

Recruitment, Selection and Disclosure Policy and Procedure

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1. Introduction

The Mill Hill School Foundation (the “Foundation”) 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. The Foundation is also committed to providing a supportive and flexible working environment to all its members of Staff. The Foundation recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain Staff of the highest caliber who share this commitment. The Foundation comprises seven schools: Mill Hill School, Mill Hill International, Belmont, Grimsdell, Cobham Hall, Keble Prep and Lyonsdown. This policy applies to all seven schools.

The Foundation fully recognizes its responsibility to ensure that it meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary safer recruitment pre-employment checks. It therefore seeks 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 (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**).

The Foundation aims to ensure that the best possible Staff are recruited on the basis of their merits, abilities and suitability for the position, and no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, any gender reassignment, marital or civil partnership status, disability or age.

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

2. Data Protection

The Foundation will process job applicants’ personal information in accordance with current data protection legislation. For full details, see the Job Applicant Privacy Notice (see Appendix A).

3. Recruitment and Selection Procedure

All applicants for an advertised role within the Foundation will receive a job description and personal specification for the role, and provision as to the Foundation’s commitment to safeguarding (which features in all advertisements). They are advised that any of their previous employers may be contacted by the Foundation at an agreed and appropriate stage concerning the application made.

The Recruitment Procedure will follow the steps set out in the Foundation’s Recruitment Checklist (a copy of which is set out in Appendix B).

All applicants are required to complete an Application Form (the ‘Form’) containing questions about their academic and employment history and suitability for the role. A curriculum vitae will not be accepted in place of the completed application form, however it may be submitted alongside.

Short-listed applicants will be invited to attend a Formal Interview/s at which his/her relevant skills and experience will be discussed in more detail. Relevant tests or exercises may also form part of the recruitment process. Any inconsistencies, gaps or anomalies in the information on academic or employment history will be examined and a record made of satisfactory clarification.

At least one member of a Selection Panel will be trained in Safer Recruitment as required by 'School Staffing (England) Regulations (2009). In accordance with best practice and whenever reasonably practicable, the Foundation will appoint one Senior Member of the Foundation Staff to Chair the Selection Panel and lead the recruitment process. If it is decided to make an Offer of Employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the Foundation's standard terms and conditions of employment
- verification of the applicant's identity (where that has not previously been verified)
- verification of qualifications, whether professional or otherwise, which the Foundation takes into account in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not. The Teacher Services' system will be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation
- verification of the applicant's employment history
- the receipt of a minimum of two satisfactory references (for Teaching staff three references will be sought and one of which must be from the applicant's most recent employer) which the Foundation considers satisfactory. For teaching staff, following best practice, the Foundation will ask for and endeavour to obtain two references prior to the Interview. If the current/most recent employment does/did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children;
- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency which renders them unable or unsuitable to work at the Foundation
- for applicants who have carried out teaching work outside the UK information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable to unsuitable to work at the Foundation
- for all positions, receipt of an enhanced disclosure with barred list check from the DBS which the Foundation considers is satisfactory. If the applicant is registered to the DBS update service at Enhanced level and this is checked online
- where the position amounts to 'regulated activity' (see Section 4.4.2 below), confirmation that the applicant is not named on the Children's Barred List
- a satisfactory check that the applicant is not subject to a teaching prohibition order issued by the Secretary of State
- confirmation that the applicant is not subject to a direction under Section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the Foundation
- where the applicant is taking up a management position (as defined in KCSIE), confirmation that the applicant is not subject to a direction under Section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014 which prohibits, disqualifies or restricts them from being involved in the management of an Independent School.
- confirmation that the applicant is not disqualified from acting as a trustee/governor or senior manager of a charity under the Charities Act 2011 (if applicable) (see 4.7 below)
- confirmation that the applicant is not disqualified from working in connection with early or later years (under-8s) provision if applicable to the position
- evidence of satisfactory medical fitness
- verification of the applicant's right to work in the UK
- any additional checks which the Foundation considers are necessary as a result of the applicant living or having lived or worked outside the UK which may include an overseas criminal records check, certificate of good conduct or professional reference
- such other pre-employment checks as the Foundation is required to complete in accordance with its statutory or regulatory obligations, including the Boarding Schools: National Minimum Standards for

Boarding Schools 2022.

