

Safer Recruitment Policy

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Tick relevant box(es) ✓ how this Policy should appear:

Inspector Folder		✓
Website	Upload	
	Signpost	✓
Internal only		
Parent Portal		
For Pupils/Students		

Safer Recruitment Policy

Introduction

Bedales 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.

Bedales Schools recognises that the safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of children in education and, in line with legislative requirements, the School takes very seriously its duty of care for all pupils.

In order to help safeguard and promote the welfare of all its pupils, the School is committed to a thorough and consistent Safer Recruitment Policy and, as an employer, the School expects all staff and volunteers to share this commitment.

No employee can start work within any post until **all** the pre-employment checks relevant to their post have been completed.

Aims & objectives

The purpose of the Safer Recruitment policy is to detail the procedures the School has in place for appointing staff which help deter, reject or identify people who might abuse pupils or are otherwise unsuited to working with them.

The aims of the School's safer recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the post;
- to ensure that all job candidates are considered equally and consistently;
- to ensure that no job candidate 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 Education (Independent School Standards) Regulations 2014 (ISSRs), the statutory guidance published by the Department for Education (DfE), *Keeping children safe in education* (1 September 2022) (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 prior to the employee's start date.

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

The School has a principle of open competition in its approach to recruitment and will seek to recruit the best candidate for the job.

The recruitment and selection process will ensure the identification of the person best suited to the job at the School based on the candidate's abilities, qualification, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance.

The school uses a competency based recruitment approach for both internal and external recruitment campaigns.

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. 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 Data Protection Policy.

Conflicts of interest

If a member of staff involved in the recruitment process is known to the candidate or has a personal friendship or familial relationship with a candidate they must declare it as soon as they are aware of the individual's application.

To avoid any undue influence on the selection process or accusations of bias, the member of staff would not be involved in the selection or shortlisting of candidates and would have restricted involvement in the recruitment and selection decision-making process.

Any concerns regarding conflicts of interest should be discussed with the Recruitment Team at the earliest opportunities and before the selection process has started.

The recruitment process

All external candidates for employment will be required to complete either an online **application form** via our recruitment portal or a paper form (which mirrors the on-line application form) which contains questions about their academic and employment history and their suitability for the role. The candidate automatically has access to their application form up until the advert closing date. Incomplete applications after the closing date are not included within the selection process. A curriculum vitae will not be accepted in place of the completed application form.

Shortlisted candidates will be asked to sign their on-line Application Form at interview.

Job description & Terms & Conditions

All posts have a job description & person specification which includes details on:

- the reporting structure;
- the tasks and responsibilities within the post;
- Safeguarding responsibilities of the post;
- whether the post is in regulated activity;
- training for the post – Induction, Mandatory and Safeguarding;
- the required Suitability Checks;
- Person Specification;
- competencies against which performance is measured.

All posts have outline terms & conditions which confirms information on:

- salary;
- appointment type of the post – full time, part time etc.
- hours and weeks of work;
- additional benefits

All posts are advertised with the above two documents available to candidates, along with a copy of this Safer Recruitment Policy; which is available to download from the Bedales School website.

Job Descriptions and Outline Terms & Conditions are drawn up by the Recruiting Manager with support and guidance by the Recruitment & Compliance Team. These are authorized by the Bursar / Head of HR as part of the Recruitment Authorisation Process.

Advertising

All posts are either advertised and managed via the School on-line recruitment portal or are advertised internally only on the school intranet for a minimum period of 5 working days. Posts can be advertised internally and externally or internally only.

Internal adverts are posted each Monday, during term time, on the Job Vacancies page on the School Intranet after 12.00noon. A whole School email is issued following publication to alert members of staff to the update.

By applying through the on-line portal, prospective candidates will have access, as a minimum, to the following:

- a job description and person specification for the post;
- the school's Child Protection & Safeguarding policy;
- the school's Safer Recruitment Policy (this document);
- the closing date for applications and likely interview dates / timelines.

Advertisements for posts, whether in newspapers, journals or on-line, will include the statement:

"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.

Candidates will be required to undergo child protection screening appropriate to the post, including checks with past employers, the Disclosure and Barring Service (DBS), Prohibition from Teaching Checks, Prohibition from Management Checks.

