

18a - Recruitment, Selection and Disclosure Policy and Procedure

Mission Statement

We are an all-through, inclusive Catholic girls' school, with boys in the nursery, committed to preparing girls for life long effectiveness and success. As part of their journey girls will learn of intellectual risk taking and emotional strength, reflection and self-knowledge, persuasiveness and team building as well as a cultural curiosity for an enriched enjoyment of life.

In our stunning 13 acres of grounds, girls have a physical freedom unique in central London. We aim to instil in them the emotional freedom to grow intellectually and spiritually and to understand the truth about themselves, others and our complex world. We will give them the courage to be ambitious and compassionate and we will provide a secure, happy and nurturing community in which to explore all of the above.

To this end we seek, develop and retain the best teachers who value well-being and the individual progress of each girl as much as they are relentless in their pursuit of academic excellence. Their goal is life-long success for each girl and they set the pace of energy and dynamism within which the girls flourish.

Recruitment, selection and disclosure policy and procedure

Note re 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. For further guidance please refer to the ISI Commentary on the Regulations.

1 Introduction

St Augustine's Priory (the **School**) is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The School is also committed to providing a supportive and flexible working environment to all its members of staff. The School recognises that, in order to achieve 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 (see definition at paragraph 2 below) 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* (**DUCA**), the Prevent Duty Guidance for England and Wales 2015 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and

- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

2 Definition of 'Staff'

The ISI regulations provide a detailed list of the checks which are required for each new member of staff.

The definition of staff is: Any person working at the school whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer.

The three strands of the definition of staff can be applied as follows. Any person working at the school whether:

- under a contract of employment [this covers every employee, no matter what sort of work they do];
- under a contract for services [this covers self-employed people arranged and/or paid direct by the school; it does not include those in a contract for services with others, subject to the exception immediately below];
- or otherwise than under a contract [this covers self-employed people who are arranged by the school for the purposes of the school but, for example, paid direct by parents, such as some peripatetic teachers and therapists; it does not include, for example, private employees of parents permitted to enter school by agreement];
- but does not include supply staff (see paragraph 7 below) or a volunteer (see paragraph 9).

In relation to the second and third strands, the DfE permits schools to exercise professional discretion as to when self-employed people should be treated as 'staff' or as 'contractors' (see paragraph 8). The school's policy is that if the person is in regulated activity in the school they should be treated as 'staff'.

3 Data protection

The School is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to the School to enable the School to carry out the checks that are applicable to their role. The School will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency (previously known as the National College for Teaching and Leadership (**NCTL**)). Failure to provide requested information may result in the School not being able to meet its employment, safeguarding or legal obligations. The School will process personal information in accordance with its Staff Privacy Notice.

4 Recruitment and selection procedure

All applicants for employment 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. Application forms, job descriptions, person specifications and the School's Safeguarding policy are available to download from the School's website and can be printed and forwarded to applicants on request.

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. All shortlisted applicants will be tested at interview about their suitability to work with children.

If it is decided to make an offer of employment following the **formal interview**, and any other assessment process required, 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)
- verification of qualifications, whether professional or otherwise, which the School takes into account in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not
- verification of the applicant's employment history
- the 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 which renders them unable or unsuitable to work at the School
- 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 (see box below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory
- where the position amounts to "regulated activity" (see box below) 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 acting as a trustee / governor or senior manager of a charity under the Charities Act 2011 (if applicable, see section 6.8 below)
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 6.9 below)
- verification of the applicant's medical fitness for the role (see 6.3 below)
- verification of the applicant's right to work in the UK; and

- 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.

***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, 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.**

5 Definition of 'Regulated activity'

REGULATED ACTIVITY

1 ALL REGULAR WORK FOR SCHOOLS WITH OPPORTUNITY FOR CONTACT WITH CHILDREN IS REGULATED ACTIVITY, except:

- Work (not entailing personal care, within definition 2) by supervised volunteers
- Work (not entailing care or teaching, within definitions 2 or 3) by occasional/temporary contractors
- Work by pupils for other pupils (excepting for those in early years) (known as 'the peer exemption').