If the offer is accepted and the above conditions are satisfied, the applicant will be issued with a Mill Hill School Foundation Contract of Employment as confirmation of employment.

In exceptional circumstances, such as a delay in the return of the DBS Disclosure, a successful applicant will only be permitted to commence employment (before the Foundation has seen the successful applicant's DBS Disclosure) in accordance with the guidelines in KCSIE. In such circumstances a barred list check will be carried out before starting and a Risk Assessment will be undertaken by Senior Management and placed in the successful applicant's personnel file. In this instance, the employee will be issued with a red lanyard and be accompanied at all times while on school premises.

As part of a Risk Assessment, it may be deemed appropriate to accept a DBS Disclosure from a successful applicant's previous employer subject to the written consent of the applicant and where there has been no gap in employment of three months or more (in line with KCSIE and DBS guidelines, in this instance a barred list check will be carried out before starting employment at the Foundation). This Risk Assessment will identify suitable supervision arrangements pending the receipt of the successful applicant's DBS disclosure and will be reviewed weekly by Senior Management CEO. In accordance with KCSIE, the enhanced DBS Disclosure will be obtained as soon as practicable after the applicant has commenced supervised work at the Foundation.

4. Pre-Employment Checks

In accordance with the recommendations set out in KCSIE, Disqualification Under the Childcare Act (DUCA 2006, as amended 2018) and the requirements of the Education (Independent School Standards) Regulations 2014 the Foundation carries out a number of pre-employment checks (set out below) in respect of all prospective employees. This includes such formal and informal background information that is deemed reasonable in the circumstances and may include Internet and social media searches. Any offer of employment is subject to a 'light-touch' social media check which will be carried out on all successful candidates.

4.1 Verification of Identity, Address and Qualifications

All applicants who are invited to an Interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications. They will be advised of the types of acceptable documents when they are invited to interview.

Where appropriate, any documentation evidencing a change of name will be required to be provided.

The Foundation asks for this information at interview to ensure that the person attending interview is who they claim to be, to ensure that they are permitted to work for the Foundation if appointed and that they hold the qualifications that have been requested (if any).

4.2 Medical Fitness

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

It is the Foundation's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire, which will be reviewed confidentially by its HR Manager. If the Foundation's HR Manager has any doubts about an applicant's fitness to perform the duties of the role, the Foundation will consider reasonable adjustments in consultation with the applicant. The Foundation may also seek a

further medical opinion or a full medical assessment from a specialist occupational health physician.

Any failure by the applicant to disclose any information requested by the Health Questionnaire could result in the Offer of Employment being withdrawn. The Foundation is aware of its duties under the Equality Act 2010, and no job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

4.3 References

References will be requested for all short-listed Teacher candidates (with agreement) including where the candidate is an existing employee of the Foundation. All internal candidates will have their application assessed in accordance with this procedure, and references will also be taken (these can be provided by colleagues as the Foundation will be the most recent employer). References must be received for all successful candidates before commencement in the role.

All offers of employment will be subject to the receipt of a minimum of two satisfactory references (three references will be sought for applicants to teaching positions), one of which must be from the applicant's current or most recent employer. For teaching staff, following best practice, the Foundation will ask for and endeavor to obtain two references prior to the Interview.

If the current/most recent employment does/ did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant as a friend. When a reference is taken over the telephone then detailed notes will be taken, dated and signed.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked, in line with Prevent guidance, to confirm whether the applicant could be considered to be involved in 'extremism'.

If the referee is a current or previous employer, they will also be asked to confirm:

- whether the applicant has ever been the subject of disciplinary procedures or whether any allegations or concerns have been raised, involving issues related to the safety or welfare of children (including any in which the disciplinary sanction has expired);
- whether any allegations or concerns have been raised about behaviours which may indicate that the applicant may not be suitable to work with children.

