

SAFER RECRUITMENT & SELECTION POLICY

Rooted in Christ and Catholic tradition and under the guidance of its patron, St Edmund's aims to realise the God-given potential, in body, mind and spirit, of all members of its community through service and leadership.

Avita Pro Fide!

St Edmund's is committed to ensuring the welfare and protection of children in its care and this commitment is a fundamental part of the role of every person employed by St Edmund's.

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1 Aims

St Edmund's is committed to providing the best possible care and education to our students and safeguarding and promoting their welfare. We are also committed to providing a supportive and flexible working environment to all members of staff. We recognise that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The staffing process is governed by St Edmund's principles of non-discrimination and is designed to achieve the best match between the individual's knowledge and skills, experience and character and the requirements of the vacant post.

St Edmund's is committed to tackling discrimination and promoting inclusion through equality and diversity. The safety and well-being of all our pupils is our highest priority. We all share an objective to help keep children and young people safe by contributing to providing a safe environment for children and this policy forms part of our portfolio of safeguarding policies.

The aims of this policy are:

- To set out the minimum requirements of the recruitment policy that aims to recruit and retain high calibre staff, and deter, identify and reject prospective applicants who are unsuitable for work with children or young people.
- 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, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation ("protected characteristics").
- To ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the *Department for Education (DfE)* and any guidance or code of practice published by the *Disclosure and Barring Service (DBS)*. This includes the *Independent School Standards*, *Independent Schools' Inspectorate's (ISI) Commentary on the Regulatory Requirements*, *National Minimum Standards (NMS) for Boarding Schools*, the *Statutory Framework for the EYFS stage* and the *Department for Education's (DfE) regulatory guidance: Keeping Children Safe in Education (KCSIE) (September 2019)*, *Keeping Children Safe in Education (KCSIE) (September 2019)*; *Disqualification under the Childcare Act 2006 (DUCA)*, the *Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance)*. Together these are referred to as the 'Guidance' within this policy.
- To ensure that the College meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

This policy is available to download in the 'Vacancies' section of the College website, by hard copy in the common room and electronically on the College's shared drive.

2 Authorisation of Posts

The HR Director must be informed prior to any new post being advertised or vacancy filled, in order that all relevant regulations and legislation is complied with.

All posts (both new and replacement) must be authorised by the Headmaster (for teaching staff – including coaching staff and classroom assistants) and the Bursar (for support staff) to ensure consistency of employment practice and that budget requirements are met. When such authorisation is requested it should be considered whether replacement/new post creation is indeed the best solution or whether a re-organisation of duties within existing staffing might meet the needs of the College.

3 Advertising of Posts

Where posts are advertised, advertisements may be internal only or published simultaneously internally and externally. The aim of advertising is to attract a wide range of high quality candidates from diverse backgrounds. All advertisements for posts, whether in newspapers, journals or online, will include the statement:

The College is committed to safeguarding the welfare of children. Therefore, all candidates will be required to undergo an Enhanced DBS check.

A draft advertisement will be drawn up by Human Resources (HR) and forwarded to the relevant manager where it will be checked before the role is advertised.

Prospective applicants are supplied with the following documents through the 'Vacancies' page of the College website:

- Application form (for both teaching and non-teaching vacancies);
- Job description and Person Specification;
- Safeguarding & Child Protection Policy and confirmation form of receipt of the same;
- Employment Declaration form (in respect of declaring any convictions or cautions and the fact that a DBS check will be carried out);
- Overseas Police Checks form;
- Recruitment Monitoring form, and
- This Policy and the College's Right to Work Policy.

4 Job Description

The qualifications, skills, experience, knowledge, aptitudes and abilities that are essential and desirable for the post will be identified clearly in the job description; they will not include any potentially discriminatory requirements. The job description will also state that it is the individual's responsibility for promoting the welfare of children and young people s/he is responsible for, or comes into contact with.

5 Application Form

All applicants for employment will be required to complete the College's standard application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will not be accepted. A curriculum vitae will not be accepted in place of a completed application form. Any gaps in employment history must be accounted for in the appropriate section of the application form and will be explored at interview.

6 Short-listing

Short-listing will be based on selection criteria which assess the candidate's qualifications, skills, experience, knowledge, aptitudes and abilities against the Job Description and Person Specification for the role.

