Minerva Virtual Academy

SAFER RECRUITMENT POLICY

INTRODUCTION

Minerva's Virtual Academy (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 its aims, it is of fundamental importance to attract, recruit and retain members of staff of the highest calibre, who share a firm commitment to the School's purpose and values.

The aims of the School's Safer 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 deter, identify and reject prospective applicants who are unsuitable for work with children or young people;
- to ensure that all job applicants are considered equally 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 or civil partner status, disability or age;
- to ensure compliance with all relevant UK legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education ("KCSIE"), the Prevent Duty and relevant guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

THE SCHOOL'S PURPOSE AND VALUES

The School's purpose is to motivate, encourage and inspire confidence within our pupils while nurturing their diverse backgrounds and abilities to best prepare them for the future.

The School champions several values: self-sufficiency, collaboration, problem-solving, creative & critical thinking, leadership and mindfulness.

RECRUITMENT AND SELECTION PROCEDURE

The School's purpose and values will be embedded throughout the recruitment process to ensure candidates understand the School's culture and can demonstrate how they can each individually make a positive contribution to the overall life of the School.

ADVERTISING OF POSTS

The aim of advertising is to attract a wide range of high-quality candidates from diverse backgrounds. All advertisements for posts, whether in newspapers, journals or online should include a statement confirming that the School is committed to safeguarding and the welfare of children and that all candidates who may come into contact with Minerva's Virtual Academy pupils or prospective pupils, either online or in person, will be required to undergo an enhanced DBS check.

JOB DESCRIPTIONS AND PERSON SPECIFICATION

The qualifications, skills, experience, knowledge, aptitudes and abilities that are required for the post will be identified clearly in the job description and person specification. The job description will also state that it is the individual's responsibility to promote the welfare of children and young people s/he is responsible for or comes into contact with.

CURRICULUM VITAE

The School will require a detailed CV from every applicant who wishes to apply for a vacancy. The School will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Any gaps in employment history must be accounted for and will be explored (and noted) at the interview.

INVITATION TO INTERVIEW

The School will shortlist applicants for interview based on selection criteria which assess the candidate's qualifications, skills, experience, knowledge, aptitudes and abilities against the job description and person specification. The applicant may then be invited to a formal interview at which his/her relevant skills and experience will be discussed in more detail. In addition to technical/competency-based questions, candidates will be asked questions relating to their attitude and motivation to work with children and young people (or in an environment where they are present). For security purposes, and in accordance with statutory guidance, all applicants are to provide original documentation, during the application process, confirming photo evidence of their identity.

CONDITIONAL OFFER OF APPOINTMENT

If it is decided to make an offer of employment, any such offer will be conditional on the following basis:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of at least two written references (one of which must normally be from the applicant's most recent employer), which the School considers to be satisfactory;
- the receipt of an Enhanced Disclosure from the DBS which the School considers to be satisfactory, and that the enhanced DBS certificate is provided to the School before the first day of employment;
- where the position amounts to "regulated activity" (see section on regulated activity below), confirmation that the applicant is not named on the Children's Barred List administered by the DBS:
- verification of the applicant's medical fitness for the role (see section on medical fitness below);
- for any roles which are based in the UK, verification of the applicant's right to work in the UK;
- any further checks, which are necessary as a result of the applicant having lived or worked outside of the UK;
- verification of professional qualifications which the School deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

MEDICAL FITNESS

The School is legally required to verify the mental and physical fitness to carry out their work responsibilities in respect 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 that all applicants, to whom an offer of employment is made, must complete a Health Questionnaire. The information contained in the questionnaire will then be held by the School in the strictest confidence and processed in accordance with the School's Privacy Policy. The information will be reviewed against the Job Description and the Person Specification for the particular role. If the School 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 with the applicant, obtaining medical evidence and considering reasonable adjustments.

PRE-EMPLOYMENT CHECKS

In accordance with the recommendations set out in the statutory guidance and KCSIE, the School carries out a number of pre-employment checks in respect of all prospective employees.