The Foundation will only accept references obtained directly from the referee and it will not rely on references provided by the applicant or on open references. If factual references are received i.e. those which contain limited information such as job title and dates of employment, this will not necessarily disadvantage an applicant although additional references may be sought before an appointment can be confirmed. A written reference may be followed up by a telephone call to the referee to verify the reference.

Where a reference is not received prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the school. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.

4.4 Criminal Records Checks

In 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. These filtering rules designate certain spent convictions and cautions as "protected", and therefore not included in a DBS certificate. Job applicants are not required to disclose them during the recruitment process, and it would be unlawful for a prospective employer to take account of them when making a recruitment decision.

4.4.1 DBS Filtering Rules

For those aged 18 or over at the time of an offence

A spent criminal conviction for an offence committed in the United Kingdom when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by the job applicant) if:

- (a) eleven years have elapsed since the date of the conviction
- (b) it did not result in a custodial sentence; and
- (c) it was not imposed for a "specified offence"

A spent caution for an offence committed when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- (a) six years have elapsed since the date it was issued; and
- (b) it was not issued for a "specified offence"

For those aged under 18 at the time of an offence

A spent conviction for an offence committed when a person was under the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- (a) five and a half years have elapsed since the date of the conviction;
- (b) it did not result in a custodial sentence; and
- (c) it was not imposed for a "specified offence"

A caution issued for an offence committed when a person was under the age of 18 will never be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant).

The list of "specified offences" can be found at: <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

4.4.2 Regulated Activity

The Foundation applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the Foundation which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). See KCSIE Para 231 for further specific detail.

The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to

obtain other relevant suitability information.

4.4.3 The DBS Disclosure Certificate

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the Foundation. The **original** disclosure certificate must be presented to the Foundation in person by the applicant. If unable to attend, a certified copy of the Certificate should be mailed/mailed to HR, and the original presented on the first working day. The certified copy will not be retained by the school but returned to the applicant or securely shredded.

Employment will remain conditional upon the original certificate being presented to HR, and it being considered satisfactory by the Foundation.

4.4.4 Agency and Third Party Staff (Supply Staff)

Supply/temporary worker agencies or third party organizations that are used by the Foundation to work with, or provide services for, children for whom the Foundation is responsible, must register with the DBS on their own account and comply with the recruitment measures as detailed in this policy.

Proof of registration with the DBS will be required before the Foundation will commission services from any such organisation and the Foundation will require proof of a satisfactory Disclosure from the DBS for all supply/temporary workers provided by such agencies. Written confirmation from the Agency that it has carried out the appropriate checks on an individual will be obtained before appointment. Where the position to be filled by the supply/temporary worker requires a barred list check, this must be obtained by the agency or third party organisation prior to such person being appointed.

The Foundation will see the original DBS certificate, and complete identification verification to check that the person presenting themselves for work is the same person on whom the checks have been made.

4.4.5 Contractors

All contractors in a contract with the Foundation (where the contractor employs staff to work with, or provide services for, children for whom the Foundation is responsible), must adopt and implement the measures described in this policy. Where a contractor is not itself registered with the DBS the Foundation may agree to assist such a contractor by making application for criminal record certificates from the DBS in respect of the prospective contractor staff member.

The Foundation will independently verify the identity of staff supplied by contractors and will require the provision of the original DBS disclosure certificate before contractor staff can commence work at a Foundation School.

Contractors engaging in regulated activity must have an enhanced DBS certificate (including barred

list information). Those not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, must have an enhanced DBS check (not including barred list information).

The Foundation will not permit any contractor for whom no checks have been obtained to work unsupervised or engage in regulated activity during term-time, when pupils are on site. The Foundation will determine the appropriate level of supervision depending on the circumstances.