2 Relevant personal care, or health care is regulated activity –

- Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
- Health care in this context means care for children provided by or under the direction or supervision of, a regulated health care professional. Note that 'care' within this definition is always regulated; considerations of regularity and supervision do not apply.

3 Regular, unsupervised teaching, training, instructing, caring for or supervising children is regulated activity and so is regularly

- providing advice or guidance for children on well-being, or
- driving a vehicle only for children.

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.

Key questions:

- Is the activity they will do 'work'? (A person, for example, visiting the head or their own child would not be working.)

- Is the work regular? (See definition of 'regular') ¹
- Does it give rise to opportunity for contact with children? (This applies whether or not that contact is required by the work and whether or not it actually takes place. The issue is whether there is 'opportunity'.)
- Is the work for the purposes of the school? (This would not include, for example, those working for bodies hiring premises for other purposes out of school hours.) If the answer to all these questions is 'yes', the person is working in regulated activity unless an exception as below applies:
- Is the person a volunteer?
 - o If so, does their work involve personal care of pupils? (See definition of personal care, above.)
 - o If so, the volunteer is engaged in regulated activity because personal care work is always regulated activity.
 - o If not, are they supervised? (See DfE's supervision guidance.)
 - o If so, the volunteer is not engaged in regulated activity as a supervised volunteer, not doing personal care work, is not in regulated activity.
- Is the person a contractor?
 - o If so, are they administering personal care or health care, as defined? [These are always regulated activity.]
 - o If not, are they teaching pupils? [Regular teaching is always regulated activity.]
 - o If not teaching work, is the contract for occasional or temporary non-teaching work (such as a quick plumbing task)? (There is no definition of 'occasional or temporary' but see the definition of 'regular' at footnote.)
 - o If so, the contractor is not in regulated activity as non-teaching work by occasional or temporary contractors is not regulated activity.

6 Pre-employment checks

The school will carry out the following checks: (i) The person's identity; (ii) the person's medical fitness; (iii) the person's right to work in the United Kingdom; and (iv) where appropriate, the person's qualifications.

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations the School carries out a number of pre-employment checks in respect of all prospective employees.

In addition to the checks set out below, the School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. This may include internet and social media searches.

¹ For the purpose of assessing whether a person is working in regulated activity, 'regular' includes 'frequent' and these are defined together as follows: • frequently (once a week or more often), • or on 4 or more days in a 30-day period, • or overnight (between 2am and 6am).

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.

6.1 Verification of identity, address and qualifications

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 at Appendix 1 (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 to assist with the vetting of the applicants. 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.

It will be appropriate to check qualifications where the school stipulates or an individual claims qualifications as part of the recruitment process. Such qualifications should be checked in advance of appointment. This applies to any qualifications taken into account in making the appointment.

6.2 Medical fitness

Schools must satisfy themselves of the medical fitness of staff to carry out the duties of the post applied for. 'Medical fitness' includes both physical and mental health. Prospective employees are required to declare their fitness for the role. Such declarations should be duly signed by the applicant and contains a simple statement that the applicant knows of no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the post in question.

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 the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. The School will arrange for the information contained in the Health Questionnaire to be reviewed by the School Nurse. 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 Nurse 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.

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities

required by the role. If an applicant prefers to discuss this with the School instead, they should contact the Bursar so that appropriate arrangements can be made.

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.

Disabled staff make an important contribution to the overall school curriculum, both as effective employees and in raising the aspirations of disabled pupils and educating non-disabled people about the reality of disability. Many disabled people will be medically fit to teach, though under the Equality Act 2010 employers may have to make reasonable adjustments to enable disabled people to carry out their duties effectively.

6.3 Right to work in the UK

The rules for employing migrant workers changed from February 2008, so that any employer who employs someone who is subject to immigration control, aged over 15, who is not entitled to undertake the work, could face a fine of up to £10,000 per illegal worker. The Home Office has issued [guidance](#) on right to work checks and how to carry them out.

6.4 References

References will be taken up on short listed applicants prior to interview. 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.

