



ROYAL
BALLET
SCHOOL

SETTING THE STANDARD

SAFER RECRUITMENT POLICY

SEPTEMBER 2020

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www.royalballetschool.org.uk

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INTRODUCTION

The Royal Ballet School (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. The school is also committed to providing a supportive and flexible working environment to all its members of staff. 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 in this commitment.

The aims of the school'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 which includes their attitudes towards safeguarding and their ability to work with children in a way which promotes the safety and welfare of children;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly in reference to any protected characteristic under the Equality Act (2010) including race, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, gender reassignment, pregnancy or maternity, marital or civil partner status, disability or age;
- 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 2020) (**KCSIE**), *The Education (Independent School Standards) Regulations (2014)* (**ISSRs**), 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**);
- 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 and Governors involved in the recruitment and selection of staff and new Governors are responsible for familiarising themselves and complying with the provisions of this policy.

GOVERNOR RECRUITMENT AND SELECTION PROCEDURE

The Chairman, with the assistance of the Nominations Committee, is responsible for the recruitment of new Governors. They will ensure that new Governors are selected with the relevant professional experience to ensure the Board of Governor's membership contains the balanced skill sets needed for the efficient operation of the school.

Further details can be found in the Recruitment of Governors, Trustees & Volunteers policy.

STAFF RECRUITMENT AND SELECTION PROCEDURE

- 1 Staff vacancies will be advertised in a variety of media and on the school's website, accompanied by a Job Description with Person Specification. Discretion not to advertise might be exercised in exceptional circumstances. Care must be taken to ensure that there is no other member of staff concerned who could consider him or herself to be a suitable candidate. Individuals can be directly appointed only if they have an existing and continuing right to work in the UK.
- 2 Prospective applicants should submit an application form, containing questions about their academic 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. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. Ordinarily, a Curriculum Vitae (CV) will not be accepted in place of an application form. However, in exceptional circumstances, for example when a guest teacher is approached directly by the school, a CV may be used in place of an application form due to their not being a need to 'apply' for the role. The CV will be scrutinised in the same manner as an application form and any gaps must be explained.
- 3 All personal information will be removed from the application form. The recruitment panel will see only the applicant's qualifications, employment history, skills and personal statement. This is to ensure all applicants are treated on the same footing, regardless of any protected characteristic they may possess (as defined in the Equality Act 2010) and to safeguard the processing of personal data.
- 4 The panel will shortlist applicants against a set criteria based on the Job Description and the Person Specification.
- 5 Those shortlisted will be invited to attend an interview which may include a panel interview, one-to-one, tests, presentations and class teaching/observation. All shortlisted applicants will be tested at interview about their suitability to work with children.
- 6 Notes of the interview, test scores and classes will be recorded. All applicants will be asked the same questions including questions about their motivations to work with children and young people.
- 7 The decision to appoint will be made by at least two members of staff. At least one person on any recruitment panel has undertaken safer recruitment training.

PRE-EMPLOYMENT CHECKS

Any offer of employment will be conditional on the agreement of a mutually acceptable start date and the signing of a contract incorporating the school's standard terms and conditions of employment, and the following checks being completed satisfactorily.

In addition to the checks set out below, the school reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the school. This may include internet and social media searches.

In fulfilling its obligations the school does not discriminate on the grounds of race, religion and belief, gender reassignment, sex, sexual orientation, marital or civil partnership status, pregnancy and maternity, disability or age.

1. VERIFICATION OF IDENTITY, ADDRESS, RIGHT TO WORK IN THE UK AND QUALIFICATIONS

Applicants will be required to provide acceptable original documents demonstrating their right to work in the UK, as per government guidance. Manual three step identity checks are made against official documentation such as a passport, or other items deemed acceptable by the *Employer's Guide to Right to Work Checks* from time to time updated. At least one of the documents must show the applicant's current address. Applicants will be asked to provide documents confirming any educational or professional qualifications relevant to the role referred to in their application form.

At the time of writing, the UK is due to exit the EU and according to current government guidance, there will be no change to the rights and status of EU citizens living in the UK until 30 June 2021, or 31 December 2020 in the event of no deal. The school has followed the recommendations in the *EU Settlement Scheme Introduction to the Employer Toolkit* published by the government in April 2019 and will continue to follow any subsequent guidance relating to EU Exit that may be published by the government thereafter.

Where an applicant claims to have changed their name by any means, they will be required to show documentary evidence of that change. The HR department asks for the date of birth of applicants (and proof of this) in accordance with KCSIE. Proof of date of birth is necessary so that the school may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The school does not discriminate on the grounds of age.

The school is aware that that it is an offence to knowingly employ someone who does not have the right to work in the UK, maximum term of imprisonment for conviction of offence on indictment for five years and could be subject an unlimited fine for doing so. The school is aware that by not carrying out right to work checks properly which allowed employment of someone who does not have the right to work in the UK could be subject to a fine of up to £20,000 per illegal worker.

2. REFERENCES

A minimum of two references will be sought, one of which must be from the applicant's current or most recent employer. If this most recent employment does/did not involve work with children, the second reference should be from an employer with whom the applicant most recently worked with children (if applicable). Neither referee should be a relative or solely a friend.

