BPET Privacy Notice for Job Applicants

The purpose of this privacy notice is to explain to you the data we collect about job applicants as part of our recruitment and selection process.

Name of data controller: Clair Inouye – Office Manager, Whitehall Park School
Name of our data protection officer: Richard Crompton, BPET Director of Operations, info@bpet.co.uk

What information do we collect about job applicants and how?

The categories of information that we collect, process, hold and share include:

- personal information (such as name, date of birth, contact details, National Insurance number, teacher number (if applicable))
- education history and details of qualifications and relevant professional development
- membership of professional bodies
- employment history (including any gaps in employment and/or education/training)
- information about any reasonable adjustments we need to make to the shortlisting or interview and assessment process to accommodate a disability
- information about any cautions, convictions, reprimands or final warnings which are not protected, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended), as well as other information relevant to an assessment of your suitability to work with children
- information about any disqualification or sanction imposed by a regulatory body in relation to working with children
- information about your registration with the DBS Update Service (if applicable)
- information about any close personal relationships you may have with an existing member of staff or member of the board of governors
- proof of your identity, if invited for interview
- special categories of data (including information about your ethnic origin and health conditions) in order for us to monitor the success of our equality policies

We collect information from your application form, your criminal records declaration form (if shortlisted for interview) and through our selection process which generally includes an interview and some other form of assessment, such as written tests and presentations.

It is our policy, in line with the Department for Education's statutory guidance, *Keeping Children Safe in Education*, to request references at the shortlisting stage, in advance of interview. If you have concerns about this, you should contact us before submitting your application. If you are shortlisted, we will therefore also collect personal data about you from your nominated referees. Personal data may also be collected from other previous employers listed on your application form, for example to verify details on your application form, such as particular experience or qualifications.

If an offer of employment is made to you, the offer will be subject to completion of a range of pre-employment checks to our satisfaction, including a criminal records check with the Disclosure and Barring Service and a pre-employment health assessment. You will be informed of the checks to be undertaken in the event that an offer is made.

Why we collect and use this information

We process data from job applicants in order to undertake the recruitment process and, for the successful applicant, to enter into a contract of employment. In particular it is used to:

- administer the application, shortlisting and selection process
- assess your suitability to work with children and young people
- inform the development of recruitment and retention policies
- defend legal claims
- monitor protected characteristics in order to promote equality at work

We do not make recruitment decisions based on automated decision-making.

The lawful basis on which we process this information

We process this information about you because the processing is necessary for us to enter into an employment (or other work-related) contract with you. We also need to process this information to ensure that we are complying with our legal obligations and in particular with the DfE statutory guidance document, *Keeping Children Safe in Education*, such as by carrying out pre-employment checks on your right to work in the UK and with the Disclosure and Barring Service.

We have a legitimate interest in processing data from job applicants in order to administer the recruitment process, to monitor compliance with our policies, to defend any legal claims and to ensure that the most suitable applicant is appointed to the role, based on an assessment of their likely performance amongst other factors. We do not rely on legitimate interests as a reason for processing data unless we have first considered the rights and freedoms of the individuals affected and determined that these do not override the interests we have identified.

We process special category data, such as information about your ethnic origin or health, as part of our equal opportunities monitoring process and in order to meet legal obligations (such as the requirement to make reasonable adjustments for job applicants with a disability). This information is collected with the express consent of job applicants. Consent may be withdrawn by an applicant at any time.

We may offer to contact unsuccessful applicants within a period of six months following the application if another suitable vacancy arises. Information is only used in this way with the express consent of applicants, which may be withdrawn at any time.

If we wish to process your personal data for a new purpose we will inform you of any additional processing.

Collecting this information

Personal data provided to us as part of the recruitment and selection process is generally given on a voluntary basis and, as such, you have a choice as to whether you provide information to us. However, failure to provide information may mean that your application cannot be processed. You should also be aware that providing false or misleading information (including by omission) may result in your

application being rejected and could also be treated as a disciplinary offence in the event that employment is subsequently offered to you.

Posts in our organisation are exempt from the Rehabilitation of Offenders Act 1974 (as amended). If you decide to apply for a position and are subsequently shortlisted, you must disclose any cautions and convictions, even if they are spent, **other than** protected cautions and convictions (i.e. those which have been filtered out). Details on the filtering rules applicable to certain offences can be found on the Gov.uk website: https://www.gov.uk/government/collections/dbs-filtering-guidance. You will also be required to declare other information which we deem to be relevant to an assessment of your suitability to work with children.

Equality monitoring information is undertaken only for the purposes of evaluating our equality policies. It is not mandatory and its provision or otherwise will have no effect on the processing of your application form.

Storing this information

Information from your application form and from the shortlisting and selection process will be stored in a paper-based file, in electronic records within our HR system and also in other IT systems, including email.

A copy of your application form and all other personal data collected during the recruitment and selection process, with the exception of criminal records information, will be held as follows:

For **successful applicants** this will be transferred to a personnel file where it will be held securely. You will be given a workforce privacy notice upon appointment which will explain how we will hold and process your data as an employee.

For **unsuccessful applicants**, securely for a period of six months.

Written declarations of criminal records and associated information collected for the purposes of ascertaining suitability to work with children will be retained only until the recruitment decision has been made after which it will be securely destroyed. For successful applicants the school will retain a record of when information was received from the applicant and outline information about the DBS check (the fact that the disclosure was sought, the issue date of disclosure, the level of disclosure, who obtained it and the disclosure number). If a risk assessment is undertaken, a summary of the outcome will be retained; for **unsuccessful applicants** this will be retained for six months and for **successful applicants** it will be transferred to the personnel file.

Who we share this information with and why

Your information will be shared with school staff with a recruitment responsibility. This will include members of our HR and administrative staff, those responsible for shortlisting and interviewing and managers within the relevant area of work or department. Equality monitoring information is separated from the application form upon receipt and is not shared with those responsible for shortlisting and interviewing.

We do not share information about job applicants with anyone without consent unless the law and our policies allow us to do so.

We may share information about job applicants with third parties that provide us with recruitment and/or HR and legal services as part of obtaining support or advice with the recruitment and appointment process.

We will not share your data with other third parties unless and until an offer of employment is made to you. At that stage, your data will be shared to fulfil legal requirements, obtain or provide necessary information or because the third party processes data on our behalf. These third parties include:

- The Disclosure and Barring Service in order to undertake a criminal record check
- Suppliers and consultants that provide us with a service, such as occupational health, HR or legal services
- Relevant professional bodies in order to verify your qualifications (such as the Teaching Regulation Agency for teaching posts)

When we appoint third parties to process data on our behalf, the third party is also required to process the data lawfully and fairly and in a manner that ensures appropriate security of the data, using appropriate technical or organisational measures to protect against unauthorised or unlawful processing and accidental loss.

We do not transfer your data to countries outside the European Economic Area.

Requesting access to your personal data and your rights as a data subject

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact our data protection officer (details at the beginning of this document).

You also have the right to:

- restrict processing of your data in certain circumstances;
- prevent processing for the purpose of direct marketing;
- object to decisions being taken by automated means;
- object to the processing of your data where we are relying on our legitimate interests as the lawful basis for processing;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of data protection legislation.

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at https://ico.org.uk/concerns/

Further information

If you would like to discuss anything in this privacy notice, please contact our data protection officer (details at the beginning of this document).