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; we will explicitly tell job applicants that online searches will be done as part of due diligence checks ahead of their interview, to check for any public incidents or issues that might need to be discussed ahead of a hiring. It will also help candidates to prepare to answer questions around public incidents from their history.

VERIFICATION OF IDENTITY

The School complies with the DBS identity-checking guidelines. As part of the recruitment process, applicants will be advised of the original documents they are required to provide.

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

The School asks for the date of birth of all applicants (and proof of this) in accordance with the Guidance and KCSIE. Proof of date of birth is necessary so that the School may verify the identity of all applicants as well as check for any unexplained discrepancies in the employment and education history. The School does not discriminate on the grounds of age.

REFERENCES

A complete set of references will be taken up once an offer of employment is made unless these have been received previously.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. One of the references must normally be from the applicant's head or deputy head at their current or most recent employer. If the current / most recent employment does/did not involve working with children, then the second reference 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.

The School may, at its discretion, require further references, as appropriate, in order to satisfy itself that the preferred candidate is both suitable and appointable.

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. All referees will normally be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, he/she will also be asked to confirm the following:

- the applicant's dates of employment, job title/duties, the reason for leaving, performance, 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), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated, unfounded or malicious; and
- whether any allegations or concerns have been raised about the applicant that relates 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, unfounded or malicious.

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

The School will compare all references with the information given on the applicant's CV. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed. The School will contact referees upon receipt of references to confirm that they have indeed supplied the reference.

PROHIBITION CHECKS

Persons who are prohibited from teaching/and or management will not be appointed to work at the School. Any offer of employment will be subject to the same and will not be confirmed until the School is satisfied that the individual is not prohibited from teaching and/or management.

Prohibition from Teaching Orders including EEA authority restrictions

Prohibition orders prevent a person from carrying out teaching work in schools and other settings. Where an individual is prohibited, their details will appear on the Prohibited List (Teaching). The School will check the Prohibited List (Teaching) and

restrictions imposed by another EEA authority before confirming an applicant's employment. The School checks whether successful applicants are the subject of a prohibition, or interim prohibition, order.

Prohibition from management directions (Section 128 directions)

The School checks for the existence of directions made by the Secretary of State under s.128 of the Education and Skills Act 2008 barring individuals from taking part in the management of an Independent School. The scope of the barring directions covers membership of proprietor bodies (including Governors), and any staff management position which involves regulated activity (which encompasses all teaching posts above teacher, and all non-teaching posts where the person is a member of the Senior Management Team). All members of staff employed by the School are regarded as being in 'regulated activity' for the purposes of this check.

CRIMINAL RECORDS CHECK

Due to the nature of the work, most posts at the School are exempt from the Rehabilitation of Offenders Act 1974. These are set out in the Rehabilitation of Offenders Act (Exceptions) order 1975. This means that applicants applying for posts at the School must declare all convictions, cautions and bind-overs, including those regarded as 'spent'. Applicants who have been convicted of a criminal offence will be requested to give details, in confidence, to a member of the HR Team. The details will subsequently be destroyed.

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, including volunteers, 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 maintained by the DBS. Any position undertaken at, or on behalf of, the School (whether paid or unpaid), will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- regularly in that it satisfies the "period condition", meaning three times or more in a 30-day period; and
- provides the opportunity for contact with children.

This definition will cover nearly all posts at the School.

It is for the School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances.

The DBS issues a DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the original

disclosure certificate is provided to the School prior to the new employee's start date. Original certificates should not be sent by regular post. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

If there is a delay in receiving a DBS disclosure and the position requires an urgent start, the School may allow an individual to begin work pending receipt of the disclosure only if:

- all other checks, including a clear Children's Barred List check (where the position amounts to regulated activity), have been completed;
- appropriate supervision can be put in place;
- a new starter DBS risk assessment is completed and reviewed every two weeks until the enhanced DBS check is received.

No employee will be able to work unsupervised and will be subject to a DBS risk assessment (incorporating the appropriate level of supervision) until a suitable DBS disclosure certificate is received by the School. The risk assessment will be reviewed on a fortnightly basis until receipt of the disclosure.