4.4.6 Transport/Taxi Agencies

Prior to the appointment of any Transport Agencies, such as minibus or taxi companies, the Foundation will carry out such checks as it considers necessary to satisfy itself that the agency has complied with the requirements of KCSIE, its licensing/regulatory authority and will require evidence that the drivers have obtained clear DBS checks. The Foundation will, from time to time, inspect the records of the agency to ensure that they continue to be compliant.

4.4.7 Volunteers

The Foundation recognises that volunteers are regarded by children as safe and trustworthy adults. A prospective volunteer will therefore be recruited in accordance with the measures described in this policy.

The Foundation will request an enhanced DBS disclosure and Children's Barred List check on all volunteers who undertake unsupervised activity with pupils at, or on behalf of a Foundation School on a frequent and regular basis in accordance with the definition of regulated activity.

The Foundation will request an enhanced DBS disclosure (without Children's Barred List information) on all volunteers who do not undertake regulated activity. This is likely to be because their volunteering duties are subject to regular, day to day supervision by a fully checked member of staff or by a volunteer who the Foundation School has deemed appropriate to supervise and ensure the safety of those pupils in their care.

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

The Foundation will require a new DBS certificate for volunteers who engage in regulated activity but who have not been involved in any activities with a Foundation School for three consecutive months or more. Those who volunteer on a regular basis may be required to sign up to the DBS update service, whereby up to date criminal records information is available without delay on an ongoing basis.

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

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

A Governor will be regarded as a volunteer who will be engaged in regulated activity.

A volunteer recruited by an external organisation to work at the Foundation will be regarded as a supply/temporary worker.

4.4.8 Visitors

The Foundation acknowledges that it does not have the power to request DBS checks and barred list checks or ask to see DBS certificates, for visitors. The Heads of each Foundation School will use their professional judgment about the need to escort or supervise visitors.

For information regarding the vetting of visiting speakers into the schools, please see the Visiting Speakers Policy.

4.4.9 Applicants with Periods of Overseas Residence

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. The Foundation may take into account the "DBS unusual addresses guide" in such circumstances.

Obtaining a DBS certificate in some such instances may be insufficient to establish suitability to work at the Foundation, and the applicant will be required to provide additional information about their suitability from the country (or countries) in which they have lived. The Foundation's policy is to request such information from each overseas country in which the applicant has lived for a period of three months or more in the previous 10 years.

The Foundation requires the applicant to apply for a formal check from the country in question i.e. a criminal records check (or equivalent) or a certificate of good conduct. If these are unavailable or significantly delayed, the Foundation will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country. Teaching applicants must provide proof of their past conduct as a teacher by obtaining a letter of professional standing from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher.

The Foundation may allow an applicant to commence work temporarily pending receipt of a formal check from a particular country if it has received a reference and/or letter of professional standing from that country and considers the applicant is suitable to start work based on all the information obtained during the recruitment process. The employment position will remain conditional until the Foundation receives the outcome of the formal check and considers it satisfactory.

If no information is available from a particular country the Foundation will carry out an assessment of whether the applicant is suitable to work at the Foundation on the basis of all other suitability information that has been obtained. The Foundation will take proportionate risk based decisions on a person's suitability in such circumstances. All suitability assessments will be documented, signed by Senior Management and retained on file.

4.5 Prohibition from Teaching Check

The Foundation carries out these checks on new applicants for teaching positions and existing members of the teaching staff who want to adopt a different role within the Foundation. The Foundation uses the Teaching Regulation Agency (TRA) Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel on behalf of

the Teaching Regulation Agency.

In addition, the Foundation asks all applicants for roles which involve “teaching work” (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or other equivalent body in the UK.

If the position is to be supervised by a qualified teacher or other person nominated by the Head, it does not constitute ‘teaching work’ and the check is not compulsory. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches.

4.6 Prohibition from Management Check

The Foundation is required to check whether any applicant (external or internal) for a management position (as defined by KCSIE) is 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 Section 128 direction).

This check applies to appointments to the following positions made on or after 12 August 2015:

- a Head
- teaching posts on the Senior Leadership Team
- teaching posts which carry a departmental head role
- support staff posts on the Senior Leadership Team; and
- the Foundation will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support roles which carry additional responsibilities
- appointments to the governing body

In addition, the Foundation asks all applicants for management roles to declare in the application form whether they have ever been the subject of a referral to the Department for Education, or are subject to a Section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.

Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body whether that resulted in the imposition of a Section 128 direction or other sanction, or where a Section 128 direction or other sanction has lapsed or been lifted, the Foundation will consider whether the facts of the case render the applicant unsuitable to work at the Foundation.

4.7 Disqualification from Acting as a Charity Trustee or Senior Manager

Under the Charities Act 2011 it is a criminal offence for a person to act as a trustee or senior manager of a charity when disqualified from doing so. At the Foundation the disqualification rules will be applicable to all governors, the Heads of each Foundation school, the Chief Executive Officer, the Director of Finance and Resources, the Director of Operations and potentially other senior staff who report directly to the governors.

Individuals recruited to these roles are required to complete a self-declaration form to confirm whether, to the best of their knowledge, they are subject to any of the disqualification criteria. They are also under an ongoing duty to inform the Foundation if there is a change in their circumstances that results or may result in them becoming disqualified from acting as a governor or senior manager.

A failure to disclose relevant information, or to provide false information, which subsequently comes to the Foundation's attention may result in the termination of an appointment as a governor or senior manager or the withdrawal of an offer of employment and may also amount to a criminal offence.

The Foundation will also check the following registers in respect of each governor and senior manager who is already in post or is appointed in future:

- (a) the Insolvency Register
- (b) the register of disqualified directors maintained by Companies House; and
- (c) the register of persons who have been removed as a charity trustee

A person who discloses that one or more of the disqualification criteria is applicable to them may apply to the Charity Commission for a waiver of the disqualification. If a waiver application becomes necessary or is rejected by the Charity Commission, this may result in the Foundation withdrawing an offer of employment, or ceasing/terminating an appointment to the governing body.

4.8 Professional Qualifications

The Foundation will verify the professional qualifications of any applicant to be employed, prior to appointment. Any other qualifications which are taken into account in making the appointment will also be verified.

4.9 Right to Work in UK

The Foundation will verify the right to work in the UK of an applicant to be employed.

4.10 Childcare Disqualification Requirements

Under the Childcare Act 2006 (the Act) and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (the Regulations) it is an offence for the Foundation to employ anyone in connection with its' early years provision (EYP) or later years provision (LYP) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP. The grounds for which a person will be disqualified from working in connection with EYP or LYP are set out in the Regulations.

4.10.1 Definitions

- (a) EYP includes staff who provide any care for usual school activities and any other supervised activity for pupils up to and including reception year, which takes place on the school premises during or outside of the normal school day.
- (b) LYP includes provision for children not in EYP and under the age of 8 which takes place on school premises outside of the normal school day, including, for example breakfast clubs, after school clubs and holiday clubs. It does not include education during school hours, or extended school hours for co-curricular activities such as sports activities.

4.10.2 Relevant Roles

Roles covered by the Regulations are teaching and teaching assistant positions in EYP, and those involving the supervision of under 8s in LYP, also those who are directly involved in the

management of EYP and LYP including the Head (and other members of the leadership team) and those involved in its' day to day management, also governors and volunteers who carry out relevant work in EYP or LYP. Those involved with the provision of childcare in EYP or LYP on an occasional basis will not automatically be within the scope of the Regulations and will be considered on a case by case basis.

4.10.3 Self-Declaration Form

An offer of employment for a relevant role in EYP or LYP is conditional upon the completion of a Self-Declaration Form confirming that they do not meet any of the criteria for disqualification under the Regulations. Any person who is currently disqualified is not permitted to start work in a relevant role. The Foundation may withdraw an offer of employment if, in the opinion of the Foundation, any information disclosed in the Self-Declaration Form renders that person unsuitable to work at the Foundation.

Applicants must also disclose any criminal records information about themselves, if it relates to a caution or conviction that has not been filtered in accordance with DBS filtering rules.

