individual undertaking the search will keep a note of the date the search was undertaken and the criteria used. The individual will highlight any concerns to the Recruiting Manager, who is responsible for ensuring that any areas of concern are explored at interview as part of a thorough consideration process with regards to the candidate's suitability to work with children.

Data relating to search criteria, results of searches and decisions will be held securely on the recruitment file during the process and where necessary transferred to the successful candidate's file on appointment.

The individual undertaking the search will be mindful of the requirements under the Equality Act.

### **Criminal Records**

Candidates will not normally commence employment until an appropriate DBS certificate is received. In exceptional cases, and subject to a risk assessment approved by the Head, candidates may commence employment prior to DBS clearance provided there is no unsupervised access to pupils, that other pre-employment checks are satisfactorily complete, that the DBS application has been submitted and where a clear check of the DBS Children's Barred List has been obtained.

The DBS issues a DBS certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the original disclosure certificate is provided to the School by the applicant. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal record check from the relevant jurisdiction(s). The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the School.

The Head will be responsible for ascertaining whether a candidate's criminal record does or does not render them unfit for the post.

### **Medical fitness**

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

Following an offer of employment all applicants are required to complete a Health Questionnaire. The School will arrange for the information contained in the Health Questionnaire to 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 timetable, extra-curricular activities, layout of the School etc. Where appropriate the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

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

### **Verification of identity and the right to work in the UK**

Under the Immigration, Asylum and Nationality Act 2006 and the Immigration Act 2016, the School has a legal responsibility to ensure that all employees have the right to work in the UK. Checks on the right to work must be carried out for every person the School intends to employ regardless of their race, ethnicity, or nationality **before** they begin any work.

All applicants who are invited to an interview will be asked to bring with them evidence of identity, right to work in the UK, address and qualifications. Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. Where an individual is subject to UK immigration control they will require a visa permitting them to live and work in the UK and, at the point that permission expires further checks are required.

### **Qualifications**

Successful candidates must provide proof of all relevant qualifications in the form of a certificate of achievement, membership number or other documentary evidence that may be relevant.

## Agency Staff

Agencies who supply staff to the School must complete the pre-employment checks which the School would otherwise complete for its staff. The School requires confirmation that these checks have been completed before an individual can commence work at the School.

The School will independently verify the identity of staff supplied by an agency before agency staff can commence work at the School.

## Volunteers

A similar recruitment process should be adopted for volunteers (including Governors and Independent Listeners) as would be used to recruit a paid member of staff. The process might need to be presented differently, adapted or more informal, but the principal safeguards and features of the recruitment and selection process should be the same.

The process should include:

- information about the School's commitment to safeguarding children;
- completion of an application form;
- obtaining references;
- a face-to-face interview;
- pre-employment checks similar to those which would be applied in the case of paid employment including a DBS certificate and, if the volunteer will be in regulated activity, a check of the DBS barred list; and
- evidence of right to work in the UK.

Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with pupils.

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

### **Interviewing Volunteers**

Safeguarding principles should also apply when interviewing volunteers, but it is important to make interviews more informal than for paid staff. They should be very much a two-way process .

However, this does not mean that the interview should not probe into candidates' attitudes and motives and their suitability for work with children. This is even more important for candidates who perhaps have no previous experience of working with children.

### **Induction for Volunteers**

Volunteers should be given a clear induction programme which includes their responsibilities for safeguarding, what is and what is not acceptable behaviour towards children, what to do if they believe there is a safeguarding concern and what reasonable steps they can take to avoid creating concerns themselves.

Volunteers should be provided with a copy of the Staff Code of Conduct.

## Contractors and Self Employed

Safeguarding principles apply in the processes of engaging contractors, including individuals engaged on a self-employed basis. The process will normally include:

### **For small scale contracts, including self-employed:**

- Manager/individual requesting the service to gain approval as appropriate from either the Head, COO or a Deputy Head, including providing an outline of why a contract for service is appropriate.
- Manager/individual to get quotes (ideally at least 2) for the service.
- Proposed contractor to provide details of service and comprehensive details of their previous experience.
- Manager/individual to meet the proposed contractor with a member of SLT, notes should be taken and appropriate Safer Recruitment questions asked.
- As appropriate, paperwork sent to HR/Facilities to process appropriate checks.

