



Woodside Group

Safer Recruitment and Selection Policy

Introduction

This policy sets out our approach to the recruitment process. It includes information about line manager responsibilities, job descriptions and employee specifications, assessment criteria, interviews (both remote and onsite) and equality, diversity and inclusion. Woodside Group is committed to providing the best possible care and education to its students and to safeguarding and promoting the welfare of children and young people. Woodside Group is also committed to providing a supportive and flexible working environment to all its members of staff. Woodside Group recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff and volunteers of the highest calibre who share this commitment.

Aims

The aims of Woodside Group's recruitment policy are as follows: -

- To ensure that the safeguarding and welfare of children and young people occurs at each stage of the process.
- To ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position.
- To ensure that all job applicants are considered equitably and consistently.
- To ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital status, disability or age; and
- To ensure compliance with all *relevant* recommendations and guidance including the recommendations of the DfES in 'Safeguarding Children and Safer Recruitment in Education', the Code of Practice published by the Disclosure and Barring Services and Keeping Children Safe in Education.

Scope

This policy applies to all current and prospective employees (applicants) responsible for and involved in the recruitment and selection of all school-based staff.

Line manager responsibilities

Student facing/teaching roles

Line managers are responsible for recruitment in conjunction with the Executive Head Teacher and Director of Education. A line manager who wishes to recruit someone must first obtain approval from the Director of Education and the Executive Head Teacher. Where recruitment is planned to fill a vacancy created by a leaver, the line manager will still need to seek approval from the Director of Education and Executive Head Teacher.

If the line manager wishes to upgrade a role, or create a new role, they must provide the Director of Education and Executive Head Teacher with justification, focusing on organisational needs.

Support Roles

Line managers are responsible for recruitment in conjunction with the Director of People and Culture. A line manager who wishes to recruit someone must first obtain approval from the Director of People and Culture and the Proprietor (where applicable). Where recruitment is planned to fill a vacancy created by a leaver, the line manager will still need to seek approval from the Director of People and Culture.

If the line manager wishes to upgrade a role, or create a new role, they must provide the Director of People and Culture with written justification, focusing on organisational needs.

Assessment criteria

We always aim to recruit the person who is most suited to each particular job. We recruit solely on the basis of the applicant's abilities and individual merit as measured against the predetermined criteria for the job. Qualifications, experience and skills are assessed at the level that is relevant to the job.

Job descriptions and employee specification

Before initiating the recruitment process, the responsible line manager must ensure that there is an up-to-date job description, including an employee specification section, for the role.

The job description will describe the duties, responsibilities, level of seniority associated with the role and pay while the employee specification section will describe essential personal attributes, essential and desirable skills/qualifications for the role, required for effective performance of the job.

Application Forms

Our application forms will:

- Include a statement saying that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity)
- Include a copy of, or link to, our child protection and safeguarding policy and our policy on the employment of ex-offenders

Advertisement of vacancies

It is our policy that all vacancies will be placed on the organisation's careers page on Indeed and our Instagram page. Line managers should encourage existing employees to apply for vacant posts if they have the appropriate qualifications, experience and skills.

Our adverts set out the skills, abilities, experience, attitude, and behaviours required for the post role and safeguarding requirements, i.e., to what extent the role will involve contact with children and if the role engages in regulated activity relevant to children.

Our adverts should include:

- Woodside Groups commitment to safeguarding and promoting the welfare of children • Clarification that safeguarding checks will be undertaken.
- The safeguarding responsibilities of the role as per the job description and personal specification
- An explanation that candidates* are not required to disclose convictions or cautions that are 'protected', as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).
- Provide candidates with the opportunity to [check here](#) if they have a protected conviction

*staff who are or will be working in relevant roles

Equality, diversity and inclusion

We are committed to applying our equality, diversity and inclusion policy at all stages of recruitment and selection. We always carry out shortlisting, interviewing and selection without regard to an applicant's sex, gender identity, sexual orientation, marital or civil partnership status, skin colour, race, nationality, ethnic or national origins, religion or belief, age, pregnancy or maternity leave or trade union membership.

