

SAFER RECRUITMENT, SELECTION AND DISCLOSURE POLICY AND PROCEDURE

This policy, which applies to the whole school, is publicly available on the school website and upon request a copy (which can be made available in large print or other accessible format if required) may be obtained from the School Office.

Document Details

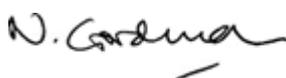
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Responsible Area	Senior Leadership and Trustees

Availability: All who work, volunteer or supply services to our school have an equal responsibility to understand and implement this policy and its procedures both within and outside of normal school hours, including activities away from school. All new employees and volunteers are required to state that they have read, understood and will abide by this policy and its procedural documents and confirm this by signing the Policies Register.

Monitoring and Review: This document will be subject to continuous monitoring, refinement and audit by the Principal. This document was reviewed and agreed by the Board of Trustees in January 2021 and if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require, prior to January 2022, the policy will be reviewed accordingly.

Signed:

Reviewed: January 2021
Next Review: January 2022



N. Goodman
Principal



J. Stevenson
Chair of Trustees

Monitoring and review:

This policy is subject to continuous monitoring, refinement and audit by the Principal. This includes undertaking a full annual review of this policy and procedures, inclusive of its implementation and the efficiency with which the related duties have been discharged. This discussion will be formally documented in writing. Any deficiencies or weaknesses recognised in arrangements or procedures will be remedied immediately and without delay.

This policy was last reviewed by the Board of Governors of the school in September 2020 and will next be reviewed no later than September 2021 or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require. All staff will be informed of the updated/reviewed policy and it is made available to them in either a hard copy or electronic format.

Introduction: Frewen College is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The School is also committed to providing a supportive and flexible working environment to all its members of staff. The School recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment. The aims of the School's recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- 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 legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), [Keeping children safe in education \(September 2020\) \(KCSIE\)](#), [Disqualification under the Childcare Act 2006 - Amended 2018](#), the Prevent Duty Guidance for England and Wales

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2015 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (DBS);

- Part 4 of the Education (Independent School Standards) (England) (Amendment) Regulations currently in force, with reference to the appointment of the Proprietor, all staff, external providers and volunteers inclusive of completion of the Single Central Record (otherwise referred to as the Centralised Register) 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.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

Recruitment and selection procedure: All applicants for employment, including members of the Board of trustees/Governors, will be required to complete an **application form** containing questions about their academic and employment history and their suitability for the role.

Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

Applicants will receive a job description and person specification for the role applied for. When there is a vacancy application forms, job descriptions and person specifications are available to download from the School's website and can be printed and forwarded to applicants on request. The safeguarding child protection policy is on the School website.

The applicant may then be invited to attend a **formal interview** at which his / her relevant skills and experience will be discussed in more detail. To safeguard children the interview panel should explore:

- *The candidate's attitude toward children:* This may be assessed through their personal statement and through questions that probe their values, beliefs and ethics.
- *The candidate's motivation to work with children:* Questions on how they have applied their vision for education, and learning and development of the child and young person can help you assess their motivation
- *Their ability to form relationships and retain personal boundaries:* This should be assessed through focused questions and complementary activities, such as group exercises or occupational personality questionnaires
- *Their emotional resilience in working with challenging behaviours and their attitudes in managing discipline and towards authority:* Questions asking them to draw on previously difficult situations and how they managed these will help you assess this
- *Their ability to support the authority/establishment's agenda for safeguarding and promoting the welfare of children:* Clarification on their understanding of the Schools' Organisations/County's view on child protection policies and procedures, questions that ask them to explain when and how they have had to work within such procedures and policies
- Gaps in the candidate's employment history and explanation of repeated changes in career must be discussed and clarified
- Concerns or discrepancies arising from the information provided by the candidate or referees
- If for any reason references have not been provided before the interview the candidate should be given the opportunity to declare/discuss anything that may come to light on the collection of references
- Ask the candidate if they wish to declare anything in light of the requirement for DBS checks to be made.

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

- 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 two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;
- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (TRA), formerly the NCTL, which renders them unable or unsuitable to work at the School;

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- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School;
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- where the position amounts to "regulated activity") confirmation that the applicant is not named on the Children's Barred List*;
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School;
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School confirmation that the applicant is not disqualified from working in connection with early or later years provision;
- verification of the applicant's medical fitness for the role;
- verification of the applicant's right to work in the UK;
- any further checks which the School decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references; and
- 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).
- The Teachers Services' system will be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation.