4.10.4 Waiver of a Disqualification

A person who discloses information which appears to disqualify them from working in a relevant role may apply to Ofsted for a waiver of the disqualification. The Foundation may withdraw an offer of employment at its absolute discretion and is under no obligation to await the outcome of an Ofsted waiver application. If a waiver application is rejected the Foundation will withdraw the conditional offer of employment.

4.10.5 Retention of Disqualification Information

The Foundation will securely destroy any information which is provided by an applicant which is not relevant to the childcare disqualification requirements as soon as it is established that it is not relevant. Where a person appointed to a role at the Foundation is found to be disqualified the Foundation will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the Foundation, after which it will be securely destroyed.

4.10.6 Continuing Duty to Disclose Change in Circumstances

After making this declaration staff who are in a relevant role are under an on-going duty to inform the Foundation if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information now, or of a future change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

4.11 The National Minimum Standards for Boarding Schools (NMS) 2022

The Foundation will comply with the requirements of the NMS in relation to the recruitment of boarding house staff and all adults who come into contact with boarders, to ensure that all boarders are supervised by well-trained, experienced and skilled staff who have been vetted to ensure their suitability.

In addition, the Foundation will obtain for all persons who are aged 16 and over living on the same

premises as boarders but are not on the school roll or employed by the Foundation, an enhanced certificate with barred list from the DBS. The same applies for members of staff households who are aged 16 and over living on the premises.

The Foundation will require all persons aged 16 and over living in the same premises as boarders to enter into a written agreement with it requiring them to supervise their visitors and acknowledging that a failure to do so could result in them being required to leave their accommodation. Such persons will also be required to disclose to an unrelated designated member of staff, if they are charged with, or convicted of, any offence.

Staff resident in Boarding Houses are permitted overnight visitors during term time but accept full responsibility for their supervision. Staff must exercise sound and professional judgment as to the visitor's suitability to be in close proximity with pupils. For any such visitors, the Head of Boarding and Pastoral must be notified of the visitor's name and duration of their visit. A record of overnight visitors to Boarding Houses during term time will be kept. Under no circumstances must the visitor be left alone with pupils nor allowed unsupervised access to any areas designated for pupil use. Access to the Boarding Houses should be kept to a minimum as is deemed reasonable and necessary to navigate through the Boarding House to the residence of the member of staff being visited. Visitors must be accompanied at all times they are on the premises.

5 Policy on Recruitment of Ex-Offenders

5.1 Background

The Foundation will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The Foundation makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar him/her from employment within the Foundation. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 6.2 below.

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 (see section 4.4.1 above).

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure 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 Foundation 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 within the Foundation. The Foundation will make a report to the police and/or the DBS if:

- it receives an application form 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

5.2 Assessment Criteria

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a Disclosure check, the Foundation will consider the following factors before reaching a recruitment decision:

- Whether the conviction or other matter 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 matter;
- 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 convicted person

If the post involves regular contact with children, it is the Foundation's normal policy to consider it high risk to employ anyone who has been convicted at any time of any of 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 Foundation'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 Foundation's normal policy to ensure that any driving offences are reviewed and signed off by the Head of the relevant school in order for the applicant to be considered.

5.3 Assessment Procedure

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a Disclosure check, the HR Manager will carry out a risk assessment by reference to the criteria set out above. The risk assessment form must be countersigned by the Head of the relevant school or the Director of Finance and Resources as appropriate before a final decision is made about the appointment and the position is offered.

If an applicant wishes to dispute any information contained in a Disclosure, he/she can do so by contacting the DBS direct. In cases where the applicant would be offered a position were it not for the disputed information, the Foundation will, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the Disclosure information.

5.4 Retention and Security of Disclosure Information

The Foundation's Policy is to observe the guidance issued or supported by the DBS on the use of Disclosure Information.

5.5 Retention of Records

If an applicant is appointed, the Foundation will retain any relevant information provided on their

application form (together with any attachments) and all copies of the identity documents, right to work evidence, medical fitness and qualifications, on their personnel file. This documentation will be retained for the duration of the successful applicant's employment at the Foundation and in accordance with the Foundation's Retention of Records Policy (which can be found on the Foundation's website) or with best practice guidance in force at the time. The same policy applies to any suitability information obtained about volunteers involved with Foundation activities.