The safeguarding responsibilities of the post include:

- Safeguarding and promoting the welfare of children;
- fostering a culture of openness, safety, equality and protection;
- providing a safe and welcoming environment where both children and adults feel secure, able to talk and believe that they are being listened to;
- playing a key role in prevention of harm and an equal responsibility to act on any suspicion or disclosure that may indicate a child is at risk of harm;
- When concerned about the welfare of a pupil, acting in the best interests of the pupil.

All staff have a key role to play in identifying concerns early and in providing help for children and are expected to act in accordance with the school Safeguarding & Child Protection Policies.

The post is exempt from the Rehabilitation of Offenders Act 1974 and the School is therefore permitted to ask job candidates to declare all convictions and cautions (including those which are "spent" unless they are "protected" under the DBS filtering rules) in order to assess their suitability to work with children."

Changes to job descriptions & Terms & Conditions after advertising & prior to, or during the selection & appointment process

Where changes to job descriptions or Terms & Conditions are proposed partway through the Selection & Appointment Process i.e. after advertising, and where this materially affects the following:

- the appointment type i.e. Full Time to Part Time or vice versa, Part Year to Full Year or vice versa etc.
- the Grade of the post – an increase to a higher grade or a revision to a lower grade
- a change to the working pattern

the post must be withdrawn and re-advertised for a minimum of 5 days / one working week using the same media as originally advertised, in compliance with our Equality & Diversity Policy to allow candidates who would have applied for the post if it had originally been advertised on the revised basis.

Changes to post will also require new authorisation by The Bursar / Head of HR.

Pre-employment checks

In accordance with the recommendations set out in KCSIE and the requirements of the ISSRs and the Boarding schools: national minimum standards the School carries out a number of pre-employment checks in respect of all prospective staff.

In addition to the checks, 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, gender reassignment, disability or age.

The selection process

Selection techniques for each post will be determined by the nature and duties of the vacant post.

Telephone or TEAMS interviews may be used to informally discuss applications with candidates.

The School will conduct a shortlisting exercise to determine which candidates will be invited for **formal shortlist interview**. The shortlisting exercise will usually be conducted by the Recruiting Manager and another member of staff who will ideally also be involved in the shortlisting interview process.

Shortlisted candidates will be invited to attend a **formal interview** at which their skills and experience will be discussed in more detail. All shortlisted candidates will be tested at interview about their suitability to work with children via a Suitability Interview.

All shortlisted candidates will be required to complete a Suitability Self-declaration prior to interview in which they will be asked to provide information about their criminal records history and other factors relevant to their suitability to work with children.

Where relevant, all shortlisted candidates must also complete the section on the form relating to the Childcare Disqualification Regulations 2009. This is to cover circumstances where the individual has a conviction that may result in them being barred from working with children or someone living at the same residential address is barred from working with children. Where a positive declaration is made, a waiver must be applied for from Ofsted, and be satisfactorily granted, before the candidate may be offered a post. This applies to:

- Early Years provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later Years provision (for children under 8) - staff who are employed to work in childcare provided by the School outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school care.

This information will be considered and discussed with candidates at the Suitability Interview. The Suitability Interview will be completed by the Recruitment & Compliance Team with all short-listed external candidates to test their suitability to work with children (as internal candidates will have already had this interview completed for their current post) during which, in addition to other statutory checks, the candidate will be required to:

- explain to the satisfaction of the School, any gaps in employment;
- explain to the satisfaction of the School, any anomalies or discrepancies in the information declared on their application form, self-declaration form or on references;
- declare any information that is likely to appear on a DBS check;
- confirm their medical fitness to undertake the post;
- demonstrate their capacity to safeguard and protect the welfare of children and young people.

Pre-employment checks at formal interview

All Candidates short listed for formal interview are required at the formal interview stage to:

- provide proof of identity, including any changes to name / surname;
- provide proof of address;
- provide original copies of certificates of professional qualifications necessary for the post for 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;
- provide proof of their right to work in the United Kingdom;
- complete a Suitability Declaration Form.

Candidates must always provide their birth certificate as one form of identity unless there is good reason why this cannot be provided. The School asks for the date of birth of all applicants in order to verify identity and check for any unexplained discrepancies in the employment and education history. The School does not discriminate on the grounds of age.

Right to work in the UK: all applicants must also bring to interview a valid form of evidence which confirms their right to work in the UK. Valid forms of evidence can be found in the Home Office 'Right to Work Checklist': ([Right to work checklist \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612217/right-to-work-checklist.pdf)).