We will never exclude any candidate with a disability unless it is clear that the candidate is unable to perform a duty that is intrinsic to the role, having taken into account reasonable adjustments. Line managers must only ask a candidate questions about their health where this is directly necessary for a particular role and, in any event, only once they have been shortlisted.

To prevent any candidate from being disadvantaged because of a disability, the individual responsible for communicating with applicants should ask each candidate whether or not they require reasonable adjustments to be made, this is also a question on the application form. The application form must be completed and submitted by the candidate, prior to interview. These may include ensuring easy access to the premises for an interview/ providing an alternative to a telephone interview for a deaf candidate/providing a suitable chair for an interview with a candidate suffering from back problems/wheelchair access etc.

The Director of People and Culture is available to provide guidance on reasonable adjustments.

Relationships and referrals

Due to GDPR and Safeguarding risks, Woodside Group does not employ the family members of students.

If you know or are known to any existing staff members at Woodside Group, current or former students, you will be asked to declare this on your application form.

Digital footprints

Woodside Group is committed to ensuring that safeguarding is a top priority; therefore, where appropriate, Woodside Group may check candidates' social media or other online activity prior to interview. This process may include a search for the candidate via platforms including but not limited to the platforms listed below. Searches should be conducted by the Hiring Manager only, using the [confirmation of online search form](#):

- Google
- Instagram
- Tik Tok
- Snap Chat
- Facebook
- LinkedIn

The candidate should be informed prior to the check being undertaken.

Shortlisting

All CV's received via indeed will be sifted and applicants of interest will be contacted to complete an application form, the application form will be used to determine whether the applicant is to be invited for a first stage interview. Incomplete application forms will be returned to the applicant, the interview will not take place until the application form has been provided.

A Curriculum Vitae will not be accepted in place of the completed Application Form but will be accepted alongside it at the first stage of application for the role.

Our shortlisting process will involve at least 2 people and will:

- Consider any inconsistencies and look for gaps in employment and reasons given for them
- Explore all potential concerns

Once we have shortlisted candidates, we will ask shortlisted candidates to:

- Complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so that they have the opportunity to share relevant information and discuss it at interview stage.

The information we will ask for includes:

- If they have a criminal history
 - Whether they are included on the barred list
 - Whether they are prohibited from teaching
 - Information about any criminal offences committed in any country in line with the law as applicable in England and Wales
 - Any relevant overseas information
- Sign a declaration confirming the information they have provided is true. This must be submitted by the applicant and received by the Hiring Manager prior to interview.

Applicants will receive a clear and accurate Job Description for the role applied for which is posted on the job advertisement.

Interviews

When interviewing candidates, we will:

- Probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this
- Explore any potential areas of concern to determine the candidate's suitability to work with children
- Record all information considered and decisions made

Line managers conducting recruitment interviews will ensure that the questions that they ask job applicants are not in any way discriminatory or unnecessarily intrusive. The interview will focus on the role and the skills needed to perform it effectively.

Line managers must make a record of every recruitment interview using the notes on the interview questions and forward this to woodsidemail@woodsidelodgeolc.co.uk to be retained for a suitable period of time. To ensure fairness, the line manager should ensure that questions asked are consistent in all interviews for a particular job. On no account should any job offer be made during or at the end of an interview.

In some cases, we will hold interviews remotely via telephone/online video call/online. Video interviews are carried out using Google Hangouts. The responsible line manager should in advance provide the interviewee with details of how the interview will be conducted. They should also give the interviewee the opportunity to provide details of any reasonable adjustments that should be made or technological difficulties that they may encounter.

Short-listed applicants will be invited to attend a Competency Interview. The interview will assess the merits of each candidate against the job requirements and explore their suitability to work with children. The selection process for people who will work with children will always include a face-to-face interview even if there is only one candidate.

At least one member of any interviewing panel must have undertaken safer recruitment training or refresher training within the previous three years.

