

KAMUZU ACADEMY



SAFER RECRUITMENT, SELECTION AND DISCLOSURE

Policy and procedure

Developed: 8th NOVEMBER 2024

1. Introduction

Kamuzu Academy is committed to providing the best possible care and education for its students and to safeguarding and promoting the welfare of children and young people. The Academy is also committed to providing a supportive and flexible working environment for all staff. The Academy recognises that in order to achieve these aims it is essential to attract, recruit and retain staff of the highest calibre who share this commitment.

The objectives of this recruitment policy are:

- To ensure that the best possible people are recruited based on their merit, skills and suitability for the role.
- 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, religious belief, gender, marital or civil partnership status, disability or age.
- To ensure that the Academy meets its duty to safeguard and promote the welfare of children and young people by carrying out all necessary pre-employment checks.

It is important that all employees involved in the recruitment and selection of staff are familiar with and comply with the provisions of this policy.

2. Data protection

The Academy has a legal duty to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff are required to provide the Academy with certain information to enable the Academy to carry out the checks applicable to their role. The Academy will also be required to provide certain information to third parties such as the Disclosure and Barring Service and the Teaching Regulatory Agency. Failure to provide the information requested may result in the Academy being unable to meet its employment, safeguarding or legal obligations. The Academy will process personal information in accordance with the Staff Privacy Notice.

3. Recruitment and selection procedure

All applicants for employment will be required to complete an application form containing questions about their academic and employment history, as well as their suitability for the role. Applicants may also be asked to provide details of their online profiles, including account names and social media handles, to facilitate online searches on shortlisted candidates. Applications submitted for one role may be considered for alternative vacancies at Kamuzu Academy, although confirmation will be sought from the applicants regarding their willingness to be considered for such alternative roles.

Incomplete application forms may be returned to the applicant if the application deadline has not passed. If there are any gaps in the academic or employment history, a satisfactory explanation must be provided. Curriculum vitae will not be accepted in place of the completed form.

Applicants will be provided with a job description and person specifications for the position applied for. The application form, job descriptions, person specifications, this policy and the

Academy's safeguarding and child protection policy and procedures are available to download from the Academy's website and can be printed and sent to applicants on request.

The Academy will then conduct an exercise in which all application forms received are reviewed to determine which candidates will be invited for interview. The shortlisting exercise will normally be carried out by at least two members of staff.

Shortlisted candidates will be invited for a formal interview to discuss their skills and experience in more detail. Where possible, all shortlisted candidates will be interviewed to assess their suitability to work with children.

All shortlisted applicants will be asked to complete a self-declaration form prior to the interview in which they will be asked to provide information about their criminal record and other factors relevant to their suitability to work with children. This information will be considered and discussed with the applicant at the interview.

If the Academy decides to make an offer of employment following a formal interview, this will be conditional on:

- The agreement of mutually acceptable start date and the signing of a contract incorporating the Academy's standards 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 Academy considers in making the appointment decision or which are referred to in the application form, whether a requirement for the role or not.
- Verification of the applicant's employment history
- The Academy being satisfied that any information generated through online searches does not make the applicant unsuitable to work at the Academy.
- The receipt of two references (one of which must be from the applicants most recent employer) which the Academy consider to be satisfactory.
- For positions which involve "teaching work", information about whether the applicants have ever been referred to, or is the subject of a sanction, the restriction or prohibition issued by the Teachers Council of Malawi which renders them unable or unsuitable to work at the Academy.
- Verification of the applicant's medical fitness for the role.
- Verification of the applicants right to work in Malawi
- Any further checks which the Academy decides are necessary as a result of the applicant having lived or worked outside Malawi which may include an overseas criminal records check, certificate of good conduct or professional references.

The Academy is only permitted to conduct checks on the children's barred list for individuals engaged in regulated activity. It is crucial for the Academy to assess whether a position constitutes regulated activity to determine the necessary checks.

In most cases, the Academy will likely perform an enhanced check along with a children's Barred List check to maintain child safety and protection.

4. Artificial Intelligence

The Academy does not use artificial intelligence software as a decision-making tool at any stage of the recruitment process, including in respect of external and internal applications and promotion proposals

5. Pre-employment checks

In accordance with the recommendations set out in the conditions of service for the Academy, the Academy carries out a number of pre-employment checks in respect of all prospective staff.

In fulfilling its obligations to carry out pre-employment checks the Academy does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, gender, marital status, disability or age.

6. Online Searches

The online searches the Academy carries out may include searches of internet search engines, websites and social media platforms. Applicants may be asked in the application form to provide details of their online profile, including accounts names, social media and professional networking sites handles and the details of websites on which the applicant is featured or named. This information may be used to carry out online searches. Applicants are not required to provide account passwords to grant Academy access to social media or professional's networking account content that is not publicly available. However, if information (such as profile pictures and or account bios) is publicly available when a social media or professional networking site account is locked can therefore be viewed by the Academy or it may be taken into account as part of the online search.