*The School is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff and supply staff and governors who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently. Whether a position amounts to "regulated activity" must therefore be considered by the School in order to decide which checks are appropriate. It is however likely that in nearly all cases the School will be able to carry out an enhanced DBS check and a Children's Barred List check.

Medical fitness: The School is legally required to verify the medical fitness of anyone to be appointed to a post at the School, **after** an offer of employment has been made but **before** the appointment can be confirmed. It is Frewen College's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. The School sends the completed form to our qualified nurse, Anne Todd, who reviews the information contained in the Health Questionnaire. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed timetable, extra-curricular activities, layout of the School etc. 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, considering reasonable adjustments and suitable alternative employment.

Pre-employment checks: In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations 2014 the School carries out a number of pre-employment checks in respect of all prospective employees, including an enhanced DBS with barred-list check. 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. The school will always ask for written information about previous employment history and check that information is not contradictory or incomplete. In fulfilling its obligations, the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

Vetting checks (COVID-19): Vetting requirements have not changed during the pandemic and remain an extremely important step to ensure that unsuitable people are not allowed to access pupils. However, we recognise the practical difficulties in which applicants may have when providing hard copies of employment or identification details.

Verification of identity and address: All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications as set out below and in the list of valid identity documents. (these requirements comply with DBS identity checking guidelines):

- one document from Group 1; and
- two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address; and
- original documents confirming any educational and professional qualifications referred to in their application form.

Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they 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 KCSIE. Proof of date of birth is necessary so that the School may verify the identity of and check for any unexplained discrepancies in the employment and education history of all applicants. The School does not discriminate on the grounds of age.

References: References will be taken up on short listed candidates prior to final job offer. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made. 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 be from the applicant's 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 most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend. References will always try to be obtained in writing. Where electronic references are received, the school will ensure they originate from a legitimate source.

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. Referees will also be asked to confirm that the applicant has not been radicalised **so that they do not support terrorism or any form of "extremism"** (see the definition of "extremism" at section below). All referees will 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, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, sickness* 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 or malicious;
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious;
- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at section below).

(*questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.)

The School 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 School will compare all references with any information given on the application form. References will be scrutinised and any concerns, discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed. The School may at its discretion make telephone contact with any referee to verify the details of the written reference provided and ask for further clarification as appropriate, for example if the answers are vague or if insufficient. Any information about past disciplinary action or allegations that are disclosed will be considered carefully when assessing the applicant's suitability.

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for the post (including information obtained from the Teacher Services' checks referred to previously). Further help and advice can be found on the Advisory, Conciliation and Arbitration Service (ACAS) website. In providing references for our own staff, if there was a safeguarding case in which an allegation against the member of staff was proven to be false, unsubstantiated or malicious, this would not be included in employer references.

Criminal records check: The DBS commenced the filters and removes of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

For those aged 18 or over at the time of an offence: An adult conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

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

It will not be removed under any circumstances if it appears on a list of "**specified offences**" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included. A caution received when a person was aged 18 or over for an offence committed in the United Kingdom will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

For those aged under 18 at the time of an offence: A conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

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

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record. A caution received when a person was aged under 18 for an offence committed in the United Kingdom will not be disclosed if two years have elapsed since the date it was issued and if it does not appear on the list of "specified offences".

The list of "specified offences" which must always be disclosed: This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at: <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

The School applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the School which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. It can also indicate if an applicant or member of staff has behaved or may have behaved in a way that indicates they may not be suitable to work with children. Any position undertaken at, or on behalf of the School will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30-day period;
- provides personal care, or health care (including helping a child eat, drink, washing, dressing);
- provides the opportunity for contact with children.

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis. It is for the School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the School amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the School office outside of term time or voluntary posts which are supervised.

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The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School, and the results appear online for the school. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School within two weeks of it being received by the applicant. Original certificates should not be sent by post. Applicants must bring the original certificate into the School within two weeks of it being received. A convenient time and date for doing so should be arranged with The School Office as soon as the certificate has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy, signed by a solicitor, by post or email as soon as possible (and before starting work), of the original disclosure certificate being received, being sent to the Principal. Where a certified copy is sent, the original disclosure certificate must still be provided prior to the first day of work / on the first working day. 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 the Principal has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place. In this instance the Principal will undertake a Risk Assessment, which will be regularly reviewed.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal record check from the relevant jurisdiction(s), a certificate of good conduct and / or references from any employment held. Work can only commence once the overseas information has been received and only if the School has considered that information and confirmed that the applicant is suitable to commence work at the School.