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 10 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 10 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. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

Where a reference is not received prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the School. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.

If factual references are received i.e. those which contain limited information such as job title and dates of employment, this will not necessarily disadvantage an applicant although additional references may be sought before an appointment can be confirmed.

The School may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

All internal candidates who apply for a new role at the School will have their application assessed in accordance with this procedure. References will be taken up on all internal candidates as part of the application process but can be provided by colleagues as the School will be the most recent employer.

6.5 Criminal records checks

Criminal record checks are carried out via the Disclosure and Barring Service (DBS) and are known colloquially as DBS checks.

Three main types of criminal record checks are available from the DBS: Standard, Enhanced and Enhanced with barring information. For those working in schools with access to children, criminal record checks must be at the enhanced level, usually with barring information.



Policy statement for use on application forms

The post you are applying for is 'exempt' from the Rehabilitation of Offenders Act 1974, so you are required to declare:

- All unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974
- All spent adult cautions (simple or conditional) or spent convictions that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)

The amendments to the Exceptions Order provide that certain 'spent' convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found [here](#).

Prior to 29 May 2013 an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at the School.

6.5.1 DBS filtering rules

For adults (aged 18+ at the time of conviction)

An adult conviction will be filtered from a standard or enhanced DBS certificate if:

- 11 years has elapsed since the date of conviction
- The conviction did not result in a custodial or suspended prison sentence
- The conviction does not appear on the list of specified offences

An adult caution (simple or conditional) will be filtered after 6 years have elapsed since the date of the caution, as long as the offence is not on the list of specified offences.

There is no limit to the amount of cautions or convictions that can be filtered, as long as they meet the above criteria.

For juveniles (under 18 at the time of conviction)

If you were under 18 at the time of conviction, your conviction will be filtered from your standard or enhanced DBS certificate if:

- 5½ years have elapsed since the date of conviction
- The conviction did not result in a custodial or suspended prison sentence
- The conviction does not appear on the list of specified offences

There is no limit to the amount of convictions that can be filtered, as long as they meet the above criteria.

Youth cautions (including conditional cautions), reprimands and final warnings are not disclosed on standard or enhanced DBS certificates, even if they are for offences 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>.

6.5.2 The DBS enhanced disclosure certificate

The DBS issues the DBS enhanced disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School within two weeks of it being received by the applicant. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the School should be arranged with HR Manager as soon as it has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to the Bursar. Where a certified copy is sent, the original disclosure certificate must still be provided prior to the first day of work.

Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

6.5.3 Barred list / Lit 99

A separate barred list check must be undertaken in the event that:

- a new enhanced disclosure with barring information is required but is not received in advance of a member of staff starting work in regulated activity; or
- a pre-existing enhanced DBS check is accepted under the three-month rule (for which see below) for a member of staff starting work in regulated activity; or
- a pre-existing enhanced DBS check without barring information is accepted from a candidate who has subscribed to the DBS update service.

6.5.4 What to do if a disclosure is delayed

If an enhanced criminal record check is required but the DBS certificate is not available before a person starts work in regulated activity, the Head may allow the member of staff to commence work:

- after a satisfactory check of the barred list if the person will be working in regulated activity;
- and all other relevant checks have been completed satisfactorily;
- provided that the DBS application has been made in advance;
- with appropriate safeguards taken (for example, loose supervision). The safeguards should be determined through risk assessment.

It is also the school's policy to avoid confirming the appointment, review safeguards at least every two weeks, ensure the person in question is informed of the safeguards in place, add a note to the single central register and keep evidence of the measures put in place.

6.5.5 Applicants with periods of overseas residence

If, because of a person 'living or having lived' outside of the UK, a DBS check is not considered sufficient to establish suitability to work in a school (because a UK check would not cover offences committed abroad, but only those on the UK Police National Computer), schools must carry out 'such further checks as the proprietor considers appropriate, having regard to any guidance issued by the DfE'. Such checks must be completed before the person starts work. This standard applies where relevant both to foreign nationals and UK nationals returning from overseas.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. The School will take into account the "DBS unusual addresses guide" in such circumstances.

The School takes into account the guidance issued by the NSPCC when deciding whether to request overseas information from applicants, which recommends that such information should be sought on those who have lived overseas for periods of three months or more in the last five years. However, the School recognises that Education (Independent School Standards) Regulations 2014 do not specify that a minimum period of overseas residence is required. The School therefore assesses each applicant's situation on its individual facts.

Where applicants are asked to provide further overseas information this will include a criminal records check from the relevant jurisdiction(s) or a certificate of good conduct (as appropriate) and / or references from any employment held.

Work can only commence once sufficient 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.

EEA check In accordance with KCSIE, the 'further checks' should include a check for information about any teacher sanction or restriction that has been imposed by a professional regulating authority in the European Economic Area (EEA). This check is relevant to applicants for teaching posts in England who have taught in the EEA. It is applicable to both foreign nationals and UK nationals who have taught in the EEA. This check is carried out using the Teacher Services system.

6.6 Prohibition from teaching check

Schools must now check that anyone employed or engaged to carry out teaching work in school is not subject to a prohibition order issued by the Secretary of State. It is irrelevant whether the person carrying out teaching work has Qualified Teacher Status (QTS) or a Teacher Reference Number (TRN) or is peripatetic or is charged by the school to the parents. The check is free and is completed using Teacher Services, formerly known as Employer Access Online, and can be undertaken on individuals who do not have QTS by searching the alphabetical list by name. More information about how to do the check is given on [Teacher Services](#).

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 Teaching Regulation Agency or other equivalent body in the UK.

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 Teaching Regulation Agency (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 Head. 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 Teaching Regulation Agency Teacher Services system.

6.7 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**).

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

This check applies to appointments to the following positions made on or after 12 August 2015:

- Head
- teaching posts on the senior leadership team
- teaching posts which carry a departmental head role;
- support staff posts on the senior leadership team; and
- the School will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support roles which carry additional responsibilities.

It also applies to appointments to the governing body. 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 Teaching Regulation Agency 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.

6.8 Disqualification from acting as a charity trustee or senior manager

6.8.1 Background

Under the Charities Act 2011 it is a criminal offence for a person to act as a trustee or senior manager of a charity when disqualified from doing so. The Charities Act 2011 sets out the grounds on which a person can be disqualified from acting as a trustee or senior manager. These include various spent and unspent criminal offences and other sanctions.

6.8.2 Who is covered

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

Senior managers include those employees who report directly to the charity trustees or have responsibility for the overall management and control of the charity's finances. At the School the disqualification rules will be applicable to all governors, the Head / Principal, Bursar and potentially other senior staff who report directly to the governors.

6.8.3 Self-declaration

All those who are covered by the disqualification rules are required to complete a self-declaration form to confirm whether, to the best of their knowledge, they are subject to any of the disqualification criteria.

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

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

6.8.4 Checks by the School

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

- (a) the Insolvency Register;
- (b) the register of disqualified directors maintained by Companies House; and
- (c) and the register of persons who have been removed as a charity trustee.

6.8.5 Waiver

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

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

6.9 Childcare disqualification

The Childcare Act 2006 (**Act**) and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) 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.

6.9.1 Definitions

- (a) 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;
- (b) 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, after school 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.

6.9.2 Relevant roles

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 Head, 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.

6.9.3 Grounds for disqualification

The grounds on 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:

- (a) 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;
- (b) various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- (c) 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;
- (d) having been refused an application for registration of a children's home or having had any such registration cancelled; or
- (e) having been prohibited, restricted or disqualified from private fostering.

6.9.4 Self-declaration form

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 about themselves must also provide the following information:

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

- (c) 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 (see section 6.5.1 above).

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".

6.9.5 Waiver of a disqualification

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.

6.9.6 Retention of disqualification information

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.

6.9.7 Continuing duty to disclose change in circumstances

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.

7 Supply staff

This paragraph relates to the suitability of supply staff at the school.

A person offered for supply by an employment business to the school only begins work at the school if the school has received –

- 7.1 written notification from the employment business in relation to that person— (aa) that the checks referred to above have been made to the extent relevant to that person; (bb) that, where relevant to that person, an enhanced criminal record check has been made and that it or another employment business has obtained an enhanced criminal record certificate in response to such a check; (cc) if the employment business has obtained such a certificate before the person is due to begin work at the school, whether it disclosed any matter or information; (dd) that, where that person is one for whom, by reason of that person living or having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish the person's suitability to work in a school, it or another employment business has obtained such further checks as appropriate, having regard to any guidance issued by the Secretary of State;

- 7.2 a copy of any enhanced criminal record certificate obtained by an employment business before the person is due to begin work at the school;

A person offered for supply by an employment business only begins work at the school if the school considers that the person is suitable for the work for which the person is supplied;

Before a person offered for supply by an employment business begins work at the school the person's identity is to be checked (irrespective of any such check carried out by the employment business before the person was offered for supply);

The school, in the contract or other arrangements which it makes with any employment business, requires the employment business to provide

- 7.3 the notification referred to in paragraph (a)(i); and (ii) a copy of any enhanced criminal record certificate which the employment business obtains, in respect of any person whom the employment business supplies to the school;

The school must receive written confirmation from the relevant supply agency that the required checks have been carried out to the extent relevant to that person: identity, enhanced disclosure, right to work in the UK, barred list/List 99, prohibition from teaching, prohibition from management of an independent school, qualifications, overseas checks.

The school must also see each criminal record certificate, whether or not it discloses any information. The school is not required to retain a copy on file. Agencies may operate the 'three-month rule' ie people supplied to work in schools can move from one placement to the next relying on the same criminal record check unless they leave the schools' workforce for three months or more, in which case a new criminal record check must be obtained before the next school placement. The criminal record certificate shown to the school must be no more than three months old, unless the three-month rule applies.

Additionally, in having regard to KCSIE, the agency should take up references, obtain a declaration of medical fitness, check previous employment history and, if applicable, check whether the person is disqualified from childcare under the Childcare Act 2006.

The identity of supply staff must be checked on arrival at school to ensure that they are the same person on whom checks have been carried out.

8 Contractors

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

The School will independently verify the identity of individuals supplied by contractors and requires the provision of the DBS disclosure certificate before those individuals can commence work at the School.

9 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 set out in paragraph 5 above will be applied to all volunteers).

The School will request an enhanced 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

10 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 usual Visiting Speaker Policy. 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 Visiting Speaker Policy, 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 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.

11 Policy on recruitment of ex-offenders

11.1 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 11.2 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 (see section 6.5.1 above).

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.

11.2 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.

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.

11.3 Assessment procedure

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Bursar and the Head 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.

11.4 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.

12 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 with all leavers.

13 Referrals to the DBS and Teaching Regulation Agency

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

- has applied for a position at the School despite being barred from working with children; or
- has been 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 Teaching Regulation Agency.

14 Queries

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

Appendix 1 List of valid identity documents

Group 1: primary identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence (photocard - full or provisional (UK / Isle of Man / Channel Islands and EEA)
- birth certificate - issued within 12 months of birth (UK, Isle of Man and Channel Islands - 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 (photocard - full or provisional (all countries outside the EEA excluding Isle of Man and Channel Islands)
- current driving licence (paper version; UK / Isle of Man / Channel Islands and EEA; full or provisional)
- birth certificate - issued after time of birth (UK, Isle of Man and Channel Islands)
- marriage / civil partnership certificate (UK and Channel Islands)
- immigration document, visa or work permit (issued by a country outside the EEA. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non EEA country in which the role is based)
- HM Forces ID card (UK)
- fire arms licence (UK, Channel Islands and Isle of Man)

All driving licences must be valid.

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 statement (countries outside the 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)**
- 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 council giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs, Jobcentre, Jobcentre Plus, Social Security (UK and Channel Islands) *
- EEA national ID card (must be valid at time of application)
- Irish passport card (cannot be used with an Irish passport; 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 Head or College Principal (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