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

6. Whistleblowing and Exit Interviews

All staff are briefed so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the Foundation's mandatory policies (including the Whistleblowing Policy, the Safeguarding and Protecting the Welfare of Pupils Policy, and the Staff Code of Conduct). Safeguarding children is at the centre of the Foundation's culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at an exit interview which are held with all leavers.

7. Central Register

The Foundation maintains a Single Central Register of staff appointments, including volunteers and others brought into the schools to provide additional teaching or instruction (such as sports coaches), supply staff and governors in accordance with the recommendations and guidance of the DfE. The Central Register is held using SCR Tracker, a fully compliant and secure online software solution, at Walker House, the Foundation's registered company office.

8. Referrals to the DBS and Teaching Regulation Agency (TRA)

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the Foundation also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the Foundation despite being barred from working with children; or
- has been removed by the Foundation 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

If the individual referred to the DBS is a teacher, the Foundation may also decide to make a referral to the TRA as and where appropriate.

9. Past Pupils

The Foundation will only employ past pupils or use past pupils as volunteers if more than 2 years has elapsed since the pupil left the Foundation however, should it be appropriate, current and past pupils may be recruited for paid work in the holidays when no pupils are on school sites.

10. Queries

If an applicant has any queries on how to complete the application form or any other matter he/she should

contact the Foundation's HR Manager or Recruitment Manager.

11. Review

Last review January 2022

This interim review November 2022

Next review January 2024

Approved by the Nomination and Governance Committee of the Court of Governors

Appendix A - Job Applicant Privacy Notice

As part of any recruitment process, Mill Hill Schools Foundation (“the Foundation”) collects and processes personal data relating to job applicants. We are committed to being transparent about how we collect and use that data and to meeting our data protection obligations.

The Foundation is the “Data Controller” of your personal data. We are registered with the Information Commissioner’s Office and we are committed to ensuring that the personal data we process is handled in accordance with data protection legislation. The first point of contact for any query regarding data protection is the school’s Data Protection Compliance Manager.

One of our responsibilities is to tell you about the different ways we collect and use your personal data. This statement provides details about these uses. In addition to this statement, you will be given further information about the uses of your personal data if your application is successful. This Notice should be read in conjunction with the school’s Data Protection Policy which can be found on the Foundation website www.millhill.org.uk or, on request from the school office a hard copy can be provided.

What personal data do we collect

Your data is stored in a range of systems and formats. These include in your recruitment file, in the organisations HR management system and in other IT systems, including the organisations email system.

The Foundation processes a range of information collected from you.

This may include:

- your name, address and contact details, including email address and telephone number;
- your gender and date of birth;
- details of your qualifications, skills, experience and employment history, including start and end dates with previous employers;
- information about your current level of remuneration, including benefit entitlements;
- details of your marital status and dependents;
- your country of domicile, nationality and entitlement to work in the UK.

High risk personal data

- Details of your bank account and national insurance number.
- Passport number (or National Identity Card details) and driving license information.

Special category and criminal offence data

- Where permitted by law, equal opportunities monitoring information, including information about your ethnic origin, sexual orientation, health and religion or belief.
- Whether or not you have a disability for which the organisation needs to make reasonable adjustments during the recruitment process.
- Where permitted by law, we may hold information from criminal record checks.

The school may collect this personal data in a number of ways. For example, identity information might be collected through application forms, CV’s or resumes; obtained from your passport or other documents such as your driving license; from the correspondence with you; or through interviews, meetings or other assessments.

Personal data provided by third parties

- The organisation will also collect personal data about you from third parties, such as references supplied by former employers, recruitment agencies.

Why do we process personal data?

Processing data from job applicants allows us to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. In order to comply with data protection legislation (GDPR 2018, and DPA 2018), the school needs a lawful basis to process your personal data. We use the following lawful reasons to obtain and use your personal data.