### **Large scale contracts**

Where the contract is large in scale, the project should be referred to the Bursar who will identify and coordinate the appropriate process.

### **Checks for Contractors and Self Employed**

All regular contractors engaged by the School must complete legally acceptable checks, including for their employees, as the School is required to complete for its staff.

Such checks will need to be complete and confirmation that such checks have been complete will need to be received by the School before the Contractor or their employees can commence work at the School. Please refer to the school "Contractors Policy for more information".

Irregular contractors should be supervised appropriately.

### **IR35 Status Assessment**

Under the IR35 rules (also known as the off-payroll working rules) the School is required to assess the employment status of contractors/self-employed individuals that it engages. The School will therefore undertake an assessment and issue a status determination statement before engaging a contractor.

## Visitors and Speakers

The School is required to have clear protocols for ensuring that any visitors and speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

All visitors and speakers will be required to sign in and out at Reception, wear a visitor's badge at all times and will be escorted by a fully vetted member of staff between appointments.

## Recruitment of Ex-offenders

The School will not unfairly discriminate against any applicant for employment based on conviction or other details disclosed. The School makes appointment decisions based on merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the School. Each case will be decided on its merits.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the School to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the School. The School will make a report to the Police/DBS/Local Authority Designated Officer if:

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

### **Assessment Criteria**

If 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 Head 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; and
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.
- If the post involves regular contact with children, it is the School's normal 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; or
  - 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 School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.
- If the post involves some driving responsibilities, it is the School's policy to consider it a high risk to employ anyone who has been convicted of drink driving.

If 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 carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Head of the School before a position is offered or confirmed.

## Equality, Diversity and Inclusion

The School is committed to equality, diversity and inclusion at all stages of the recruitment and selection process and always carries out shortlisting, interviewing and selection without regard to an applicant's sex, gender identity, sexual orientation, marital or civil partnership status, skin colour, race, nationality, ethnic or national origins, religion or belief, age, pregnancy or maternity leave or trade union membership.

We will never exclude any candidate with a disability unless it is clear that the candidate is unable to perform a duty that is intrinsic to the role, having taken into account reasonable adjustments. Questions will only be asked about a candidate's health in advance of an offer being made where this is directly necessary for a particular role and, in any event, only once they have been shortlisted.

To prevent any candidate from being disadvantaged because of a disability, when communicating with applicants the HR team will ask each candidate whether or not they require reasonable adjustments to be made. Where appropriate adjustments will be made to application and selection processes, examples may include; access to premises, adapting tests, providing an alternative methods to interviews and providing suitable equipment.

## Retention of Records

If an applicant is successful in their application the School will retain on their personnel file any relevant information provided as part of the application process. This documentation will be retained by the School for the duration of the successful applicant's employment with the School. It will be retained in accordance with the School's Information and Records Management Policy after employment terminates.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

The same retention periods apply to any suitability information obtained about volunteers and contractors involved with School activities.

The School's policy is to observe the guidance issued or supported by the DBS on the use and retention of disclosure information.

## Referrals to the DBS and Teaching Regulation Agency

The School has a legal duty to make a referral to the DBS in circumstances where an individual has applied for a position at the School despite being barred from working with children or has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

It may also be appropriate for the School to make a referral to the Teaching Regulation Agency (TRA) from information rising from recruitment and selection processes.

## Induction

For staff commencing employment at the beginning of the academic year all induction activities will be planned as part of INSET. As a minimum, all inductions will include a Line Manager Induction, HR Induction, Health and Safety Induction and Safeguarding Induction. The Line Manager of the appointee will be responsible for the planning induction activities within the department and for overseeing a smooth induction period for the staff member.