Prohibition from teaching check: The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. The School uses the TRA Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel on behalf of the TRA. In addition, the School asks all applicants for roles which involve "teaching work" (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the TRA or other equivalent body in the UK. If the school is made aware that the Secretary of State has made an interim prohibition order in respect of an individual who works at the school, immediate action will be taken to ensure the individual does not carry out work in contravention of the order, i.e. pending the findings of the TRA investigation, the individual must not carry out teaching work. We would not employ, not allow an existing member of staff to continue working with children including teaching work should a teaching prohibition order, or an interim prohibition order be issued.

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

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

- planning and preparing lessons and courses for pupils;
- delivering lessons to pupils;
- assessing the development, progress and attainment of pupils; and
- 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 Principal. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches. In addition, for all appointments made on or after 18 January 2016, where an applicant has carried out teaching work outside of the UK the School will ask the applicant (and their referees) whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the

countries in which they have carried out teaching work. This will include checking for the existence of any sanctions issued by regulators of the teaching profession in other EEA countries using the TRA Teacher Services system.

Prohibition from management check: The School is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school (a **section 128 direction**). This check will be made via the Teaching Regulation Agency (TRA). This check applies to appointments to the following positions made on or after 12 August 2015:

- Principal;
- teaching posts on the senior leadership team;
- teaching posts which carry a departmental Principal role;
- support staff posts on the senior leadership team and
- a trustee, governor or proprietor that retains or has been delegated any management responsibilities.

The relevant information is contained in the enhanced DBS disclosure certificate (which the School obtains for all posts at the School that amount to regulated activity). It can also be obtained through the TRA Teacher Services system. The School will use either, or both, methods to obtain this information. In addition, the School asks all applicants for management roles to declare in the application form whether they have ever been the subject of a referral to the Department for Education, or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.

It is the School's position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

After making this declaration staff in a relevant role are under an on-going duty to inform the School if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information now, or of a future change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

Childcare disqualification requirements: The Childcare Act 2006 (**Act**) and the Childcare (Disqualification) Regulations 2018 (**Regulations**) state that it is an offence for the School to employ anyone in connection with our early years provision (**EYP**) or later years provision (**LYP**) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP.

- EYP includes usual School activities and any other supervised activity for a child up to 1 September after the child's 5th birthday, which takes place on the School premises during or outside of the normal School day;
- LYP includes provision for children not in EYP and under the age of 8 which takes place on School premises outside of the normal School day, including, for example breakfast clubs, afterschool clubs and holiday clubs. It does not include extended School hours for co-curricular activities such as sports activities.

DUCA states that only those individuals who are employed directly to provide childcare are covered by the Regulations. "Childcare" means any form of care for a child, which includes education and any other supervised activity for a child who is aged 5 or under. "Childcare" in LYP does not include education during School hours but does cover before and after school clubs. Roles which will be covered by the Regulations are teaching and teaching assistant positions in EYP, and those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Principal and may also include other members of the leadership team as well as those involved in the day to day management of EYP or LYP at the School. DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

Some roles at the School may involve the provision of childcare in EYP or LYP on an occasional basis. They will not automatically be within the scope of the Regulations and the School will therefore consider whether they do on a case by

case basis. The Regulations only apply to a limited number of roles within the School but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP. The criteria for which a person will be disqualified from working in connection with EYP or LYP are set out in the Regulations. They are not only that a person is barred from working with children (by inclusion on the Children's Barred List) but also include:

- having been cautioned (after 6 April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;
- various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;
- having been refused an application for registration of a children's home or having had any such registration cancelled;
- having been prohibited, restricted or disqualified from private fostering; or
- living in the same household as another person who is disqualified from EYP or LYP or living in a household where a disqualified person is employed (disqualification by association). A household is deemed to cover anyone sharing "living space", including the use of a shared kitchen.

All applicants to whom an offer of employment is made to carry out a relevant role in EYP or LYP will be required to complete a Self-Declaration Form confirming whether they, meet any of the criteria for disqualification under the Regulations. The School will decide whether a role is relevant and within the scope of EYP or LYP by having regard to the guidance in DUCA. Employment with the School in any relevant role will be conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified. The School cannot permit any person who is currently disqualified to start work in a relevant role. The School also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the School, any information disclosed in the Self-Declaration Form renders that person unsuitable to work at the School. Applicants who have any criminal records information to disclose, must also provide the following information:

- details of the order, restriction, conviction or caution and the date that this was made;
- the relevant court or body and the sentence, if any, which was imposed; and
- a copy of the relevant order or conviction.

Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules. Applicants must not ask for information about spent convictions from any member of their household. For the avoidance of doubt the School does not require applicants to request any criminal records information directly from the DBS. The School only requires applicants to provide relevant information about themselves "to the best of their knowledge".

A person who discloses information which appears to disqualify them from working in a relevant role may apply to Ofsted for a waiver of the disqualification. The School may withdraw an offer of employment at its absolute discretion and is under no obligation to await the outcome of an Ofsted waiver application. If a waiver application is rejected the School will withdraw the conditional offer of employment.

The School will securely destroy any information which is provided by an applicant which is not relevant to the childcare disqualification requirements as soon as it is established that it is not relevant. Where a person appointed to a role at the School is found to be disqualified, the School will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the School, after which it will be securely destroyed.

After making this declaration staff in a relevant role are under an on-going duty to inform the School if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information now, or of a future change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

Contractors and agency staff: Contractors engaged by the School must complete the same checks for their employees that the School is required to complete for its staff. The School requires written confirmation that these checks have been completed before employees of the Contractor can commence work at the School. Agencies who supply staff to the School

must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires written confirmation that these checks have been completed before an individual can commence work at the School. The School will independently verify the identity of staff supplied by contractors or an agency and will require the provision of the original DBS disclosure certificate before contractor or agency staff can commence work at the School. The school will obtain a DBS check on behalf of any contractors who are self-employed prior to their work commencing at the school.

Trainee/student teachers: Where applicants for initial teacher training are salaried by the school, we will ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) will also be obtained. Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The School will obtain written confirmation from the provider that it has carried out all pre-appointment checks that the school would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.

Existing staff: If the school has concerns about an existing staff member's suitability to work with children, the school will carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school moves from a post that was not regulated activity into work which is considered to be regulated activity, the relevant checks for that regulated activity must be carried out. The school has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- the harm test is satisfied in respect of that individual;
- the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and the individual has been removed from working (paid or unpaid) in regulated activity or would have been removed had they not left.

Volunteers: The School will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the School (the definition of regulated activity will be applied to all volunteers). The School will request a DBS disclosure without Children's Barred List information on all volunteers who do not undertake regulated activity. This is likely to be because their volunteering duties are subject to regular, day to day supervision by a fully checked member of staff or by a volunteer who the School has deemed appropriate to supervise and ensure the safety of those pupils in their care.

Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with pupils. It is the School's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the School for three consecutive months or more. Those volunteers who are likely to be involved in activities with the School on a regular basis may be required to sign up to the DBS update service as this permits the School to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates. In addition, the School will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

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

Visiting speakers and the Prevent Duty: The Prevent Duty Guidance requires the School to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised. The School is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the School or perform any other regular duties for or on behalf of the School. All visiting speakers will be subject to the School's Visitors' Procedure. This will include signing in and out at Reception, the wearing of a visitors badge at all times and being escorted by a fully vetted member of staff between appointments.

The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and / or permit a speaker to attend the School. In doing so the School will always have regard to the Visitors' Procedure, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states: *"Extremism" is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of*

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extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

In fulfilling its Prevent Duty obligations the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age. The School reserves the right to obtain such information on any other person appointed to work for or at the School.

Adults who supervise children on work experience: Where the school organises work experience placements for its pupils, or should pupils organise their own work experience placements through the school, we will ensure that the placement provider has policies and procedures in place to protect children from harm, this includes Barred list checks by the DBS on some people who supervise a child under the age of 16 on a work experience placement. The school will consider the specific circumstances of the work experience. Consideration will be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the pupil on work experience will be:

- unsupervised themselves; and
- providing the teaching/training/instruction frequently (more than three days in a 30 day period, or overnight).

If the person working with the pupil is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. If so, the school will ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person. The school is unable to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience.

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases and where the child is 16 years of age or over, the work experience provider will consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

Policy on recruitment of ex-offenders: Background: The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The School 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 School. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 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 those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.