- **Consent**

The Foundation does not make use of Consent as a Lawful Basis to process personal data belonging to job applicants.

- **Contract**

The Foundation needs to process your personal data to take steps at your request, prior to entering into a potential employment contract with you.

- **Legal Obligation**

In some cases, the organisation needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check a successful applicant's eligibility to work in the UK before employment starts, and it is required to conduct several background checks in line with statutory safeguarding regulations.

- **Legitimate Interest**

In other cases, the school has a legitimate interest in processing personal data during and after the end of the recruitment process., including:

- Running the recruitment processes;
- Responding to and defending against legal claims;
- Maintaining and promoting equal opportunities within the workplace.

How do we protect your data?

We take the security of your data seriously. We have internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the performance of their duties.

Where we engage third parties to process personal data on our behalf, they do so on the basis of written instructions contained within a contract, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Who may have access to personal data

Your information will be shared internally for the purposes of the recruitment exercise. This includes with members of the HR and recruitment team, interviewers involved in the recruitment process, managers in the business area with a vacancy, and IT staff if access to the data is necessary for the performance of their roles.

The school will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment. The school will then share your data with former employers to obtain references for you.

The school may share your personal data with third parties in order to, obtain pre-employment references from other employers, obtain employment background checks from third party providers and to obtain necessary criminal record checks. Any offer of employment the school gives, is conditional upon the receipt of these satisfactory references and other background checks.

Processors

The Foundation may share your personal data with third-party processors who provide services to the school. These services include:

- Recruitment agencies;
- Employment and credit reference agencies.

Joint Controllers

The organisation does not share personal data of employees with any Joint Controllers.

Separate Controllers

The school may share your personal data with organisations where we have a legal obligation, contract or other legitimate interest to do so, including:

- The Disclosure and Barring Service.

Do we transfer information overseas?

Some of the personal data we process about you may be transferred to, and stored outside the European Economic Area (EEA). This may happen where references or police checks are requested from schools and authorities abroad. All transfers will be handled in accordance with UK data protection legislation.

How long do we hold your personal data?

If your application for employment is unsuccessful, we will hold your data on file for 6 months after the end of the relevant recruitment process. At the end of that period, or once you withdraw your consent, your data is deleted or destroyed.

If your application for employment is successful, personal data gathered during the recruitment process will be transferred to your personnel file and retained during your employment. The periods for which your data will be held can be found in the school's Retention of Records Policy which can be found on the Foundation's website, or are in line with best practice guidance in force at the time.

What if you do not supply your personal data

You are under no statutory or contractual obligation to provide data to the us during the recruitment process. However, if you do not provide the information, we may not be able to process your application properly or at all.

Right to Object / Concerns

You have the right to object to the way we process your data. To exercise this right, please contact the Data Protection Compliance Manager.

If you have concerns about the use of your personal data, the Information Commissioner's Office is an independent body set up to uphold information rights in the UK. They can be contacted through their website: www.ico.org.uk, or their helpline on 0303 123 1113, or in writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Appendix B – The Mill Hill School Foundation SCR Recruitment Checklist

ISAMS REF:
iTrent No:

Name _____

Job Title _____ Start Date _____

Number	Contents	Date Received	In File
10	Joining Papers/Payroll Information		
9	Offer Letter and Contract		
8	Health Questionnaire		
7	Prohibition from Management – S.128 (if applicable)		
7	Prohibition from Teaching (if applicable)		
7	Overseas Check (if applicable)		
7	Right to Work Check (NI Number from Application Form) and form to be completed		
7	Barred List applied for		
7	DBS applied for (__ / __ / __)		
7	Original DBS Certificate seen (__ / __ / __)		
7	Update service check performed (__ / __ / __)		
6	Reference 1 _____ Reference 2 _____ Reference 3 _____		
5	Qualifications Certificates		
4	3* ID Documents checked and received		
3	Interview Notes from the panel		
2	Application Form		
1	Advert, Job Description and PTR		