

RECRUITMENT, SELECTION AND DISCLOSURE POLICY AND PROCEDURE (INCLUDING SAFER RECRUITMENT & RECRUITMENT OF EX-OFFENDERS)

New Hall 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 working environment to all its staff. The School recognises that, in order to achieve this aim, it is of fundamental importance to attract, recruit and retain staff of the highest calibre, who share this commitment. Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with, and complying with, the provisions of this Policy. 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 Section 1, clauses 3.3 and 3.4) 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 this 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 age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation
- 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 2023) (**KCSIE**), *Disqualification under the Childcare Act 2006* (**DUCA**), the *Prevent Duty Guidance for England and Wales 2015* (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and;
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

*As a Catholic independent school, however, certain posts are reserved for practising Catholics (see Section 1, clauses 3.3 and 3.4). In addition, key pastoral and boarding roles require a particular level of knowledge and understanding of Catholic teaching and liturgy.

SECTION 1: RECRUITMENT & SELECTION PROCEDURE

1 Advertisements

- 1.1 If a vacancy is identified, a Recruitment Request Form should be completed. This should be submitted to the HR Department for approval by the HR Committee.
- 1.2 Vacancies will be advertised internally. Vacancies will also be advertised externally.
- 1.3 All adverts will use a standard template. The advert must contain the School's statement on safeguarding and promoting the welfare of children. All adverts will be posted on the School website. All teaching staff vacancies should be posted on TES. Where appropriate, adverts may also be placed on the following websites: ISBA, BSA, CISC and ISC. In all cases, advertisements will be placed in the most appropriate medium.

2 Job Details and Application Form

- 2.1 All vacancies will have a job details pack, which will include a person specification and information about the role. The relevant member of the Senior Leadership & Management Team (SLMT) is responsible for creating or amending the job details and liaising with the HR Department. The HR Committee carries out the final check.
- 2.2 The job details pack, Application Form and the School's *Safeguarding & Child Protection Policy and Procedures* will be displayed on the School website for each vacancy and are available for applicants to download.
- 2.3 There are two Application Form templates, one for teaching staff and one for support staff. The Application Form templates are maintained by the HR Department.
- 2.4 All applicants must complete the Application Form containing questions about their academic and employment history, and their suitability for the role. 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 a completed Application Form.

3 Person Specification

- 3.1 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.
- 3.2 All appointments will be considered against the distinctive nature of the School, i.e., as:
 - a Catholic school
 - an independent school
 - a boarding and day school
 - a selective school with high academic standards
- 3.3 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 the posts of Principal, Deputy Principal, as well as Head of Theology, Teachers of Theology (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.

- 3.4 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.

4 Interview Shortlist

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

5 Invitation to Interview

- 5.1 Shortlisted candidates will be invited to interview via a standard 'invitation to interview' email. All applicants will also be sent the School's *Safeguarding & Child Protection Policy and Procedures*. Teaching staff will be informed of the lesson that they will be required to teach. If the interview date is very close, then candidates should also be telephoned in advance of the email. The invitation should remind candidates about how the interview will be conducted and the areas it will explore, including suitability to work with children. If the interview is being conducted at the School, the invitation should be sent out with directions to New Hall, and requesting for candidates to inform the HR Department of any adjustments that they may wish to be considered.
- 5.2 The invitation should also emphasise that the identity of the successful candidate will need to be checked thoroughly. All candidates should be instructed to bring with them documentary evidence of their identity that will also satisfy their right to work in the UK, and relevant qualifications to the interview. A member of the HR Department, or member of staff assisting with the interview day, must sight, take a certified copy, and retain this information.

6. References

- 6.1 **Teaching Staff:** Standard 'reference request' emails should be sent out prior to interview to all shortlisted teaching candidates' referees, as named on their Application Form. There are two types of reference requests; one for employment references and one for character references for personal referees or ministers of religion.
- 6.2 **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.
- 6.3 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.