7 References

Two written references and declarations which make specific reference to candidates' suitability to work with or near children is required (including for internal applicants). In the case of teaching staff before interview, where possible, so that any discrepancies can be probed during the selection stage.

One of the two 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.

Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. A written note will be kept of such exchanges.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the College.

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. All referees will be sent a copy of the Job Description and Person Specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, disciplinary record and sickness record (questions about health or sickness records will only be included in reference requests sent out after an offer of employment has been made);
- 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, unfounded or malicious;
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated, unfounded or malicious, and
- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" in this Policy).

The College will only accept references obtained directly from the referee and it will not rely on references (including 'to whom it may concern' references) or testimonials provided by the applicant. The College will verify the authenticity of references. Should a reference be taken over the telephone, a detailed note will be taken, dated and signed.

The College 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 if necessary, the referee) before any appointment is confirmed.

8 The Interview Process

If short-listed the applicant will be invited to attend a formal interview at which the College will explore further the information contained in the applicant's application and assess their suitability for employment. It will also enable the College to deal with any questions the applicant may have about the College and the role applied for.

Interviews (at least one of which should be in front of two interviewers) will be conducted by at least one individual who has attended Safer Recruitment Training. A written record of the interview will be kept.

Candidates will be asked:-

- questions relating to the applicant's attitude and motivation to work with children and young people (or in an environment where they are present);
- technical/competency based questions;
- questions that attest to the applicant's match to the Job Description and Person Specification, and
- an explanation of any gaps in the applicant's employment history (recorded in writing).

St Edmund's is committed to safeguarding and promoting the welfare of its pupils. For security purposes and, in accordance with the Guidance, all applicants are to provide original documentation, on the interview day, of:-

- evidence of their identity (see 'Verification of identity' paragraph 10.1 below);
- proof of address (see 'Verification of identity' paragraph 10.1 below);
- right to work in the UK, and
- any documents confirming educational and professional qualifications that are relevant to the vacancy.

Further information regarding valid identity documents is set out in the 'Verification of identity' paragraph below and Appendix 1.

St Edmund's will ensure that candidates with a disability or special needs are fully provided for at interview, provided notification has been made in advance.

9 After Interview

If the College wishes to make an offer of employment, any such offer will be conditional on the following, as well as those checks outlined in the 'Pre-employment checks' paragraph 10 below:

- verification of the applicant's identity (see paragraph 10.1 below);
- verification of the applicant's employment history;
- the agreement of a mutually acceptable start date and the signing of a contract incorporating the College's standard terms and conditions of employment;
- the receipt and verification of two references which the College considers to be satisfactory (see 'References' paragraph 7 above);
- the receipt of an enhanced disclosure from the DBS, with barred list information where the candidate is to work in a regulated activity, which the College considers to be satisfactory;
- the receipt of a separate check of the Children's Barred List (via Teachers Pensions online) if an individual will start work in regulated activity before the DBS certificate is available;
- if the candidate has lived or worked outside the UK, any further checks the College considers appropriate (see 'Overseas criminal record check' paragraph 10.5 below);
- verification of the applicant's medical fitness for the role (see 'Medical Fitness' paragraph 10.4 below);
- verification of qualifications which the College deems a requirement for the post, or which the applicant otherwise cites in support of their application;
- information about whether the applicant has ever been referred to, or is the subject of a *sanction, restriction or prohibition* issued by, the *Teaching Regulation Agency (TRA)*, formerly



the National College for Teaching and Leadership (NCTL) which renders them unable or unsuitable to work at the College (see paragraph 10.2, A, below);

- 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 College (see paragraph 10.2, A and B, below). ;
- if applicable, confirmation that the applicant is not disqualified from acting as a trustee / governor or senior manager of a charity under the Charities Act 2011 (if applicable, see paragraph 10.6 below)
- 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 College (see 'Prohibition from management', paragraph 10.2, C, below);
- 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 College (see paragraph 10.2, D, below);
- the College being satisfied that the individual is not "disqualified" from working in connection with early or later years provision (see 'Disqualification' paragraph 10.6 below).

10 Pre-employment checks

The College carries out a number of pre-employment checks in respect of all prospective employees. These are an essential part of our responsibility under the Guidance.

In addition to the checks set out below, the College 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 College. This may include internet and social media searches.