A failure to disclose a previous conviction (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. 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 apply for a position at the School. The School will make a report to the Police and / or the DBS if:

- it receives an application from a barred person;
- it is provided with false information in, or in support of an applicant's application; or
- it has serious concerns about an applicant's suitability to work with children.

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; and
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:

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

Assessment procedure: If the post involves access to money or budget responsibility, it is the School'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 the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

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 assessment form must be signed by The Proprietor of the School before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School may, 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 in locked, non-portable storage containers, access to which will be restricted to members of the School's senior management team;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

Retention of records: The School is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the School will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the School to discharge its obligations as an employer

e.g. so that the School may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. It will be retained in accordance with the School's retention of records policy after employment terminates. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months. The same policy applies to any suitability information obtained about volunteers involved with School activities.

Whistleblowing and exit interviews: All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the School's policies (including the whistleblowing policy, the safeguarding policy and the Staff code of conduct). Safeguarding children is at the centre of the School's culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at an exit interview

which are held if possible with leavers.

Referrals to the DBS and Teaching and Regulation Agency (TRA): This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the School also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the School despite being barred from working with children; or
- has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

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

Queries: If an applicant has any queries on how to complete the application form or any other matter he / she should contact the Proprietor.

APPENDIX 1 THE SINGLE CENTRAL REGISTER

The school maintains an electronic single central record of pre-appointment checks, referred to in the Regulations as the register. Our single central record covers the following people:

- all staff, including teacher trainees on salaried routes;
- supply staff who work at the school and
- the proprietor

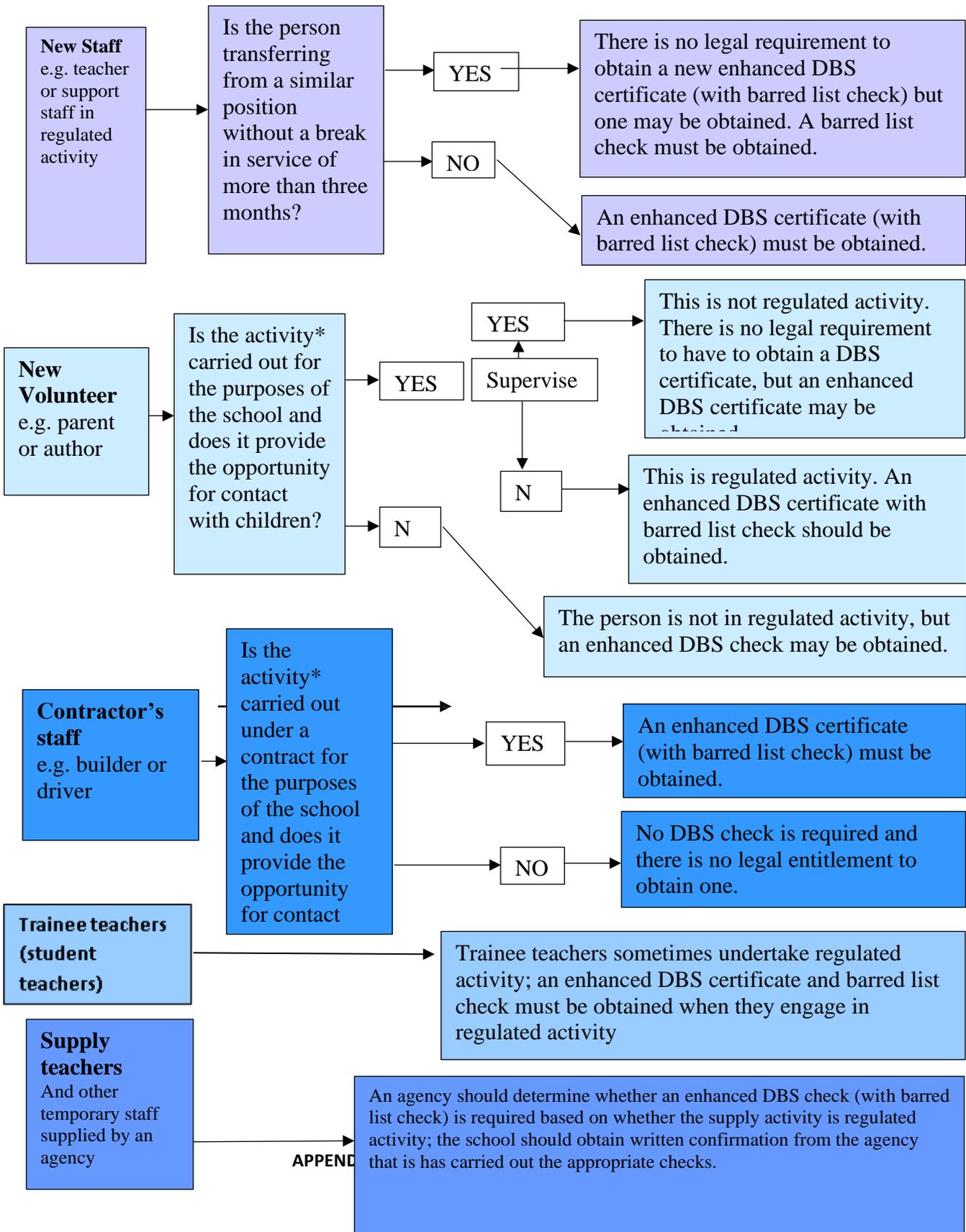
The bullet points below set out the minimum information that is recorded in respect of staff members (including teacher trainees on salaried routes). The record indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check;
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check;
- a section 128 check (for management positions for independent schools);
- further checks on people who have lived or worked outside the UK; this would include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions described in paragraph;
- a check of professional qualifications, where required; and
- a check to establish the person's right to work in the United Kingdom.