Pre-employment screening checks

Pre employment screening is carried out by the Referencing Agency, on behalf of Woodside Group. For information on what data they collect and how it is processed, please refer to the [privacy notice](#) on the website.

All applicants will be required to bring the necessary evidence of identity, proof of right work and other pre employment eligibility criteria as set out in the Woodside Group [Pre Employment Eligibility Checks](#) document to their second stage interview. A copy of the pre employment eligibility document is issued with the invite to second stage interview, [acceptable documents](#) for proof of right to work checks are categorized in List A or List B.

Medical examinations

Successful applicants are required to complete a pre-employment medical screening questionnaire which is submitted to our Occupational Health provider. If they deem it necessary, they may ask that some applicants undergo a pre-employment medical examination with a doctor or Occupational Health nurse. Any offer of employment will be conditional on the result of this medical examination meeting the specific requirements for the role.

We never ask applicants to complete a health questionnaire or undergo a medical examination prior to making them a conditional or unconditional job offer.

References

Woodside Group reserves the right to request as many references as is necessary, in order to confirm an applicant's suitability to work with children.

When seeking references, we will:

- Not accept open references
- Liaise directly with referees and verify any information contained within references with the referees
- Ensure any references are from the candidate's current employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed
- Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children
- Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate
- Resolve any concerns before any appointment is confirmed

We ask every candidate to give their consent for us to obtain at least two written employment references.

We ask each candidate to provide us with referees from their two most recent employers in chronological order. If the candidate has previously worked with children but their last two roles did not involve work with children, then a third referee should be provided, for the employer with whom the applicant most recently worked with children.

Character referees will be used where an applicant has been out of employment, has gaps in their employment or this is their first job since leaving education or first job working with children. Applicants are required to give the details of two-character referees. The referees need to be someone that can speak to the applicant's character, personality, abilities, qualities and someone that has known them in a professional capacity such as an Accountant, Teacher, Doctor, Police etc. from a recognised association. The character referee must have known the applicant for at least 3 years,

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

- The applicant's identity start date and end dates of employment/education, job title/course title, reason for leaving would they re-employ, Capability, Disciplinary and Safeguarding issues/warnings.
- Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- Woodside Group 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. References will be obtained by telephone or in writing. Woodside Group 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 could result in the conditional offer of employment being revoked.

Woodside Group reserves the right to request any references it deems appropriate, for the purpose of verifying a candidate's suitability to work with children.

Qualifications

We also ask candidates to provide us with documentary proof of all qualifications listed on their application form/CV. Any offer of employment will be conditional on these requirements being satisfactory.

After interview - Conditional Offer of Appointment (Pre-Appointment Checks)

If it is decided to make an Offer of Employment following the formal interview, any such offer will be conditional on the following information:

- The receipt of two references (one of which must be from the applicant's most recent employer and one from the applicant's employer with whom he/she most recently worked with children (if applicable) which Woodside Group considers satisfactory.
- Verification of the candidate's identity, address, qualifications and professional status
- Verification of the candidate's mental and physical fitness to carry out their role.
- An enhanced DBS certificate (via the applicant) and, for candidates engaging in regulated activity, barred list information
- For those in management, trustee or governor roles, a section 128 check will be

carried out

- Woodside Group will make further checks on any individual who has lived or worked outside the UK of their right to work in the UK.
- We only recruit individuals with a legal right to work in the UK. All offers of employment will be subject to the candidate providing the required original documents or the organisation being able to carry out a check on the Home Office online right to work checking service confirming their right to do the work in question.
- To enable us to conduct an online check, the candidate must have shared their right to work details using the Home Office prove your right to work to an employer online service.
- The requirement to provide evidence of the right to work in the UK applies to all new recruits, regardless of their race, nationality or ethnic or national origins.
- Receipt of all pre-employment criteria set out on the application form and job description/advert
- The agreement of a mutually acceptable start date and the signing of a contract incorporating Woodside Group's standard terms and conditions of employment.
- Failure to provide any or all of the requested pre-employment information could result in the revocation of the conditional offer of employment.
- All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks.