In fulfilling its obligations, the College does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

We adopt a high standard of scrutiny throughout these checks.

10.1 Verification of identity and Right to Work

As per the 'The interview process' paragraph above (8), all applicants who are invited to interview will be required to bring with them original documentation as evidence of identity, right to work in the UK, original proof of address and qualifications. The College checks the right to work documentation of each candidate attending interview, with reference to its Right to Work Policy.

The College complies with the DBS identity checking guidelines. These are as set out below and in the list of valid identity documents at Appendix 1.

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



Where an applicant claims to have changed his/her name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change.

10.2 Prohibition

Any offer of employment will not be confirmed until the College is satisfied that the individual is not prohibited from teaching and/or management.

A. Prohibition from teaching orders

Prohibition orders prevent a person from carrying out teaching work in schools and other settings. Where an individual is prohibited, their details will appear on the Prohibited List (Teaching). The College will check the Prohibited List (Teaching) before confirming an applicant's employment. Prohibition orders are further described in the Teaching Regulation Agency's (TRA) publication *Teacher misconduct: the prohibition of teachers*. This check will apply to those supervising a setting and could apply to others if they are carrying out teaching work.

The College uses the TRA Secure Access service to check whether successful applicants are the subject of a prohibition, or interim prohibition, order issued by a professional conduct panel on behalf of the TRA.

In addition, we ask all applicants for roles (whether a teaching or non-teaching role) to declare in the application form whether they:-

- have ever been the subject of a *sanction*, restriction or prohibition issued by the *TRA*, or any predecessor or successor body; and
- have ever been the subject of any *proceedings* before a *professional conduct panel*, or equivalent body in the UK, or an equivalent body in any other country.

The College recognises that a prohibition from teaching order does not necessarily last indefinitely. The College also notes that professional conduct panels do not always impose sanctions on the subject of the hearing. However, in order to fully assess the suitability of an applicant the College considers it important that all such information is made available during the recruitment process. Where an applicant is not currently prohibited from teaching but has been the subject of a professional conduct hearing that did not result in the imposition of a sanction, or where a sanction has lapsed or been lifted, the College will consider whether the facts of the case render the applicant unsuitable to work at the College.

The existence of any relevant information is not a bar to employment with the College.

The College applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012 which states that the following activities amount to "teaching work":

- planning and preparing lessons and courses for pupils;
- delivering lessons to pupils;
- assessing the development, progress and attainment of pupils; and
- reporting on the development, progress and attainment of pupils.

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the Headmaster. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports

coaches. In addition, the College may, from time to time, carry out the check for non-teaching positions in order to prevent any applicant gaining access to our students who may have omitted to disclose prior work in teaching.

B. Prohibition From Teaching in Other Countries

In addition, for all appointments to roles which involve “teaching work” made on or after 18 January 2016 the College needs to be satisfied that the applicant is not subject to a sanction imposed by a regulator of the teaching profession in any other European Economic Area.

Therefore, for the same reasons as set out above, the College asks all applicants for roles (whether a teaching or non-teaching role) to declare in the application form whether they:

- have ever been the subject of a *sanction* imposed by a *regulator* of the teaching profession in any other country; and
- have ever been the subject of any *proceedings* before a *professional conduct panel*, or equivalent body, in any other country.

The College will check the EEA Sanctions list for any teacher restrictions imposed in Europe. Restrictions imposed by another EEA authority do not prevent an individual from taking up a teaching position in England. However, the College will consider the circumstances leading to the restriction when considering a candidate's suitability.

C. Prohibition From Management Directions (section 128 Directions)

The College is required to check for the existence of directions made by the Secretary of State under s.128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts an individual from being involved in the management of an independent school (a section 128 direction).

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

Section 128 directions are applicable to appointments made to the following positions, made on or after 12 August 2015: the governing body; headmaster; any teaching positions on the senior leadership team; any teaching positions which carry a departmental headship; for non-teaching staff, management positions, such as those as part of the senior leadership team; and the College 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.

All staff employed by the College are regarded as being in ‘regulated activity’ for the purposes of this check.

The relevant information is contained in the enhanced DBS disclosure certificate (which the College obtains for all posts at the College that amount to regulated activity). It can also be obtained through the TRA Secure Access system. The College will use either, or both, methods to obtain this information.