Online searches may be carried out at the shortlisting stage or after an offer of employment has been made (but prior to work commencing). The Academy will not carry out online searches as part of its initial sifts of applications. The Academy will determine how it approaches online searches on case basis, however, all applicants for the role at the Academy will be treated consistently with regard to online searches.

Wherever possible online searches will be undertaken by a person who will play no other part in the recruitment processes (including shortlisting exercise) or the appointment decision. In carrying out online searches the Academy is looking for any publicly available information about an applicant that:

- May be relevant to their suitability to carry out the role for which they have applied
- May be relevant to their suitability to work at the Academy or in an education setting
- Is of safeguarding nature
- May have an impact on the Academy reputation (whether positive or negative)

Any information generated from online searches will be entered in an "online search results record" where online searches are undertaken on shortlisted applicants any relevant information generated will be provided to the interview panel for discussion with shortlisted applicants at interview. Where online searches are undertaken on the successful applicant only

any relevant information generated will be discussed prior to employment commencing. All offers of employment will be conditional upon the Academy being satisfied that the successful applicant is suitable to work at the Academy in light of any information generated from online searches.

In evaluating any online information for relevance, the Academy will use the following criteria:

- Whether the information is relevant to the position applied for
- Whether the information is relevant to the applicant's suitability to work at the Academy or in an education setting,
- Whether the information could have an impact on the Academy reputation (whether positive or negative)
- Whether the information calls into doubt the applicant willingness or ability to uphold the Academy's commitment to safeguarding and promoting the welfare of children.
- The length of time since the information became publicly available whether the applicants' circumstances have changed since the information was published.
- Whether the information reveals a pattern of concerning behaviour
- The relevant circumstances and the explanations offered by the applicant.

For successful candidate, the Academy will retain information generated through online searches for the duration of the individual employment and in accordance with its information and records retention policy after employment ends.

For the unsuccessful candidate, the Academy retains information generated from online searches for six months from the date on which they are informed their applications was unsuccessful, after which it will be surely destroyed.

7. Verification of identity, address, qualifications

All applicants who are invited to an interview will be required to bring with them evidence of their identity, right to work in Malawi, address and qualifications.

The Academy asks for this information at interview to ensure that the person attending interview is who they claim to be, that they are permitted to work for the Academy if appointed and that they hold appropriate qualifications.

All applicants must bring to the interview original documents proving their identity and address as stated and a list of valid identification documents.

If an applicant claims to have changed their name by Deed Poll or other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. They will also be asked to provide their birth certificate.

The Academy will ask for the date of birth for all applicants in order to verify identity and check for any unexplained discrepancies in the employment and education history. The Academy does not discriminate on the grounds of age.

Qualifications: all applicants must also bring to interview original documents of any educational and professional qualifications referred to in their application form and/or with the Academy requests.

Retention of records: the Academy will retain copies of the documents used to verify candidate's identity, right to work and qualifications in accordance with the information and records retention policy.

References

Where possible, references will be obtained for shortlisted candidates prior to interview.

It is important to note that no questions will be asked about health or medical fitness prior to an offer of employment.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Academy. One of the references must be from the applicants' current or most recent employer. If the current/ most recent employment does/ did not involve work with children, then the second reference should be from the employer with whom the applicant mostly recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All references will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reasons to believe that the applicant is suitable to work with children. All referees will be sent a copy of the job descriptions and person specification for the one which applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- The applicant dates of employment, salary, job title, duties, reason for leaving, performance, sickness and disciplinary record.
- Whether the applicant has ever been 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 unsubstantiated, unfounded, false 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 behaviour towards children or young people, except where the allegations or concerns were found to be unsubstantiated, unfounded, false or malicious.

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

If it has been possible to obtain a reference prior to interview it will be review upon receipt. Any discrepancies identified between the reference and the application form and or the

interview assessment form will be considered by the Academy. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.

If actual 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.

The Academy treats all references given or received as confidential which means the applicant will not usually be provided with a copy.

All references received from Academy must be countersigned by the Head of that Academy.

All internal candidates who apply for the new role at the Academy will have their application assessed in accordance with this procedure. References may be taken up on internal candidates as part of the application process and can be provided by colleagues as the Academy will be most recent employer and will previously have taken up references from past employers.

8. Applicants with periods of overseas residence

For applicants who are living overseas or who have lived previously, obtaining certificate may be insufficient to establish their suitability to work at the Academy. In such cases the applicant will be required to provide additional information about their suitability from the country (or countries) in which they have lived. The Academy 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 five years.

When requesting such information the Academy has regard to relevant government guidance and will therefore always require the applicant to apply for a formal check from the country in question i.e. criminal records check (or equivalent) or certificate of good conduct.