In addition, we record whether the person's position involves 'relevant activity', i.e. regularly caring for, training, supervising or being solely in charge of persons aged under 18. For supply staff we also include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of staff. Whilst there is no statutory duty to include on the single central record details of any other checks, we also record other relevant information. For example, checks for childcare disqualification, volunteers, and safeguarding and safer recruitment training dates. We also record the name of the person who carried out each check.

Although we do not need to retain copies of DBS certificates in order to fulfil our duty of maintaining the single central record, we may choose to hold copies of these, but this will be for no longer than six months. Any copies of other documents used to verify a successful candidate's identity, right to work and required qualifications will be kept in their personnel file. Individuals who have lived or worked outside the UK will undergo the same checks as all other staff in the schools. In addition, the school will make any further checks we feel appropriate so that any relevant events that occurred outside the UK can be considered.

APPENDIX 2: FLOWCHART OF DISCLOSURE AND BARRING SERVICE CRIMINAL RECORD CHECKS AND BARRED LIST CHECKS



Appendix 4: List of valid identity documents

Group 1: primary identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence (photocard with paper counterpart; full or provisional; UK / Isle of Man / Channel Islands and EU)
- birth certificate (UK & Channel Islands; issued at the time of birth (within 42 days of date of birth); full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces)
- adoption certificate (UK and Channel Islands)

Group 2a: trusted government documents

- current driving licence (paper version; UK / Isle of Man / Channel Islands and EU; full or provisional)
- current driving licence (photocard; all countries; full or provisional)
- current non-UK driving licence (valid for up to 12 months from the date the applicant entered the UK)
- birth certificate (UK and Channel Islands; issued at any time after the date of birth by the General Registrar Office / relevant authority i.e. Registrars)
- marriage / civil partnership certificate (UK and Channel Islands)
- HM Forces ID card (UK)
- firearms licence (UK, Channel Islands and Isle of Man)

Group 2b: Financial and social history documents

- mortgage statement (UK or EEA) **
- bank / building society statement (UK and Channel Islands or EEA) *
- bank / building society account opening confirmation letter (UK)*
- credit card statement (UK or EEA) *
- financial statement - e.g. pension, endowment, ISA (UK)**
- P45 / P60 statement **(UK and Channel Islands)
- council tax statement (UK and Channel Islands) **
- work permit / visa (UK; valid up to expiry date)
- letter of sponsorship from future employment provider (non-UK / non-EEA only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)
- utility bill (UK; not mobile telephone bill) *
- benefit statement - e.g. child benefit, pension (UK)*
- a document from central or local government/ government agency / local authority giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service, HM Revenue & Customs, Job Centre, Job Centre Plus, Social Security (UK and Channel Islands) *
- EU national ID card (must be valid at time of application)
- cards carrying the PASS accreditation logo (UK and Channel Islands; must be valid at time of applications)
- letter from Headteacher (for 16-19-year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application).