In addition, the College asks all applicants for roles (whether a teaching or non-teaching role) to declare in the application form whether they:



- have ever been the subject of a *section 128 direction* or any other sanction which prohibits, disqualifies or restricts them from being involved in the *management* of an independent school; and
- have ever been the subject of a *referral to, or proceedings before*, the Department for Education or other appropriate authority where *consideration was given* to imposing a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the *management* of an independent school.

It is the College's position that in order to fully assess the suitability of an applicant 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) that did not result 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 College will consider whether the facts of the case render the applicant unsuitable to work at the College.

The existence of any relevant information is not a bar to employment with the College.

D. Section 142

Under section 142 of the Education Act 2002, the Secretary of State has powers to bar people from taking part in the management of an independent school (since 01/09/2003). These powers have been strengthened by the section 128 direction, above. The new section 128 power replaced the existing power under section 142, which related to misconduct, but the College still asks applicants within its application form:

Are you or have you ever been, the subject of a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts you from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children?

The basis of this question is that it enables the College to take a 'whole view' approach on the suitability of a particular applicant.

10.3 Right to Work

No contract of employment will be issued until the successful candidate (if external) has provided proof of their right to work in the UK in accordance with the College's Right to Work Policy.

10.4 Medical Fitness

The College is required to verify the medical fitness of anyone to be appointed to a post at the College, after an offer of employment has been made but before the appointment can be confirmed.

It is the College's practice that all applicants to whom an offer of employment is made must complete a Medical Declaration.

The College will arrange for the information contained in the Medical Declaration to be forwarded to the College Infirmary, in the event of a disclosure.

The Medical Declaration 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 (such as proposed timetable, extra-curricular activities and layout of the College). If the College has any doubts about an applicant's fitness the College will consider reasonable adjustments in consultation with the applicant. The College may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

The College 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.

10.5 Criminal Record Checks

Disclosure and Barring Service (DBS)

As an organisation using the DBS to assess applicants' suitability for positions of trust, St Edmund's complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

St Edmund's actively promotes equality of opportunity for all with the right mix of talent, skills and potential and accepts applications from a wide range of candidates, including those with criminal records. Disclosure of a criminal record will not automatically debar an applicant from appointment as the College shall consider the nature of the offence, the relevance of it to the position, how long ago and at what age it was committed, any pattern of offending behaviour, the circumstances surrounding the offence and any other relevant factors.

Where a DBS is to form part of the recruitment process, the College encourages all applicants called for interview to provide details of their criminal record at an early stage in the application process, using the College's 'Employment Declaration' form (available online in the 'Vacancies' section of the College website). We request that this information is sent under separate confidential cover as it is only seen by those who need to see it as part of the recruitment process.

At interview, or in a separate discussion, we ensure that a discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to disclose a previous conviction (which should be declared) may lead to an application being rejected, an offer being withdrawn 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.

The College 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 College 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, via Teachers Pensions online.

Any position undertaken at, or on behalf of, the College (whether paid or unpaid), will amount to "regulated activity" if it is carried out:

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



- provides the opportunity for contact with children.

This definition will cover nearly all posts at the College. Limited exceptions could include an administrative post undertaken on a temporary basis in the College office outside of term time. It is for the College to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances.

If the post involves regular contact with children, it is the College'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 College'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 College's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

All positions within the College 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. The filtering rules in respect of criminal record disclosures are further explained at Appendix 2 of this policy.

Overseas Criminal Record Check

If the College does not consider the DBS certificate alone as sufficient (because it would not cover offences committed abroad), the College will require whatever evidence of checking is available from the person's country of origin (or any other countries in which he or she has lived) before the appointment is confirmed. This may include: an overseas criminal records check, certificate of good conduct or professional references. The College will request extra references from countries that do not provide criminal record checks, or should the overseas criminal record check be delayed.

The College requests early disclosure of whether an applicant has lived or worked abroad (in the 'Overseas Police Checks' form, at application stage).

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

The Home Office has published updated guides on checks available from different countries. A UK national returning after working in a foreign country is required to obtain a certificate of good conduct or equivalent from the country in question.

10.6 Disqualification

Disqualification from acting as a charity trustee or senior manager

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.

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 College the disqualification rules will be applicable to all governors, the Headmaster and Bursar and potentially other senior staff who report directly to the governors.