7 Interview Day

- 7.1 An interview day should be arranged to include a tour of the School, appropriate refreshments/lunch, a lesson observation (if applicable), an in-tray exercise (if applicable) and a waiting room/Reception area. A programme for the day should be issued to each candidate. Reception and all interviewers/tour guides should also be given a copy. Arrangements will be made for the day to take place remotely, where required.
- 7.2 It is good practice to involve students and departmental staff in the recruitment process for teaching staff. Shortlisted teaching candidates should be observed in their interaction with children.

8 Interview Panel

- 8.1 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 Principal or Vice Principal. Interview questions should be decided by the panel in advance, using 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 completed Safer Recruitment training.**
- 8.2 If the candidate has declared a criminal record, the panel should discuss this with the candidate.

9 Verbal Job Offer

- 9.1 Following interviews, the successful candidate should be telephoned by the appropriate SLMT member/member of the HR Department and advised that they are the preferred candidate, subject to references. If 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 email 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, where possible and if requested, and will always be offered to internal candidates.

10 Written Job Offer

- 10.1 The HR Department will send a conditional offer letter and new joiner pack to the successful candidate as soon as possible.
- 10.2 All offers will be conditional upon the following:
- 10.2.1 the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment
 - 10.2.2 verification of the applicant's identity (where that has not previously been verified)
 - 10.2.3 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
 - 10.2.4 verification of the applicant's employment history
 - 10.2.5 the receipt of two references (one of which must be from the applicant's most recent employer), which the School considers to be satisfactory

- 10.2.6 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
 - 10.2.7 for applicants who have carried out teaching work outside the UK, evidence from the professional regulating authority of the teaching profession in each country they have worked as a teacher which confirms that they are not subject to any sanctions or restrictions, and that there are no concerns over their suitability to work as a teacher
 - 10.2.8 where the position amounts to “regulated activity”, the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory
 - 10.2.9 where the position amounts to “regulated activity”, confirmation that the applicant is not named on the Children’s Barred List*
 - 10.2.10 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
 - 10.2.11 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
 - 10.2.12 confirmation that the applicant is not disqualified from acting as a trustee/governor or senior manager of a charity under the Charities Act 2011
 - 10.2.13 confirmation that the applicant is not disqualified from working in connection with early or later years provision
 - 10.2.14 verification of the applicant’s medical fitness for the role
 - 10.2.15 verification of the applicant’s right to work in the UK; and
 - 10.2.16 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
- 10.3 Contracts of employment will be issued once all checks have been completed. There are standard contracts of employment for teaching staff and support staff. All contracts of employment are created by the HR Department.
- 10.4 Offer letters should be sent out with details of the online DBS form.

11	Barred List Checks
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- 11.1 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.
- 11.2 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.

- 11.3 If the candidate is found to be on the Children's Barred List, or the DBS disclosure shows they have been disqualified from working with children, or an applicant has provided false information/there are serious concerns about suitability to work with children, the facts must be reported to the Police and/or the Disclosure and Barring Service.

12 Medical Fitness

- 12.1 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.
- 12.2 It is the School's practice that all applicants to whom an offer of employment is made must complete a Medical Questionnaire. Information contained in the questionnaire 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, co-curricular activities, layout of the School. If there are any doubts about an applicant's fitness, the School will seek further medical opinion from a specialist or request that the applicant undertakes a full medical assessment. The School will consider reasonable adjustments in consultation with the applicant.
- 12.3 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.
- 12.4 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.

SECTION 2: PRE-EMPLOYMENT CHECKS

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.

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 age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

1 Online Searches

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. In accordance with paragraph 221 of **KCSIE**, this will include online searches on shortlisted candidates (**online searches**). The online searches the School carries out may include searches of internet search engines, websites and social media platforms. Applicants are asked in the application form to provide details of their online profile, including account names, social media and professional networking site handles and details of websites on which the applicant is featured or named. This information will be used to carry out online searches. Applicants are not required to provide account passwords or to grant the School access to social media or professional networking account content that is not publicly available. However, if information (such as profile pictures and/or account bios) is publicly available when a social media or professional networking site account is locked and can therefore be viewed by the School it may be taken into account as part of the online search.