All referees will be sent the job description for the role and asked whether they believe the applicant is suitable for the role and whether they have any reason to believe that they would be unsuitable to work with children. Referees will be asked to confirm, to the best of their knowledge, that the applicant is not involved in "extremism" as defined below. If the referee is a current or previous employer, they will also be asked to confirm:

- the applicant's dates of employment, salary, job title/duties, reason for leaving, performance, sickness* and disciplinary record (including whether they have ever been the subject of disciplinary procedures involving concerns relating to the safety and welfare of children, even if the record has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated or malicious;
 - 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, except where the allegation or concerns were found to be false, unsubstantiated or malicious;
 - whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at Visiting speakers and the Prevent Duty section)
- (*only to be included in reference requests sent after the offer of employment has been made)

The school will only accept references obtained directly from the referee and will not rely on open testimonials or references or those provided by the applicant. The school will compare all references with information on the application form and will take up any discrepancies with the applicant before any appointment is confirmed.

The School will carefully consider any information about past disciplinary action or allegations that are disclosed when considering the applicants suitability for the role.

The school may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

3. MEDICAL FITNESS

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

It is the school's practice to ask applicants to complete a Health Questionnaire which is then, if necessary, reviewed by the school's medical advisor against the Job Description for the role, along with other physical or mental requirements of the role i.e. proposed timetable, layout of school etc.

If the school's medical advisor has any doubts about an applicant's fitness, 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 the applicant, obtaining medical evidence, considering reasonable adjustments and suitable alternative employment, where available.

4. DISCLOSURE AND BARRING SERVICE

Under Child Safeguarding regulations, the school must apply for a disclosure from the Disclosure and Barring Service (DBS) in respect of all prospective staff members, governors and unsupervised volunteers. The level of check will be determined by the role and its potential for access to children.

Prior to 29 May 2013, an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the *Rehabilitation of Offenders Act 1974*) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at the school.

Since 29 May 2013, the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

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

An adult conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- eleven years have elapsed since the date of conviction
- it is the person's only offence
- it did not result in a custodial sentence

It will not be removed under any circumstances if it appears on a list of "specified offences" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over for an offence committed in the United Kingdom will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

For those aged under 18 at the time of an offence

A conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- five and a half years have elapsed since the date of conviction
- it is the person's only offence
- it did not result in a custodial sentence

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record.

A caution received when a person was aged under 18 for an offence committed in the United Kingdom will not be disclosed if two years have elapsed since the date it was issued and if it does not appear on the list of "specified offences".

The list of "specified offences" which must always be disclosed

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. 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>

The school 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 school which amount to "regulated activity" as defined in the *Safeguarding Vulnerable Groups Act 2006* (as amended). 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. Any position undertaken at, or on behalf of the school will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30 day period; and
- provides the opportunity for contact with children
- unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children, if done regularly
- provides relevant personal care for children; Applies to any child, even if done only once

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

It is for the school to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the school amount to

regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the school office outside of term time or voluntary posts which are supervised.

The school is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The school is required to carry out an enhanced DBS check with barred list for all staff, supply staff and governors who will be engaging in regulated activity. However, the school can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

Applicants with recent periods of overseas residence or those with little/no previous UK residence may be asked to provide further information, including the equivalent of a DBS certificate, from the relevant jurisdiction(s). The school will take into account the "DBS unusual addresses guide" in such circumstances. As per NSPCC guidance, the school will likely ask a successful applicant who has spent more than 3 months in the last 5 years outside of the UK to provide the equivalent of a DBS certificate or for further information.

If there is a delay in receiving a DBS certificate, the Chief Operating Officer has discretion to allow an individual to begin work pending receipt of the disclosure, provided all other checks, including a check of the Children's Barred List have been completed and once appropriate supervision has been put in place. The level of supervision deemed appropriate will take account of any advance information from Online Disclosure, our registered DBS umbrella body, which confirms that the certificate has been issued and contains no information. Supervision arrangements will be continually monitored by the line manager and HR.

5. PROHIBITION FROM TEACHING CHECK

A prohibition check will be undertaken on anyone employed to carry out teaching work. The list against which names are checked is managed by the Department for Education.

The school uses the Teaching Regulation Agency (TRA) 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 TRA.

In addition, the school 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 TRA or other equivalent body in the UK.

It is the school's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves "teaching work". Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the TRA (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the school will consider whether the facts of the case render the applicant unsuitable to work at the school.

The school carries out this check, and requires associated information, for roles which involve "teaching work". In doing so the school applies the definition of "teaching work" set out in the *Teachers' Disciplinary (England) Regulations 2012* which states that the following activities amount to "teaching work":

- planning and preparing lessons and courses for pupils
- delivering lessons to pupils
- assessing the development, progress and attainment of pupils
- reporting on the development, progress and attainment of pupils

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the Head. 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.

In addition, for all appointments made on or after 5 September 2016, where an applicant has carried out teaching work outside of the UK, the school will ask the applicant whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work. This will include checking for the existence of any sanctions issued by regulators of the teaching profession in other EEA countries using the TRA Teacher Services system.