The School will check this evidence in accordance with the Home Office 'Code of Practice on preventing illegal working: Civil penalty scheme for employers: 1 July 2021' ([Code of practice on preventing illegal working \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612217/code-of-practice-on-preventing-illegal-working.pdf)).

Pre-employment checks at short listed formal interview stage

The school will conduct the following pre-employment checks at the short-listed formal interview stage:

- Suitability Self-Declaration
- verification of the applicant's identity & right to work;
- verification of qualifications;
- verification of the applicant's employment history

All candidates will be required to bring their identification documentation to the interview, such as passport, birth certificate, change of name documentation, driving license etc. as proof of identity/eligibility to work in UK in accordance with the requirements set out in the Immigration, Asylum and Nationality Act 2006 and DBS Code of Practice Regulations.

References

As all offers are conditional upon receipt of satisfactory references, the School will seek to take up references on the offered candidate.

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 that the applicant is unsuitable to work with children. If the referee is a current or previous employment reference, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title, reason for leaving, performance 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 unsubstantiated, unfounded, false 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 unsubstantiated, unfounded, false or malicious
- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at below).

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.

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 disadvantage an applicant although additional references may be sought before an appointment can be confirmed at the discretion of the school.

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

The School treats all references given or received as confidential which means that the applicant will not usually be provided with a copy.

All references received from a school must be countersigned by the Head of that school for teaching posts.

All internal candidates who apply for a new permanent role that is more senior than their current post at the School will have their application assessed in accordance with this procedure. References may be taken up on internal candidates as part of the application process and can be provided by colleagues; as the School will be the most recent employer and references from past employers will have been taken up prior to employment.

Offers of employment

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

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment
- verification of the applicant's identity (where that has not previously been verified)
- 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" the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List*
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School
- confirmation that the applicant is not disqualified from acting as a trustee / governor or senior manager of a charity under the Charities Act 2011 (if applicable)
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable)
- verification of the applicant's medical fitness for the role (see section 0 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. 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.

The school will complete all remaining pre-employment checks, not completed at the shortlisting stage after offer and before the candidate can commence employment.

Individuals who have lived or worked outside the UK

When an offered candidate has lived or worked (including studying) in a foreign country for a period of 3 months or more within the last 5 years, a Certificate of Good Conduct will be obtained (where possible) from the embassy of the country in which the offered candidate has specified they have spent a significant period of time.

There are some exemptions to this:

- Where the candidate is an existing employee and has already provided the certificate, which can be used for future appointments providing that there is no break in service.
- Candidates that have spent time overseas as part of Her Majesty Service i.e. Army, Navy, Airforce.
- Candidates that are seeking asylum, as contacting the embassy may jeopardise their safety.

If a candidate is unable to provide a Certificate of Good Conduct, evidence must be presented to show that an attempt to obtain a copy has been made.

Any costs incurred for obtaining a Certificate of Good Conduct must be met by the offered candidate and will not be reimbursed.

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.

In addition, where an applicant for a teaching position has worked as a teacher outside of the UK, the School will ask the applicant to obtain from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher, evidence which confirms that they have not imposed any sanctions or restrictions on the applicant and that they are not aware of any reason why the applicant may be unsuitable to work as a teacher. The School will also ask shortlisted applicants (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work.

Sanctions and restrictions issued by the regulating authority of another country will not prevent a person from working as a teacher at the School. However, the School will take all relevant information into account in determining whether an applicant is suitable to work at the School.

The School may allow an applicant to commence work pending receipt of a formal check from a particular country if it has received a reference and/or letter of professional standing from that country and considers the applicant suitable to start work. Decisions on suitability will be based on all of the information that has been obtained during the recruitment process. Unless expressly waived by the School, continued employment will remain conditional upon the School being provided with the outcome of the formal check and it being considered satisfactory.

If no information is available from a particular country the School may allow an applicant to commence work if they are considered suitable based on all of the information that has been obtained during the recruitment process.

The School will take proportionate risk based decisions on a person's suitability in these circumstances. All suitability assessments must be documented and retained on file

If the formal check is delayed and the School is not satisfied about the applicant's suitability in the absence of that information, the applicant's proposed start date may be delayed until the formal check is received.

Criminal Records Checks

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.

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:

- (f) five and a half years have elapsed since the date of the conviction;
- (g) it did not result in a custodial sentence; and
- (h) 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).