Online searches may be carried out at the shortlisting stage or after an offer of employment has been made (but prior to work commencing). The School will not carry out online searches as part of its initial sift of applications.

The School will determine how it approaches online searches on a case by case basis. However, all applicants for a role at the School will be treated consistently with regard to online searches. Wherever possible, online searches will be undertaken by a person who will play no other part in the recruitment process (including the shortlisting exercise) or the appointment decision. In carrying out online searches, the School is looking for any publicly available information about an applicant that:

- may be relevant to their suitability to carry out the role for which they have applied;
- may be relevant to their suitability to work at the School or in an education setting;

- is of a safeguarding nature; and/or
- may have an impact on the School's reputation (whether positive or negative)

Any information generated from online searches will be entered in an 'Online Search Results Record'. Where online searches are undertaken on shortlisted applicants, any relevant information generated will be provided to the interview panel for discussion with shortlisted applicants at interview. Where online searches are undertaken on the successful applicant only any relevant information generated will be discussed prior to employment commencing. All offers of employment will be conditional upon the School being satisfied that the successful applicant is suitable to work at the School in light of any information generated from online searches.

In evaluating any online information for relevance, the School will use the following criteria:

- whether the information is relevant to the position applied for;
- whether the information is relevant to the applicant's suitability to work at the School or in an education setting;
- whether the information could have an impact on the School's reputation (whether positive or negative);
- whether the information calls into doubt the applicant's willingness or ability to uphold the School's commitment to safeguarding and promoting the welfare of children;
- the length of time since the information became publicly available and whether the applicant's circumstances have changed since the information was published;
- whether the information reveals a pattern of concerning behaviour; and
- the relevant circumstances and the explanation(s) offered by the applicant.

For successful candidates, the School will retain information generated through online searches for the duration of the individual's employment and in accordance with its *Information and Records Retention Policy* after employment ends. For unsuccessful candidates, the School retains the information generated from online searches for six months from the date on which they are informed their application was unsuccessful, after which it will be securely destroyed.

2 Verification of Identity and Address

- 2.1 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 A (these requirements comply with DBS identity checking guidelines):
 - 2.1.1 one document from Group 1; and
 - 2.1.2 two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address; and
 - 2.1.3 original documents confirming any educational and professional qualifications referred to in the Application Form.
- 2.2 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.
- 2.3 The School asks for the date of birth of all applicants to assist with the screening of applicants. Proof of date of birth is necessary so that the School may verify identity 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.

- 2.4 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).

3 References

- 3.1 References will be taken up on shortlisted candidates prior to interview, where possible. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.
- 3.2 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.
- 3.3 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 clause 11.4 in this section below). All referees will be sent a copy of the Job Description and Person Specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:
- 3.3.1 the applicant's dates of employment, salary, job title/duties, reason for leaving, performance, sickness* and disciplinary record
 - 3.3.2 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
 - 3.3.3 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
 - 3.3.4 whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at clause 11.4 in this section below)
*questions about health or sickness records will only be included in reference requests sent out after an offer of employment has been made.
- 3.4 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.
- 3.5 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.

- 3.6 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.
- 3.7 The School may at its discretion make telephone contact with any referee to verify the details of the written reference provided.
- 3.8 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 a hard copy.

4	Criminal Records Check
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- 4.1 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.
- 4.2 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 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:

- 4.4 **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:
 - 4.4.1 eleven years have elapsed since the date of the conviction
 - 4.4.2 it did not result in a custodial sentence
 - 4.4.3 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 the job applicant) if:

- six years have elapsed since the date it was issued; and
- it was not issued for a “specified offence”

4.5 **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:

- 4.5.1 five and a half years have elapsed since the date of the conviction;
- 4.5.2 it did not result in a custodial sentence; and
- 4.5.3 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).

4.6 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:

- 4.6.1 frequently, meaning once a week or more; or
- 4.6.2 overnight, meaning between 2.00am and 6.00am; or
- 4.6.3 satisfies the “period condition”, meaning four times or more in a 30 day period; and
- 4.6.4 provides the opportunity for contact with children.

4.7 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.

4.8 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.

4.9 The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School. However, the HR Department will receive the result of the DBS certificate from the online provider. Where anything has been disclosed, i.e. not ‘Clear’, it is a condition of employment with the School that the **original** disclosure certificate is provided to the School within one week of it being received by the applicant. A convenient time and date for doing so should be arranged with the HR Department as soon as the certificate has been received.

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

4.10 If there is a delay in receiving a DBS disclosure, the Principal has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place, 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.

- 4.11 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 for a period of 12 months or more (whether continuously or cumulatively), in the previous 10 years. 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.
- 4.12 For more information, please refer to the *Recruitment of Ex-Offenders Policy* in Section 3 and the statement on the secure storage, handling, use, retention and disposal of disclosure information.

5 Prohibition from Teaching Check
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- 5.1 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.
- 5.2 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.
- 5.3 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.

- 5.4 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”:
- 5.4.1 planning and preparing lessons and courses for students
 - 5.4.2 delivering lessons to students and assessing the development, progress, and attainment of students; and
 - 5.4.3 reporting on the development, progress and attainment of students.
- 5.5 The above activities do not amount to “teaching work” if they are supervised by a qualified teacher or other person nominated by the Principal. If in any doubt, or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for Sport Coaches.

6	Prohibition from Management Check
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- 6.1 The School is required to check whether any applicant for a management position, from both outside the School and by internal promotion, 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**).
- 6.2 This check applies to appointments to the following positions made on or after 12 August 2015:
- Head/Principal
 - teaching posts on the SLMT
 - teaching posts which carry a departmental head role
 - support staff posts on the SLMT; and
 - 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
- 6.3 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.
- 6.4 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.
- 6.5 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.

- 7.1 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.
- 7.2 **EYP** includes usual school activities and any other supervised activity for a child up to 1 September after the child's fifth birthday, which takes place on the School premises during or outside of the normal School day.
- 7.3 **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.
- 7.4 **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.
- 7.5 Roles which will be covered by the Regulations are teaching and Teaching Assistant positions in EYP, and those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Principal, and may also include other members of SLMT, as well as those involved in the day-to-day management of EYP or LYP at the School.
- 7.6 **DUCA** contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.
- 7.7 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.
- 7.8 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:
- 7.8.1 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;
 - 7.8.2 various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
 - 7.8.3 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;
 - 7.8.4 having been refused an application for registration of a children's home or having had any such registration cancelled; or
 - 7.8.5 having been prohibited, restricted or disqualified from private fostering

- 7.9 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.
- 7.10 Applicants who have any criminal records information to disclose about themselves, must also provide the following information:
- 7.10.1 details of the order, restriction, conviction or caution and the date that this was made;
 - 7.10.2 the relevant court or body and the sentence, if any, which was imposed; and
 - 7.10.3 a copy of the relevant order or conviction.
- 7.11 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 2, clause 3).
- 7.12 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”.
- 7.13 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.
- 7.14 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.
- 7.15 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.

8	Induction
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- 8.1 All staff receive an induction as soon as possible after their start date of employment. The induction training will include training on the following areas: Child Protection & Safeguarding, PREVENT, Health & Safety Policies & Procedures, HR Policies & Procedures, with particular emphasis on the Staff Code of Conduct, Whistleblowing Policy, and understanding of the staff responsibilities in accordance with Keeping Children Safe in Education September 2023. Line Managers are responsible for providing a department-specific induction as soon as possible after the start date of a new member of staff joining their team.

9	Personnel Files
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- 9.1 A personnel file is created for every member of staff. All files are held by the HR Department.

10	Contractors and Agency Staff
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- 10.1 The School requires the same checks for contractors undertaking regulated activity at the School as it does for its own employees. The School requires confirmation from the contractor that it has completed these checks on all individuals whom it intends will work at the School before any such individual can commence work at the School.
- 10.2 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.
- 10.3 The School will independently verify the identity of individuals supplied by contractors or an agency (in accordance with Section 2, clause 1) and will require the provision of the original DBS disclosure certificate before those individuals can commence work at the School.

11	Volunteers
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- 11.1 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 2, clause 3 will be applied to all volunteers).
- 11.2 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.
- 11.3 Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with students.

- 11.4 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.
- 11.5 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):
 - 11.5.1 formal or informal information provided by staff, parents and other volunteers
 - 11.5.2 character references from the volunteer's place of work or any other relevant source
 - 11.5.3 a safer recruitment interview

12 Visiting Speakers and the Prevent Duty

- 12.1 The Prevent Duty Guidance requires the School to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by students, are suitable and appropriately supervised.
- 12.2 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.
- 12.3 All visiting speakers will be subject to the School's *Working with School Visitors Policy*. This will include signing in and out at Reception, the wearing of a visitor badge at all times, and being escorted by a fully vetted member of staff between appointments.
- 12.4 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 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.*
- 12.5 In fulfilling its Prevent Duty obligations, the School does not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

13 Retention of Records

- 13.1 The School is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the School will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the School to discharge its obligations as an employer e.g. so that the School may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

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

14 Whistleblowing

- 14.1 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 Procedures* and the *Staff Code of Conduct*). Safeguarding children is at the centre of the School's culture and is accordingly considered formally during staff performance development reviews and appraisal.

15 Referrals to the DBS and Teaching Regulation Agency

- 15.1 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
- 15.2 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:
- 14.1.1 has applied for a position at the School despite being barred from working with children; or
 - 14.1.2 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.
- 15.3 If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the Teaching Regulation Agency.

16 Queries

- 16.1 If an applicant has any queries on how to complete the Application Form or any other matter, they should contact the HR Department.

SECTION 3: POLICY ON RECRUITMENT OF EX-OFFENDERS

1 Background

- 1.1 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 clause 2) below.
- 1.2 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 2, clause 3).
- 1.3 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.
- 1.4 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 DBS if:
 - 1.4.1 it receives an application from a barred person;
 - 1.4.2 it is provided with false information in, or in support of, an applicant's application; or
 - 1.4.3 it has serious concerns about an applicant's suitability to work with children.

2 Assessment Criteria

- 2.1 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:
 - 2.1.1 whether the conviction or other matter revealed is relevant to the position in question;
 - 2.1.2 the seriousness of any offence or other matter revealed;
 - 2.1.3 the length of time since the offence or other matter occurred;
 - 2.1.4 whether the applicant has a pattern of offending behaviour or other relevant matters;
 - 2.1.5 whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
 - 2.1.6 the circumstances surrounding the offence and the explanation(s) offered by the applicant.
- 2.2 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 of the following offences:
 - 2.2.1 murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
 - 2.2.2 serious Class A drug-related offences, robbery, burglary, theft, deception or fraud.

- 2.3 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.
- 2.4 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.

3 Assessment Procedure

- 3.1 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 before a position is offered or confirmed.
- 3.2 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.

4 Retention and Security of Disclosure Information

- 4.1 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 and Channel Islands)
- 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, HighCommissions 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 UK excluding Isle of Man and Channel Islands)
- current driving licence: paper version if issued before 1998 - full or provisional (UK / Isle of Man and Channel Islands)
- 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 UK. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non-UK 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)**
- bank / building society statement (UK and Channel Islands)*
- bank / building society statement (countries outside the UK)*
- bank / building society account opening confirmation letter (UK)*
- credit card statement (UK)*
- financial statement e.g. pension or endowment (UK)**
- P45 / P60 statement (UK and Channel Islands) **
- council tax statement (UK and Channel Islands) **
- letter of sponsorship from future employment provider (non-UK 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 (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, Isle of Man and Channel Islands; must be valid at time of application)
- letter from Head or College Principal (UK; 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