The Academy recognises that formal checks are not available from some countries, that they can be significantly delayed or that a response may not be provided. In such circumstances, the Academy will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country.

In addition, where an applicant for a teaching position has worked as a teacher outside of Malawi, the Academy will ask the applicant to obtain from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher, evidence which confirms that they have not imposed any sanctions or restriction on the applicant and that they are not aware of any reasons why the applicant may be unsuitable to work as a teacher. The Academy will also ask shortlisted applicants (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by the regulator of the teaching profession in the countries in which they have carried out teaching work.

Sanctions and restrictions issued by regulating authority of another country will not prevent a person from working as a teacher at the Academy. However, the Academy will take all relevant information into account in determining whether an applicant is suitable to work at the Academy.

The Academy may allow an applicant to commence work pending receipt of 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 suitable to start work. Decisions on suitability will be

based on all of the information that has been obtained during the recruitment process. Unless expressly waived by the Academy, continued employment will remain conditional upon the Academy being provided by the outcome of the formal check and it being considered satisfactory.

If no information is available from a particular country the Academy may allow an applicant to commence work if they are considered suitable based on all of the information that has been obtained during the recruitment process.

The Academy will take proportionate risk-based decisions on person suitability in these circumstances. All suitability assessments must be documented and retained on file.

If formal check is delayed and the Academy is not satisfied about the applicant's suitability in the absence of that information, the applicants proposed start date may be delayed until formal check is received.

9. Prohibition from teaching check

The Academy is required to check whether staff who carry out "teaching work" are prohibited from doing so. The Academy uses the Teaching Regulation Agency Teacher services system to check whether successful applicants are the subject of a prohibition order issued by a professional conduct panel on behalf of the Teaching Regulation Agency.

In addition, the Academy asks all shortlisted applicants to declare whether they have ever been referred to or are the subject of a sanction, restriction or prohibition issued by, the TRA or other body in Malawi.

When an applicant is not currently prohibited from teaching but has been the subject of a referral to or hearing before, the TRA or other bodies whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the Academy will consider whether the facts of the case render the applicant unsuitable to work at the Academy.

The Academy applies the definition of "teach work" set out in the Teachers disciplinary, which state that the following activities amount to "teaching work":

- Planning and preparing lessons and course for students
- Delivering lessons to pupils
- Assessing the development, progress and attainment of students
- 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 Headmaster. If any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches.

10. Prohibition from management check

The Academy is required to check whether any applicant for management position is subject to a direction which prohibits, disqualifies or restricts them from being involved in the management of an independent Academy.

The Academy will carry out checks and directions when appointing applicants into management positions from both outside the Academy and by internal promotion.

The checks apply to the appointments to the following:

- Headmaster
- Teaching posts on the senior leadership team
- Teaching posts which carry a departmental head role
- Support staff posts on the senior leadership team.

The Academy will assess on a case-by-case basis whether the check should be carried out when appointments are made to teaching and support staff roles which carry additional responsibilities.

In addition, the Academy asks all shortlisted applicants to declare whether they have ever been the subject of referral to the department for education or are subject to any sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent Academy. Where applicant is not currently prohibited from management but has been the subject of referral to, or hearing before, the department for education or any other appropriate body whether or not that resulted in the imposition or sanction has lapsed or been lifted, the Academy will consider whether the facts of the case render the applicant unsuitable to work at the Academy.

11. Disqualification from acting as charity trustee or senior manager

a) Background

It is a criminal offence for a person to act as a trustee or senior manager of a charity when disqualified from doing so. A person can be disqualified from acting as a trustee or senior manager, these include various spent and unspent criminal offences and other sanctions.

b) Who is covered

A person is considered to be charity trustee if they are one of the people who have general control and management of administration of the charity. In an independent Academy the trustee will typically be the Governors of the Academy.

Senior managers include those employees who report directly to the charity trustee or have responsibility for overall management and control of the charity finances. At the Academy the disqualifications rules will be applicable to all Governors, the Headmaster, the Bursar and potentially other senior staff who report directly to the governors.

There is no single list or register that covers all of the disqualifications criteria and the Academy therefore adopts a pragmatic approach to checking whether a person is disqualified. This is achieved by the use of a self-declaration form and the checking of relevant public accessible registers.

c) Self - declaration

All those who are covered by disqualification rules 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.

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

All those who are required to complete a self -declaration form are also under an on-going duty to inform the Academy if there is a change in their circumstances that results or may result in them becoming disqualified from acting as Governor or senior manager.

d) Checks by the Academy

To ensure that it has accurate and up to date information the Academy will also check the following registers in respect of each governor and senior managers who is already in post or appointed in future:

- The Bankruptcy and insolvency register
- The register of disqualified directors maintained by companies house
- The register if persons who have been removed as charity trustee

e) Waiver

A person who discloses that one or more of the disqualification criteria is applicable to them may apply to the charity commission for waiver of the disqualification.