DISCLOSURE UPDATE SERVICE

The disclosure update service allows individuals to register their details online with the DBS (as part of their enhanced disclosure application) and pay an annual fee to keep their DBS certificate details updated. This means that any future employers can quickly check the certificate online, which will avoid many unnecessary repeat applications. Further information on the service is available from Minerva's Virtual Academy management team or online. To use this service, an employee must subscribe within 30 days of the certificate being issued.

OVERSEAS CRIMINAL RECORD CHECK

If the School does not consider the DBS certificate alone as sufficient (because it would not cover offences committed abroad), the School will require whatever evidence of checking is available from the person's country of origin (or any other countries in which he or she has lived) before the appointment is confirmed.

An overseas check will be required where the applicant has lived and/or worked abroad for three months or more in the last five years. The Home Office has published updated guides on what checks are available from different countries. A UK national returning after working in a foreign country is required to obtain a certificate of good conduct or equivalent from the country/countries in question. The School will request extra references from countries that do not provide criminal record checks or should the overseas criminal record check be delayed. If an employee needs to start prior to receipt

of the overseas police check, the School will confirm a start date provided that a risk assessment and all other pre-employment checks, including DBS and reference checks, are in place.

PREVENTION OF ILLEGAL WORKING – DOCUMENT CHECKS

All candidates who are made an offer of employment will be required to produce proof of identity, right to work in the UK and proof of address documents. Further details on the exact nature of the documents to be provided will be sent to candidates once an offer has been made.

DATA PROTECTION AND RETENTION OF RECORDS

Candidates will be required to provide certain information to enable the School to carry out the checks that are applicable to their role. The School will be required to provide certain information to third parties, such as the Disclosure and Barring Services. Failure to provide requested information may result in the School not being able to meet its employment, safeguarding or legal obligations. The School complies with its legal obligations under the Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR) and will process pre-employment information in accordance with the School's Privacy Policy.

If the applicant is successful, personal data gathered during the recruitment process (with the exception of DBS information) will be transferred to the new employee's personnel file and retained during their employment. DBS certificate information will not be kept any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints or be for the purpose of completing safeguarding audits. Once the retention period has elapsed, the School will ensure that any DBS certificate information is immediately destroyed.

REFERRALS TO THE DBS AND TEACHING REGULATION AGENCY

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 circumstances where an individual:

- has applied for a position at the School despite being barred from working with children; or

- has been deployed to another area of work that is not regulated activity (whether paid or unpaid), or has been suspended or has resigned prior to being redeployed, because they have harmed, or pose a risk of harm, to a child (the harm test).

If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the Teaching Regulation Agency.

POLICY DEVELOPMENT AND REVIEW

This procedure is designed to set good practice standards. However, the School recognises that best practice develops over time and, as such, will update it regularly in the light of experience and as a result of changes in legislation or its own internal organisation and policies. The procedure will be subject to a comprehensive review on a biennial basis.

Policy created:	February 2021
Last review date:	Philippa Iles (Chief People & Compliance Officer) November 2026
Next review date:	November 2027

APPENDIX 1 – REFERRALS TO THE DBS AND TEACHING REGULATION AGENCY

BACKGROUND

The School will not unfairly discriminate against any applicant for employment on the basis of a conviction or other details revealed. The School complies with the Disclosure and Barring Service (DBS) Code of Practice and makes appointment decisions on the basis of skills, qualifications and experience. If an applicant has a criminal record, this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 3 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 for those to which the DBS filtering rules apply. A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct or the job offer being withdrawn. 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 LADO, in the first instance, 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.

A subsequent referral to the DBS and/or the Teaching Regulation Agency may also become necessary.

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 School 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;
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

The majority of the School's posts involve regular contact with children. Therefore, it is normally the School's policy to consider it a high risk to employ anyone who has been convicted at any time for any of the following offences:

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

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

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 risk assessment must be signed by the Principal before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he/she 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 and at its discretion) 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 issued or supported by the DBS on the use of disclosure information.

In particular, the School will:

- store disclosure information and other confidential documents issued by the DBS securely;
- not retain disclosure information or any associated correspondence for longer than is necessary;
- The School will keep a record of the date of 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; and
- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual.