

RECRUITMENT, SELECTION AND DISCLOSURE POLICY AND PROCEDURE

including Policy on Recruitment of Ex-offenders

1 Introduction

New Hall School (**School**) is committed to providing the best possible care and education to its students and to safeguarding and promoting the welfare of children and young people. 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. At the heart of our foundation is the faith that is essential to the character of the School. While the School is a Catholic community, it welcomes staff of different religious beliefs (subject to clauses 3.2) who support its ethos. We strive to provide equality of opportunity and create an inclusive community, within the context of a selective Catholic independent boarding and day school.

The aims of the School's Recruitment, Selection and Disclosure 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* (**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**)
- 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

*As a Catholic independent school, however, certain posts are reserved for practising Catholics. In addition, key pastoral and boarding roles require a particular level of knowledge and understanding of Catholic teaching and liturgy. For other posts, there is no discrimination on the basis of religion.

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

2 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.

3 Recruitment and selection procedure

3.1 Advertising

All recruitment exercises must be planned and timetabled to ensure the School recruits the best possible staff.

Prior to the commencement of any recruitment exercise a Job Description and Person Specification should be prepared for the vacant role. This will confirm that there is a genuine need for recruitment, and will assist the School in ensuring that the most appropriate candidate is recruited for the role. A detailed timetable for the recruitment process, including the placing of the advertisement and details of the personnel to be involved in the process should be drawn up and approved by the HR Committee before the vacancy is advertised. The HR Department is responsible for all advertised vacancies at the School.

No advertisements should be published until approved by the HR Committee. This applies to internal as well as external advertisements.

Inappropriate or poorly worded advertisements can give rise to legal claims against the School. Anyone placing an advertisement in breach of this policy will be subject to the School's disciplinary procedure.

All adverts must carry the following information:

"The School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Applicants will be required to undergo child protection screening appropriate to the post, including checks with past employers and the Disclosure and Barring Service (DBS)."

3.2 Job details and Application Form

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 (CV) will not be accepted in place of the completed Application Form. There are two types of the Application Form templates, one for teaching staff and one for support staff.

The School will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Applicants will receive a job pack which will include the Job Description and Person Specification for the role applied for. Application Forms, Job Description s, person specifications and the School's Safeguarding & Child Protection Policy are available to download from the School's website and can be printed and forwarded to applicants on request.

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.

A high level of professionalism will always be sought from all staff. Teaching staff must not only be experts in their subject areas but also aware of and concerned for the total development (academic, emotional, physical and spiritual) of young people.

All appointments will be considered against the distinctive nature of the School i.e.

- a Catholic school
- an independent school
- a boarding and day school
- a selective school with high academic standards

On account of the Catholicity of the School and wider commitment to Catholic education, the Governors pay attention to national policy for Catholic schools, as stated from time to time, with regard to reserving particular posts for practising Catholic teachers. This means that the posts of Principal, Deputy Principal, as well as Head of Theology, Theology Teachers (unless with the express permission from the Diocese), Subject Leaders for RE, Chaplain and the Head of Chaplaincy will be reserved for practising Catholics, which will be made explicit when advertising these posts. These posts will be re-advertised if a suitable Catholic applicant is not found.

It is expected that all staff, regardless of their religious affiliation, will not only support the particular ethos of the School but will attempt to contribute to the building up of that ethos by the living out of the Mission & Ethos Statement and the School's Aim and Objectives. All members of staff are involved in the pastoral care of students and all teachers will be expected to act as tutors.

New Hall is committed to increasing representation of Black, Asian and Minority Ethnic backgrounds among staff across all roles and at all levels, to reflect our diverse student population. Applications from practising Catholics are particularly welcome. The School's Equal Opportunities Policy is available on the School's website.

3.3 Interview Shortlist

The relevant SLMT member, or line manager for support staff, will shortlist applications as soon as possible after the closing date. The HR Department will check all applications for any anomalies or gaps in employment or education for the shortlisted candidates. Incomplete applications should not be accepted.

3.4 References

Teaching Staff: Standard 'reference request' letters should be sent out prior to final interview to all shortlisted teaching candidates' referees, as named on their Application Form. There are two types of reference request letters, one for employers and a character reference for personal referees or ministers of religion.

Support staff: References are sought prior to interview unless permission is not granted; in this instance references are sought immediately once the preferred candidate is agreed.

Standard reference forms must be used which assess suitability to work with children as well as suitability for post. To whom it may concern or open references will not be accepted.

3.5 Interview

The School will short list applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Depending on the number of

applications, there may be two rounds. The first round applicants will be invited to attend an initial interview at which his/her relevant skills and experience will be discussed in more detail. This may take place via video conference. The applicant may then be invited to attend a second round interview, which will include a formal interview, a tour of the School, lesson observation, if applicable. Refreshment/lunch will be provided. A programme for the day should be issued to each candidate in advance. It is good practice to involve students and departmental staff in the recruitment process for teachers. Shortlisted teaching candidates should be observed in their interaction with children.

All applicants should also be sent the Safeguarding & Child Protection Policy. Teaching staff will be informed of the relevant lesson they will be required to teach. If the interview date is very close then candidates should be telephoned and emailed. All shortlisted applicants will be tested at interview about their suitability to work with children.

A minimum of two members of staff must be on the interview panel. For teaching posts, normally the Principal would be a panel member, though this role may be delegated to the Deputy or Vice Principal. Interview questions should be decided by the panel in advance, using the standard guidance from the HR Department. Safer recruitment interview questions must be asked to all candidates as these explore issues related to safeguarding and promoting the welfare of children. Panel members must use the interview sheet to record answers. At least one member of the panel must have had Safer Recruitment training.

Reasons for repeated changes of employment without any clear career move or salary progression, or a mid-career move from a permanent post to temporary/supply work will be explored and verified at interview. If the candidate has declared a Criminal Record, the panel should discuss this with the candidate

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

The School requests that all candidates invited to interview also bring with them:

1. A current driving licence including a photograph or a passport or a full birth certificate
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Where appropriate any documentation evidencing a change of name;

Candidates with a disability who are invited to interview should inform the School of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

The Chair of Governors (the Chair) should chair the panel for the Principal's, Deputy Principal's, Head of Finance and Chaplain's appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

3.6 Verbal Job Offer

If it is decided to make an offer of employment following the formal interview, the successful candidate should be telephoned by the appropriate SLMT member/member of the HR Department and advised they are the preferred candidate, subject to references. If a verbal acceptance of the post is given then any missing references must be pursued immediately prior to confirming any offer and advising any unsuccessful candidates. A standard letter for unsuccessful candidates will be issued by the HR Department. If the successful applicant is taking time to consider the offer, the second candidate should be held in reserve. Feedback is given, if requested, and will always be offered to internal candidates.

3.7 Written Job Offer

The HR Department will send a conditional offer letter and pack to the successful candidate as soon as possible. All 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 & 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 section 4.3.2 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 section 4.3.2 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 4.6 below)
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 4.7 below)
- verification of the applicant's medical fitness for the role (see section 4.8 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 reserves the right to withdraw a job offer if an applicant has concealed/omitted information or made a false declaration as part of their job application and/or if the applicant does not satisfy the School's pre-employment checks.

***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.**

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.

Contracts will issued once all checks have been completed. There are standard contracts of employment for teaching staff and support staff. All contracts are created by the HR Department.

4 Pre-employment checks

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations 2014 and the Boarding schools: National Minimum Standards, 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.

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.

4.1 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.

The School asks for this information at interview to ensure that the person attending interview is who they claim to be, to ensure that they are permitted to work for the School if appointed and that they hold the qualifications that have been requested (if any).

4.2 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. A character reference will be requested for personal referees or ministers of religion. 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 7 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 7 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.

In exceptional circumstances, for support staff, if written references have not been received shortly prior to the start date, verbal references must be sought and signed notes placed on file as an interim to receiving hardcopy.

4.3 Criminal records checks

The School uses an online provider to carry out DBS checks. The HR Department stores all DBS paperwork in accordance with DBS guidelines and supplies relevant parties with a list of all completed disclosures. Disclosure certificates are sent directly to the individual but the original must be seen and signed by a member of the HR Department.

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.

4.3.1 DBS filtering rules

With effect from 29 May 2013, the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The filtering rules developed by the DBS and the Home Office designate certain spent convictions and cautions as "protected". "Protected" convictions and cautions are not included in a DBS certificate and job applicants are not required to disclose them during the recruitment process. It is unlawful for an employer to take into account a conviction or caution that should not have been disclosed. If a protected conviction or caution is inadvertently disclosed to the School during the recruitment process it must be disregarded when making a recruitment decision.

A conviction will always be disclosable if it was imposed for a "specified offence" committed at any age. A caution issued for a "specified offence" committed over the age of 18 will always be disclosable. However, a caution issued for a "specified offence" committed under the age of 18 is never disclosable. "Specified offences" are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults. 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 filtering rules have recently been updated and work as follows:

- **For those aged 18 or over at the time of an offence:** A spent criminal conviction for an offence committed in the United Kingdom when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by the job applicant) if:
 - (a) eleven years have elapsed since the date of the conviction;
 - (b) it did not result in a custodial sentence; and
 - (c) it was not imposed for a "specified offence".

A spent caution for an offence committed when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- (d) six years have elapsed since the date it was issued; and
- (e) it was not issued for a "specified offence".

- **For those aged under 18 at the time of an offence:** A spent conviction for an offence committed when a person was under the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:
 - (a) five and a half years have elapsed since the date of the conviction;
 - (b) it did not result in a custodial sentence; and
 - (c) it was not imposed for a "specified offence"

A caution issued for an offence committed when a person was under the age of 18 will never be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant).

4.3.2 *Regulated activity*

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. Any position undertaken at, or on behalf of the School will amount to "regulated activity" if it is carried out:

- (a) frequently, meaning once a week or more; or
- (b) overnight, meaning between 2.00am and 6.00am; or
- (c) satisfies the "period condition", meaning four times or more in a 30 day period; and
- (d) 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.

4.3.3 The DBS disclosure certificate

The DBS issues the DBS 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 the HR Department 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 HR Department. 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.

4.3.4 Starting work pending receipt of the DBS disclosure

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 Banned List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place, and is only relevant for posts that do not involve boarding or working with children under the age of 5. This should be determined through risk assessment.

4.3.5 Applicants with periods of overseas residence

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.

For applicants who are living overseas, or who have lived overseas previously, obtaining a DBS certificate may be insufficient to establish their suitability to work at the School. In such cases the applicant will be required to provide additional information about their suitability from the country (or countries) in which they have lived. The School's policy is to request such information from each overseas country in which the applicant has lived including their country of origin.

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

The School recognises that formal checks are not available from some countries, that they can be significantly delayed or that a response may not be provided. In such circumstances the School will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country. If a satisfactory reference is obtained the School may allow the applicant to commence work pending receipt of the formal check if the applicant is considered suitable on the basis of the information the School has obtained. All suitability assessments must be documented and retained on file. Continued employment will remain conditional upon the School being provided with the outcome of the formal check and it being considered satisfactory by the School.

If the formal check is delayed and references are not available, the applicant's proposed start date may be delayed until the formal check is received.

If no information is available from a particular country the School will carry out an assessment of whether the applicant is suitable to work at the School on the basis of all other suitability information that has been obtained. The School will take proportionate risk based decisions on a person's suitability in such circumstances. All suitability assessments must be documented and retained on file.

4.4 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 Teaching Regulation Agency 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 Teaching Regulation Agency (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 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 students
- delivering lessons to students
- assessing the development, progress and attainment of students; and
- reporting on the development, progress and attainment of students.

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.

4.5 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:

- Principal
- teaching posts on the Senior Leadership & Management Team (SLMT)
- teaching posts which carry a departmental head role
- support staff posts on the SLMT
- appointments to the governing body
- 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.

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.

4.6 Disqualification from acting as a charity trustee or senior manager

4.6.1 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.

4.6.2 *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 Principal, Head of Finance and potentially other senior staff who report directly to the Governors.

4.6.3 *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.

4.6.4 *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
- (c) and the register of persons who have been removed as a charity trustee

4.6.5 *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.

4.7 **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.

4.7.1 *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.

4.7.2 *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.

4.7.3 *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
- (e) having been prohibited, restricted or disqualified from private fostering

4.7.4 *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 4.3.1 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".

4.7.5 *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.

4.7.6 *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.

4.7.7 *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.

4.8 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 the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. The questionnaire will be reviewed by the Chair/Principal in consultation with the School's Health Centre Manager, as required. 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.

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, or to attend an occupational health assessment to consider their fitness for the role, they should contact the HR Department so that appropriate arrangements can be made.

The 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.

5 Contractors and agency staff

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.

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 confirmation that these checks have been completed before an individual can commence work at the School.

The School will independently verify the identity of individuals supplied by contractors or an agency in accordance with section 4.1 above and requires the provision of the DBS disclosure certificate before those individuals can commence work at the School.

6 Volunteers

The School will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with students at or on behalf of the School (the definition of regulated activity set out in section 4.3.2 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 students in their care.

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

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.

7 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 students, 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 & Child Protection 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 Management Reviews.

8 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
- 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.

9 Queries

If an applicant has any queries on how to complete the Application Form or any other matter s/he should contact the HR Department, Principal or Head of Finance.

10 Policy on Recruitment of Ex-offenders

10.1 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 8.2 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 4.3.1 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
- it has serious concerns about an applicant's suitability to work with children

10.2 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.

10.3 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 Principal 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.

10.4 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.

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