

Recruitment, Selection & Disclosure Policy and Procedure

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1. Introduction

Balcarras Trust (“The Trust”) 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 Trust is also committed to providing a supportive working environment to all its members of staff.

The Trust 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 aims of The Trust’s recruitment policy are as follows:-

- 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 equitably and consistently
- To ensure that 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, marital status, disability or age
- To ensure compliance with all relevant recommendations and guidance including the recommendations of the DfE in “Keeping children safe in education” (latest version) and the Code of Practice published by the Disclosure and Barring Service
- To ensure that The Trust 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 are responsible for familiarising themselves with and complying with the provisions of this policy.

Successful candidates need to be aware that they are appointed by The Balcarras Trust and as such can be deployed across The Trust’s schools.

2. Recruitment and Selection Procedure

All applicants for employment will be required to complete an application form containing questions about their educational and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. A CV will not be accepted in place of the completed application form. The applicant may then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail. On the day of interview the applicant will be asked to complete a self-declaration form regarding declaration of criminal record and other relevant information.

In addition, as part of the shortlisting process the Trust might carry out an online search as part of its due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the Trust might want to explore with the applicant at interview.

Every interview will explore the candidate's attitude to working with young people, as well as any gaps or discrepancies in the application form. Notes from the interview will be kept in the successful candidate's personnel file. It will also include a standard question as follows:

"In the light of the requirement for a DBS disclosure, is there anything you wish to declare?"

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 Trust's standard terms and conditions of employment
- The receipt of at least two satisfactory references, one of which must be from the applicant's most recent employer, which The Trust considers satisfactory
- The receipt of a Disclosure from the Disclosure and Barring Service with which the Trust is satisfied

3. Pre-employment checks

In accordance with the recommendations of the DfE in "Keeping children safe in education" The Trust carries out a number of pre-employment checks in respect of all prospective employees.

3.1 Verification of Identity and Address

All applicants who are invited to an interview will be required to bring the following evidence of identity, address and qualifications:

- Birth certificate and/or passport and Current driving licence (including photograph)
- A utility bill or bank/building society statements (from different sources) showing their name and home address (dated within the last three months) and
- Documents confirming any educational and professional qualifications referred to in their application form

Where an applicant claims to have changed his/her name by deed poll or any other mechanism (e.g. marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change.

3.2 References

References will be taken up on short listed teaching candidates prior to interview, unless there are exceptional circumstances such as a delay on the part of a referee or because a candidate has expressed a strong objection.

All offers of employment will be subject to the receipt of a minimum of two satisfactory references, one of which must be from the applicant's current or most recent employer. 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 solely as a friend.

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 the applicant is unsuitable to work with children.

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

- The applicant's dates of employment, salary, job title/duties, reason for leaving, performance, sickness and disciplinary record
- Whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired)
- Whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people.

The Trust 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 Trust will also verify, by a phone call, that the references have been written by the referee. This is particularly important if the email address for a referee is a personal email address.

The Trust 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 before any appointment is confirmed.

3.3 Disclosure and Barring Service

Due to the nature of the work, The Trust applies for criminal record certificates from the Disclosure and Barring Service ("DBS") in respect of all prospective staff members, governors and volunteers.

There are two types of check that are requested from the DBS:

- **Enhanced:** a check of the Police National Computer (PNC) records of this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out and any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.
- **Enhanced with barred lists check** - This checks the same information as the enhanced list but also includes checking of the barred lists of individuals unsuitable of working with children.

For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State. The Teaching Regulation Agency will be accessed to check that the teacher is registered, if there are any restrictions in force, if they hold qualified teacher status (QTS) and if they have completed their induction period.

An Enhanced Disclosure will contain details of all convictions on record including current and spent convictions (including those which are as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer.

An Enhanced Disclosure with barred lists check will also reveal whether he/she is barred from working with children by virtue of his/her inclusion on the lists of those considered unsuitable to work with children maintained by the Department for Education and the Department of Health.

Applicants with periods of overseas residence from the last 10 years and those with little or no previous UK residence will be asked to apply for the equivalent of a Disclosure, if one is available in the relevant jurisdiction(s). The Teacher Regulation Agency can no longer be used to conduct checks on teachers from EEA. The school will consult with the Home Office guidance on the link here to ensure that relevant checks are carried out for the specific country.

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

If the successful candidate is subscribed to the update service then they will still need to provide their original DBS certificate and give permission for the update service to be checked. Part of the check will be to ensure that the correct level of DBS clearance is in place for the role appointed.

Applicants for roles that would include management of The Trust will also be checked against the Section 128 on the Teaching Regulation Agency portal.

The Trust expects supply/temporary worker agencies/contractors that are used by The Trust to register with the DBS on their own account and to follow their policy or their own comparable policy. Proof of registration will be required before The Trust will commission services from any such organisation.

3.4 Satisfactory Medical Fitness

Successful candidates will be asked to complete and return a Trust medical questionnaire. This will be sent out with other official documentation after the interview. This will be viewed only by the CEO/ Headteacher, who then may discuss any issues that arise with another relevant member of senior management team.

4. Policy on recruitment of ex-offenders

4.1 Background

The Trust will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The Trust 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 Trust. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 4.2 below.

In view of the fact that all positions within The Trust will amount to “regulated positions” within the meaning of the Protection of Children Act 1999 (as amended by the Criminal Justice and Courts Services Act 2000), all applicants for employment must declare all previous convictions (including those which would normally be considered “spent” under the Rehabilitation of Offenders Act 1974). A failure to disclose a previous conviction 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.

Under the relevant legislation, it is unlawful for The Trust to employ anyone who is included on the lists maintained by the Department for Education and the Department of Health of individuals who are considered unsuitable to work with children. This will be checked on the Teaching Regulation Agency portal. In addition, it will also be unlawful for The Trust to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within The Trust.

If:

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

it will report the matter to the Police, DBS and the Teaching Regulation Agency (TRA).

4.2 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 Trust 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 convicted person

If the post involves regular contact with children, it is The Trust's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of the following offences:

- Against adults: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence
- Against children or adults: 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 Trust'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 Trust's normal policy to consider it a high risk to employ anyone who has been convicted of serious driving offences within the last 10 years

4.3 Risk 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 School will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Headteacher before a 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 otherwise be offered a position were it not for the disputed information, The Trust will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge to Disclosure information.

4.4 Retention and Security of Disclosure Information

The Trust's policy is to observe the guidance issued or supported by the DBS and DfE on the use of Disclosure information.

In particular, The Trust will:

- Store Disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the School's senior management team
- Not retain Disclosure information or any associated correspondence for longer than is necessary. In most cases, The Trust will not retain such information for longer than 6 months although The Trust will keep a record of the date of a Disclosure, the name of the subject, the type of Disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken
- Ensure that any Disclosure information is destroyed by suitably secure means such as shredding
- Prohibit photocopying or scanning of any Disclosure information

5. Retention of Records

The Trust complies with the provisions of the DBS Code of Practice, a copy of which is available on request. If an applicant is appointed, The Trust will retain any relevant information provided on their application form (together with any attachments) on their personnel file. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

When this policy was reviewed, an equality impact assessment was conducted to ensure any changes did not have an adverse effect under the terms of the Equality Act 2010. Should you have any comments regarding this policy, please contact The Trust.