Woodside Group must notify the Disclosure and Barring Service where:

- The applicant is found to be on the Barred Lists, or the DBS disclosure shows the applicant has been disqualified from working with children by a Court; or
- An applicant has provided false information in, or in support of, his/her application; or
- There are serious concerns that an applicant poses a risk of harm to children.

If the offer is accepted and the above conditions are satisfied, the applicant will be issued with a Contract of Employment as confirmation of employment.

Volunteers

Under no circumstances should a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

. Whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies, so schools and colleges should undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required.

The risk assessment should consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision
- 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 their suitability; and
- whether the role is eligible for a DBS check and, if it is, what level is appropriate. Details of the risk assessment should be recorded.

Woodside Group will obtain an enhanced DBS check (which should include children's barred list information) for all volunteers who are new to working in regulated activity with children, i.e., where they are unsupervised and teach or look after children regularly, or provide personal care on a one-off basis in schools and colleges. Woodside Group are not legally permitted to request barred list information on a supervised volunteer, as they are not considered to be engaging in regulated activity.

Supervision of volunteers

Woodside Group will determine whether a volunteer is considered to be supervised. Where an individual is supervised, to help determine the appropriate level of supervision, the organisation will ensure the supervision is:

- by a person who is in regulated activity relating to children.
- regular and day to day; and
- reasonable in all the circumstances to ensure the protection of children. • **Woodside Group conducts repeat DBS and barred list checks of all staff, every 3 years.**

Contractors

- Woodside Group will always check the identity of contractors and their staff on arrival. •

Woodside Group will set out its safeguarding requirements in the contract between the organisation and the contractor, where a contract is issued.

- Woodside Group will ensure that any contractor, or any employee of the contractor, who is to work at the school, has been subject to the appropriate level of DBS check.
- Contractors engaging in regulated activity relating to children will require an enhanced DBS check (including children's barred list information).
- For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required.
- In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several sites. In cases where the contractor does not have opportunity for regular contact with children, Woodside Group will decide on whether a basic DBS disclosure would be appropriate.
- Under no circumstances should a contractor on whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity relating to children.
- Woodside Group is responsible for determining the appropriate level of supervision depending on the circumstances.
- **It is Woodside Group policy that DBS checks must be renewed every 3 years**

Individuals who have lived/worked outside of the UK

Following the UK's exit from the EU, Woodside Group will apply the same vetting and pre screening approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

These checks could include, where available:

- criminal records checks for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions
- obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.
- Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database.
- Applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability. Where this information is not available Woodside Group will seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, Woodside Group will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

Agency staff

Woodside Group must obtain written notification from any agency, or third party organisation, that they have carried out the checks on an individual who will be working at the school or college that the school or college would otherwise perform. In respect of the enhanced DBS check, Woodside Group must ensure that written notification confirms the certificate has been obtained by either the employment agency.

Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school or college, which has disclosed any matter or information, or any information was provided to the employment business, the school or college must obtain a copy of the certificate from the agency.

Where the position requires a children's barred list check, this must be obtained by the agency by obtaining an enhanced DBS certificate with barred list information, prior to appointing the individual.

Woodside Group should also check that the person presenting themselves for work is the same person on whom the checks have been made.

Visitors

Woodside Group have different types of visitors, those with a professional role i.e. educational psychologists, social workers etc. those connected with the building, grounds maintenance, children's relatives or other visitors attending an activity in school such as an event.

Woodside Group should not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a sports day.

The Heads of Base, Head Teachers, Directors and Proprietor should use their professional judgment about the need to escort or supervise such visitors.

For visitors who are there in a professional capacity check ID and be assured that the visitor has had the appropriate DBS check (or the visitor's employers have confirmed that their staff have appropriate checks).

Whilst external organisations can provide a varied and useful range of information, resources and speakers that can help Woodside Group enrich children's education, careful consideration should be given to the suitability of any external organisations.

Single Central Record

Woodside Group will maintain and regularly update the SCR.