6. PROHIBITION FROM MANAGEMENT CHECK

The school is required to check whether any applicant for a management position 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:

- Head
- teaching posts on the senior leadership team
- teaching posts which carry a departmental head role
- support staff posts on the senior leadership team

It also applies to appointments to the governing body.

The relevant information is contained in the enhanced DBS disclosure certificate (which the school obtains for all posts at the school that amount to regulated activity). It can also be obtained through the TRA Teacher Services system. The school will use either, or both, methods to obtain this information.

In addition the school 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.

It is the school's position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information. 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 school will consider whether the facts of the case render the applicant unsuitable to work at the school.

CONTRACTORS, AGENCY STAFF AND THOSE TRANSFERRED UNDER TUPE REGULATIONS

All those engaged by the school in the above way must complete the same checks that the school is required to complete for its own staff. The school requires written confirmation that these checks have been completed before Contractors (and their employees) or Agency staff can commence work at the school.

The school will independently verify the identity of individuals supplied by contractors or an agency and will require the provision of the DBS disclosure certificate before contractor or agency staff can commence work at the school.

VISITING SPEAKERS AND PREVENT DUTY

The *Prevent Duty Guidance* requires the school to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

The school is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the school or perform any other regular duties for or on behalf of the school.

All visiting speakers will be subject to the school's usual visitors' protocol. This will include signing in and out at Reception, the wearing of a red visitor's badge at all times and being escorted by a fully vetted member of staff between appointments.

The school will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and / or permit a speaker to attend the school. HR will record dates of checks for visiting speakers. Doing so the school will always have regard to the *Prevent Duty Guidance* and the definition of "extremism" set out in KCSIE which states:

"Extremism" is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

In fulfilling its Prevent Duty obligations, the school does not discriminate on the grounds of race, religion and belief, sex, sexual orientation, gender reassignment, marital and civil partnership status, pregnancy and maternity, disability and age.

VOLUNTEERS

The school will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the school.

The school 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 school has deemed appropriate to supervise and ensure the safety of those pupils in their care.

Volunteers must also remain up to date with relevant Child Safeguarding training, as well as having read and understood the school's own Safeguarding policies.

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

The School will undertake a risk assessment and use their professional judgement and experience to decide if an enhanced DBS check is required for a volunteer not engaged in regulated activity. To do this the School will take in to account

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability;

It is the school's policy that 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.

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

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

Further details can be found in the Recruitment of Governors, Trustees & Volunteers policy.

RECRUITMENT OF EX-OFFENDERS

The school makes appointment decisions on the basis of merit and ability, and will not unfairly discriminate against any applicant on the basis of conviction or other details revealed. 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 in accordance with the objective assessment criteria set out in paragraph below.

As all positions within the school are exempt from the provisions of the *Rehabilitation of Offenders Act 1974*, all applicants must declare all previous convictions, including those which may be considered 'spent' excepting 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 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 attempt to apply for a position at the school. The school will make a report to the police and/or the DBS if:

- it receives an application from a barred person
- it is provided with false information in, or in support of an applicant's application
- it has serious concerns about an applicant's suitability to work with children
- it becomes aware of an ex-employee of the School becoming barred from working with children.

Assessment criteria

In the event that relevant information is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the school will consider the following factors and carry out a risk assessment before reaching a recruitment decision. The assessment criteria are as follows:

- 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
- 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 murder, manslaughter, rape and other serious sexual offences, grievous bodily harm and other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

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

The risk assessment form will consider these criteria and must be signed by the Chief Operating Officer before a position is offered.

If an applicant wishes to dispute information contained in a disclosure, they can do so by contacting the DBS directly. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the school will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

RETENTION AND SECURITY OF DISCLOSURE INFORMATION

The School's policy is to observe the guidance by the DBS and adhere to Data Protection legislation on the use of disclosure information. Such information will be stored on a database for inspection purposes, accessible only to the HR team and relevant senior leaders. The school will not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months.

The school 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.

The school will ensure that any disclosure information is destroyed by suitably secure means such as shredding.

The school prohibits the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

RETENTION OF RECORDS

The school is legally required to undertake the above pre-employment checks. Therefore, if an applicant is appointed, the school will retain any relevant information provided as part of the application process on their personnel file. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. This documentation will be retained by the school for the duration of the successful applicant's employment with the school. Once employment has ended, the personnel file will be stored at a secure archive site and will not be destroyed in line with safeguarding advice.

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

The same policy applies to any information suitability obtained about volunteers involved with school activities.

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 school also has a legal duty to make a referral to the DBS in prescribed circumstances such as where an individual:

- has applied for a position at the school despite being barred from working with children,
- 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; or
 - the School becomes aware that an ex-employee has fulfilled either of the above criteria.

If the individual referred to the DBS is a teacher, the school may also decide to make a referral to the TRA.

Queries

All queries about our recruitment process should be directed to the Human Resources team on 020 7845 7044/7045 or jobs@royalballetschool.org.uk