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:

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

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.

A convenient time and date for bringing the certificate into the School should be arranged with the Recruitment Team as soon as it has been received and in any case prior to the first day of work / on the first working day.

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

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.

In addition the School asks all shortlisted applicants to declare 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.

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 applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012, which state 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.

In addition to the role of "teacher" the school policy is to conduct a Prohibition from Teaching Check on all roles that support pupils within a classroom setting including teaching assistants, coaches and instructors, technicians etc.

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 section 128 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:

- Heads
- Teaching posts on the senior leadership team
- Teaching posts which carry a departmental head role; and
- Support staff posts on the senior leadership team

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 staff roles which carry additional responsibilities.

All individuals who are appointed to the governing body will be subject to a section 128 direction check.

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 shortlisted applicants to declare 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.

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 or not 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.

Disqualification from acting as a charity trustee or senior manager

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.

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, Bursar and potentially other senior staff who report directly to the governors.

There is no single list or register that covers all of the disqualification criteria and the School therefore adopts a pragmatic approach to checking whether a person is disqualified. This is achieved by the use of a self-declaration form and the checking of relevant publically accessible registers including:

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

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.

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.

Definitions

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

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.

Relevant roles which will be covered by the Regulations

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.

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.

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:

- having been cautioned (after 6 April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;
- various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;
- having been refused an application for registration of a children's home or having had any such registration cancelled; or
- having been prohibited, restricted or disqualified from private fostering.

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. 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:

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

Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.

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".

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.

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.

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.

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 Self-Declaration Medical Form.

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, and 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.

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.

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 and requires the provision of the DBS disclosure certificate before those individuals can commence work at the School.

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 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 suitability interview.

Visiting speakers and the Prevent Duty

The Prevent Duty Guidance requires the School to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

The School is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the School or perform any other regular duties for or on behalf of the School.

All visiting speakers will be subject to the School's usual visitor's protocol. This will include signing in and out at Reception, the wearing of a visitors badge at all times and being escorted by a fully vetted member of staff between appointments.

The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and / or permit a speaker to attend the School. In doing so the School will always have regard to the visitors' 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, gender reassignment, disability or age.

Policy on recruitment of ex-offenders

Background

The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The School makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the School. Each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the School to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the School. The School will make a report to the police and / or the DBS if:

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

Assessment criteria

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question
- the seriousness of any offence or other matter revealed
- the length of time since the offence or other matter occurred
- whether the applicant has a pattern of offending behaviour or other relevant matters
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.

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

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

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.

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

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

Retention and security of disclosure information

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

Referrals to the DBS and Teaching Regulation Agency

This policy is primarily concerned with the promotion and practice of safer recruitment. However, applicants should also be aware that the School has legal responsibilities to fulfil when employment comes to an end. In particular, the School has a legal duty to make a referral to the DBS where:

- an individual has applied for a position at the School despite being barred from working with children; and / or

- an individual 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.

The DBS will consider whether to impose sanctions on that individual which may restrict or prevent them from working with children in future.

In addition, if a teacher is dismissed because they are found to have committed serious misconduct, or they have breached the Teachers' Standards, or they resign prior to dismissal on such grounds, the School will make a referral to the Teaching Regulation Agency.

The Teaching Regulation Agency will consider whether to impose a prohibition from teaching order.

Single Central Record

All pre-employment checks will be recorded on the Single Central Record maintained and updated by The Recruitment & Compliance team and the HR Team. The single central record must cover all staff (including supply staff, and teacher trainees on salaried routes) who work at the School. Dated confirmation that these checks have been carried out must be logged on this record for all employees and workers of the school.

Induction

The School recognises that safer recruitment and selection is not just about the start of employment, but should be part of a larger policy framework for all staff. The School will therefore provide ongoing training and support for all staff.

All staff who are new to the School will receive induction training that will include the school's safeguarding policies and guidance on safe working practices. Induction training is the responsibility of the employee's line manager.

All staff 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 Child Protection and Safeguarding Policy and the Staff Code of Conduct). All staff receive training so that they understand the School's expectations.

Regular probation meetings will be held during the first 6 months/two terms of employment between the new employee(s) and the appropriate manager(s).

Making this policy work

This policy is updated and reviewed in accordance with legislative changes by the HR Manager and by the Head of HR. Recommendations for any amendments are reported to The Bursar.

The School will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.

Updates to this Policy

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