The Academy may at its absolute discretion withdraw an offer of employment for a senior manager or cease or terminate an appointment to the governing body if a waiver application becomes necessary or is rejected by the charity commission, the Academy is under no obligation to await the outcome of a charity commission waiver application before taking such action.

f) Medical fitness

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

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. If an applicant prefers to discuss with the Academy instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the HR department so that appropriate arrangements can be made.

The Academy is aware of its duties, no job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence, considering reasonable adjustment and suitable alternative employment.

g) Contractors and agency staff

The Academy must complete the same checks for contractors (and their employees) undertaking regulated activity at the Academy as it does for its own employees. The Academy requires written confirmation from the contractor that it has completed these checks on those entire individuals whom it intends will work at the Academy before any such individual commence the work at the Academy.

The Academy will independently verify the identity of individuals supplied by contractors before those individuals can commence work with the Academy.

h) Volunteers

The Academy will request an enhanced disclosure without children barred list information on all volunteers who do not undertake regulated activity. This is likely to be because their volunteering duties subject to regular, day to day supervision by a fully checked member of staff or by a volunteer who the Academy has deemed appropriate to supervise and ensure the safety of those students in their care.

Under no circumstances will the Academy permit an unchecked volunteer to have unsupervised contact with students.

Whilst volunteer play an important role and often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies. The Academy will undertake a written risk assessment and use its professional judgement and experience when deciding what checks, if any are required.

Those volunteers who are likely to be involved in activities with the Academy on a regular basis may be required to sign updated service as this permits the Academy to obtain up to date criminals records information without delay prior to each other new activity in which a volunteer participates.

In addition, the Academy 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 place of work or any other relevant source
- An informal safer recruitment interview

i) Visiting speakers and the prevent duty

The prevent duty guidance requires the Academy to have clear protocols for ensuring that any visiting speakers whether invited by staff or by students, are suitable and appropriately supervised.

The Academy is not permitted to obtain disclosure or children barred list information on any visiting speaker who does not engage in regulated activity at the Academy or perform any other regular duties for or on behalf of the Academy.

The Academy 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 Academy, in doing so the Academy will always have regard to the visitor's policy.

In fulfilling its prevent duty obligations the Academy does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex, marital or civil partner status, gender reassignment, disability or age.

12. Policy on recruitment of ex-offenders

Background

The Academy will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The Academy makes appointment decisions on the basis of merit and ability, if an applicant has a criminal record this will not automatically bar them from employment with the Academy. Each case will be decided on its merits in accordance with the objective assessment criteria set out.

A failure to disclose a previous conviction (which should be declared) may lead to an application rejected or, if the failure to disclose is discovered after the employment has started, may lead to summary dismissal on the ground of misconduct. A failure to disclose a previous condition may also amount to criminal offence. It is unlawful for the Academy to employ anyone who is barred from working with children. It is criminal offence for any person who is barred from working with children to apply for a position at the Academy.

The Academy will make report to the police if:

- If it has received a report from barred person
- It is provided with false information in or in support of applicant application
- It has serious concern about applicant suitability to work with children.

a. Assessment criteria

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

- Whether the conviction or other matters revealed is relevant to the position in question
- The seriousness of any offence or other matters revealed
- The length of time since the offence or the matter occurred
- Whether the applicant has a pattern of offending behaviour or other relevant matters
- Whether the applicants' circumstances have changed since the offending behaviour or other relevant matters
- The circumstance surrounding the offence, and the explanation offered by the applicant.

If the post involves regular contact with children, it is the Academy'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:

- Murder, manslaughter, rape or other serious sexual offences, grievous bodily harm or another serious act
- Serious drug related offences, robbery, burglary, theft, deception or fraud.

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

b. Assessment procedure

In the event that relevant information (whether in relation to previous conviction or otherwise) is volunteered by an applicant during the recruitment process obtained through a disclosure check, the Academy will carry out a risk assessment by references to the criteria set out. The assessment form must be signed by the Headmaster or the Bursar of the Academy before a position is offered or confirmed.

In cases where the applicant would otherwise be offered a position where it not for the disputed information, the Academy may, 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.

c. Retention and security of disclosure information

The Academy policy is to observe the guidance issued or supported by the use of disclosure information.

d. Whistleblowing and exit interviews

All staff are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of students, the conduct of staff or other matters, during the course of employment in accordance with the Academy policies (whistleblowing policy, safeguarding policy and the professional conduct policy). All staff receives training so that they understand the Academy's expectations. Safeguarding children is the centre of the Academy culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at an exit interview which is held with all leavers.

e. Queries

If an applicant has any queries on how to apply for a post at the Academy they should contact the HR department.