## Data Collection and Protection

Special care should be taken regarding all information supplied by job applicants. Data must only be collected that is relevant to the purpose. In addition, any 'sensitive' data should only be collected where the applicant's express consent has been gained.

Therefore, the School will ensure the following steps are taken:

- All information gathered is stored securely and used only for the stated purposes.
- Applications are destroyed in accordance with the retention periods set out in this procedure.
- On completion of the recruitment process all panel members will return their panel packs and any other interview related information they hold to the HR department.

- Job applicants should be given a chance to provide an explanation if any checks on their application details produce discrepancies.

In addition, the interview panel should be aware that interviewees have the right to access their interview notes and therefore any opinions noted must be based on fact.

All records in relation to recruitment and selection exercises must comply with the provision of the Data Protection Act, the Schools' Data Protection Policy and the Privacy Notice.

### Appendix 1 –Summary of changes for Issue 3

- Approving body changed from SLT to Governance and Nominations Committee.
- Addition of list of supporting documents.
- Addition of requirement and guidance for online checks in accordance with KCSiE.
- Minor stylistic changes to clarify language.

Summary of changes for Issue 3.1

- Policy owner changed from Bursar to Head
- References to Bursar replaced with COO throughout.

### Appendix 2 - Employed, Self Employed and IR35

#### **Employment status is not a matter of choice**

Whether working arrangements are treated as self-employed or employed is not a choice, it is the circumstances of the working arrangement that determine its status. In addition, Sherborne Girls has a legal responsibility to review all workers associated with the School to determine if they are inside IR35 (off-payroll worker rules).

In most cases, deciding a worker's employment status and whether they fall within IR35 will be straightforward but sometimes it can be more difficult.

Workers are generally self-employed if they are in business on their own account and bear the responsibility for their business's success or failure. There are a number of factors which can indicate whether or not a worker is self-employed, as follows:

**Right of control** – the degree of control or direction a school has over a worker is an important factor to consider. The greater the degree of control by the school, the more likely it is that the worker is an employee, so it is important to establish who has control over:

- what work is done
- when it is done
- how it is done.

The school should consider not just the degree of control, but also their **right to direct the worker** if they so choose.

**Supplying equipment** - If a worker is required to, and does, supply any equipment that is necessary to do the work, this suggests self-employment. On the other hand, if a school engages workers to



operate such equipment that has been hired from another source, it is much more likely that the worker will be regarded as an employee.

**The greater the degree of financial risk for the contractor**, the more likely it is that he or she will be self-employed. The basis of payment and the surrounding financial circumstances of the arrangement will therefore be important. For example, if a school pays a worker for all hours of attendance at an hourly rate, the contractor faces little, if any, financial risk, and is therefore more likely to be an employee. On the other hand, a worker may be contracted to carry out a defined task or activity at a fixed price. If the completion of this task is vulnerable to delay, for example, because of bad weather or it proves more difficult than expected, and the worker bears the financial risk of such delays, it is more likely that the worker will be self-employed.

**Other relevant factors** include the nature and degree of expenditure that the worker incurs on his or her own account, and whether the work contract was won as a result of a competitive tendering process.

**If a worker has the right to substitute (freedom to hire and pay) someone else** to do the work, that suggests self-employment.

### **Common indicators of employment:**

- The school has the right to control what the worker has to do - where, when and how it is done – even if the school rarely uses that control.
- The worker supplies only his or her equipment.
- The worker does not risk his or her own money and there is no possibility that he or she will suffer a financial loss.
- The worker has no business organisation, for example, an office, yard, stock, materials, or workers. (These examples are not exhaustive.)
- The worker is paid by the hour, day, week or month.

### **Common indicators of self-employment:**

- Within an overall deadline, the worker has the right to decide how and when the work will be done.
- The worker supplies the materials, plant or heavy equipment needed for the job.
- The worker bids for a job and will bear the additional cost if the job ends up costing more than the worker's original estimate.
- The worker has a right to hire other people who answer to him or her and are paid by him or her to do the job.
- The worker is paid an agreed amount for the job regardless of how long it takes.