Note: If a document in the list of valid identity documents is:

denoted with * - it should be less than three months old

denoted with ** - it should be less than 12 months old

APPENDIX 5 : REGULATED ACTIVITY

Regulated activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a [Factual note on regulated activity in relation to children: scope.](#)

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly.⁴⁴ Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
 - o personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability;⁴⁵
 - o health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

APPENDIX 6: DISQUALIFICATION UNDER THE CHILDCARE ACT 2006—AMENDED 2018

The outcome of the government consultation about 'Disqualification by Association' was published towards the end of the summer term. The guidance was updated again on the 31st August 2018 and comes into force on 3rd September 2018. A change in the law means that Disqualification by Association will only apply on domestic premises. However, Disqualification under the Childcare Act 2006, still applies to staff themselves. Schools must no longer ask about the cautions or convictions of someone living or working in their household. (It should be noted that other statutory guidance may be relevant where the third party lives on the school premises, such as in boarding schools.)

Main Points

- Disqualification by Association now only applies in domestic settings, not schools.
- Disqualification under the Child Care Act still applies to staff themselves who work in a child care capacity, whether paid, volunteer or are on work placements.
- Relevant staff are those working in child care, or in a management role because they are: working with reception age children at any time; or working with children older than reception until age eight, outside school hours.
- Keeping Children Safe in Education (DfE, 2018) paragraph 116 also refers to disqualification: "For staff who work in childcare provision or who are directly concerned with the management of such provision, the school needs to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009".
- Schools are free to decide how to bring these requirements to the attention of their staff. As a means of making staff aware of their duty to provide such information, they may, for example, choose to include a section in the school's safeguarding policy, or another policy document, or by means of an addition to new staff members' contracts of employment. Schools should draw this guidance to the attention of their staff and the information provided by Ofsted referenced in this guidance.
- Schools will need to review any historic data collected and destroy any information which is no longer required.
- Ofsted and the Independent School Inspectorates will check the management of Disqualification under the Childcare Act as part of their routine school inspection process.

What should schools do

- Inform staff of the changes and record the date that they were informed; a letter, or email might be best.

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- Ensure that this information is included in the Safeguarding and Child Protection Policy; and in the Safer Recruitment Policy
- Identify and record which staff are covered by Disqualification under the Childcare Act 2006 (including volunteers and people on work placements).
- Ask relevant staff to self-declare that they are not Disqualified under the Childcare Act 2006. (A form is not necessary). [An Enhanced DBS Certificate will confirm this for new staff; for existing employees schools could consider using the DBS Update Service to supplement any employee self-declaration.]
- Remind all staff about the expectation to inform the school where their relationships and associations, both within and outside of the workplace (including online), may have implications for the safeguarding of children in the school.
- Remind all staff that if their circumstances change they must inform the school. (Decide where to put this in writing: Staff Code of Conduct and/or in staff contracts.)
- Decide whether these self-declarations will be kept on the Single Central Register, or elsewhere.
- Review any historic data collected and destroy any information which is no longer required.

APPENDIX 7: PRE-APPOINTMENT AND ANNUAL DISQUALIFICATION UNDER THE CHILDCARE ACT 2006—AMENDED 2018

This form is to be completed by all staff and volunteers before commencement of employment and on an annual basis at the commencement of the autumn term.

Name (Please print): _____

Position Applied For: _____

Important – Please read in full before completing the declaration

Please answer the questions below to the best of your knowledge and sign the declaration at the end of this form. Please note that you must answer all questions for yourself. You do not need to provide details about any protected cautions or protected convictions as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).

Please answer each question below by circling Yes or No.

Questions relating to you:

Have you been cautioned or convicted of any offences against a child?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Have you been cautioned or convicted of any violent or sexual offences against an adult?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Have you been barred from working with children by the Disclosure and Barring Service?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Have your children been taken into care?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Have or are your children the subject of a child protection order?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Has a court order been made in respect of a child under your care?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Have you been refused registration or had registration cancelled in relation to childcare or a children’s home or have you been disqualified from private fostering?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

If you have answered YES to any of the questions above, please provide further information below:

I have answered yes to one or more of the questions above because

I understand my responsibility to safeguard children and am aware that I must notify the Principal regarding anything that may affect my suitability or that of anyone living in my household. I give permission for you to contact any previous settings, local authority staff, the police, the DBS, or any medical professionals, to share information about my suitability to care for children.

Signed: _____ Date: _____

To be completed by the Principal of School:

I have reviewed the answers provided above and no further action is required.

Signed: _____ Date: _____

Or:

I have reviewed the answers provided above and the following action has been taken (continue on additional sheet as required):

Signed: _____ Date: _____