All new employees will be added to the record, which will include:

- All staff who work at Woodside Group.
- All others who work in regular contact with children in Woodside Group or college, including volunteers.

The bullet points below set out the minimum information that must be recorded in respect of staff members. The record will indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- An identity check
- A barred list check
- An enhanced DBS check
- A prohibition from teaching check
- Further checks on people living or working outside the UK, including checks for European Economic Area (EEA) teacher sanctions and restrictions
- A check of professional qualifications
- A section 128 check
- A check to establish the person's right to work in the UK

If checks are carried out on volunteers, this will be recorded in the SCR. It is Woodside Group policy that DBS checks must be renewed every 3 years, along with identity checks and proof of right to work checks.

Data protection

We process all personal data collected during the recruitment process in accordance with our Data Protection and Data Retention Policies.

We do not collect unnecessary personal data from applicants during the recruitment process. For example, we will only request bank account details and next-of-kin contact details from successful applicants. Data collected as part of the recruitment process is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the recruitment exercise effectively to decide to whom to offer the job. The data of unsuccessful candidates is securely disposed of and not retained.

Staff should report immediately to the Data Protection Officer (Data Protection Education) any inappropriate access or disclosure of job applicant data in accordance with the organisation's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the organisation's Disciplinary Procedure.

Post Appointment Induction

All staff and other volunteers newly appointed in Woodside Group will be offered and expected to undergo an induction programme, regardless of previous experience.

Retention and Security of Disclosure Information

Woodside Group's policy is to observe the Woodside Group Data Retention Policy for the retention and storage of DBS data. The Data Retention Policy can be found on the Woodside Group G Drive.

Retention of Records

If an applicant is appointed, Woodside Group will retain any relevant information provided on their application form (together with any attachments) on their personnel file, in accordance with the Woodside Group Document Retention Policy and GDPR requirements.

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

Recruitment of Ex-offenders

Woodside Group will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. Woodside Group makes appointment decisions on the basis of merit and ability. When assessing any disclosure information on a DBS certificate Woodside Group will take into consideration the explanation from the applicant, including for example:

- the seriousness and relevance to the post applied for;
 - how long ago the offence occurred;
 - whether it was a one-off incident or a history of incidents;
 - the circumstances around the incident; and
- has the individual accepted responsibility for their actions?

If an applicant has a criminal record this will not automatically debar him/her from employment within Woodside Group. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 4.2 below.

In view of the fact that positions within Woodside Group will amount to "regulated positions" within the meaning of the Protection of Children Act 1999 (as amended by the Criminal Justice and Courts Services Act 2000), all applicants for employment must declare all previous convictions (including those which would normally be considered "spent" under the Rehabilitation of Offenders Act 1974). A failure to disclose a previous conviction may lead to an application being rejected or, if the failure is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

Under the relevant legislation, it is unlawful for Woodside Group to employ anyone who is included on the lists maintained by the Independent Safeguarding Authority of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for Woodside Group to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children:

murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within Woodside Group. If:

- Woodside Group receives an application from a disqualified person; • Is provided with false information in, or in support of an applicant's application; or
- Woodside Group has serious concerns about an applicant's suitability to work with children,

it will report the matter to the Police, DBS and/or the Independent Safeguarding Authority.

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, Woodside Group will in the first instance Woodside Group seek advice from the Local Authority Designated Officer and applicable county Safeguarding Team where appropriate, about how to proceed. The following factors will be considered:
 - 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 behavior or other relevant matters;
 - Whether the applicant's circumstances have changed since the offending behavior or other relevant matters; and
 - The circumstances surrounding the offence and the explanation(s) offered by the convicted person. If the post involves regular contact with children, it is Woodside Group's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of the following offences: -

- Against adults: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence;
- Against children or adults: serious class A drug related offences, robbery, burglary, theft, deception, or fraud. If the post involves access to money or budget responsibility, it is Woodside Group's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud. If the post involves some driving responsibilities, it is Woodside Group's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last 10 years.

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, Woodside Group will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Headteacher of Woodside Group before a position is offered.

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