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

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

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

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

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

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 College 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 College 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 College to employ anyone in connection with our early years provision (EYP) or later years provision (LYP) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP.

EYP includes usual school activities and any other supervised activity for a child up to 1st 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.

Roles which are covered by the Regulations are teaching and teaching assistant positions in EYP, and those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Head, and may also include other members of the leadership team as well as those involved in the day to day management of EYP or LYP at the College.

Cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

Some roles at the College 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 College will therefore consider whether they do on a case by case basis. The Regulations only apply to a limited number of roles within the College but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP.

The criteria for which a person will be disqualified from working in connection with EYP or LYP are set out in the Regulations. They are not only that a person is barred from working with children (by inclusion on the Children's Barred List) but also include:

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

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 College 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 College in any relevant role will be conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified. The College cannot permit any person who is currently disqualified to start work in a relevant role. The College also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the College, any information disclosed in the Self-Declaration Form renders that person unsuitable to work at the College.

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 (see Appendix 2).

For the avoidance of doubt the College does not require applicants to request any criminal records information directly from the DBS. The College only requires applicants to provide relevant information about themselves "to the best of their knowledge".

A person who discloses information which appears to disqualify them from working in a relevant role may apply to Ofsted for a waiver of the disqualification. The College 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 College will withdraw the conditional offer of employment.

After making this declaration, staff in a relevant role are under an on-going duty to inform the College 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.

11 Risk Assessment & Issued DBS Certificate

No employee will be able to work alone and will be subject to a risk assessment (incorporating the appropriate level of supervision) until a suitable DBS disclosure certificate is received by the College. All appointments are subject to the continued declaration of any criminal record and failure to disclose this could lead to the termination of employment.

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the College. It is a condition of employment with the College that the original disclosure certificate is provided to the College when received by the applicant. Original certificates should not be sent by post. Applicants must instead bring the original certificate into the College. A convenient time and date for doing so should be arranged with the HR Department as soon as the certificate is received. Applicants who are unable to attend the College to provide the certificate are required to send in a certified copy by post or email. Certified copies must be sent to HR. Where a certified copy is sent, the original disclosure certificate must still be provided before the first working day. Employment will

remain conditional upon the original certificate being provided and it being considered satisfactory by the College.

If there is a delay in receiving a DBS disclosure the Headmaster has discretion to allow an individual to begin work pending receipt of the disclosure. This will only be allowed if all other pre-employment checks (see paragraph 10 above), including a clear check of the Children's Barred List (via Teachers Pensions online, where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction/s, a certificate of good conduct and/or references from any employment held (refer to 'Overseas criminal record check' paragraph above).

12 Persons Over 16 Not on the Roll of the College

In accordance with the Guidance, for all persons over 16 (not on the roll of the College) who after April 2002 began to live on the same premises as boarders but are not employed by the College, there is a criminal records check completed at enhanced level, together with an appropriate written agreement between the College and those persons.

13 Visiting speakers

The Prevent Duty Guidance requires the College to have clear protocols for ensuring that any visiting speakers are suitable and appropriately supervised.

As set out in the College's *Personal, Social and Health Education (PSHE) Policy (see Pastoral Handbook)*, the Assistant Head (Pastoral) has oversight of the College-wide programme, with the Head of PSHE having oversight of visiting speakers for PSHE. In addition, teachers, the Co-Directors of Sixth Form and the Chaplaincy Co-ordinator may arrange for visiting speakers to attend the College. All College staff are aware that any visiting speakers, whether invited by staff or pupils, must be checked for suitability and must be supervised. This requirement falls within the scope of the *Prevent* duty which is further explained within the College's *Safeguarding & Child Protection Policy*.

All visiting speakers will be subject to the College'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 and supervised by a fully vetted member of staff.

The College will obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to ensure that any visiting speakers are suitable. In doing so the College will always have regard to the Prevent Duty Guidance and the definitions of extremism and radicalisation set out in *Keeping Children Safe in Education (KCSIE) September 2019* which states:

"Extremism is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the

armed forces. Radicalisation refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.”

In fulfilling its Prevent Duty obligations the College does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientations, marital or civil partner status, disability or age.

The College reserves the right to obtain such information on any other person appointed to work for or at the College.

14 Volunteers

The College will request an enhanced DBS disclosure *and* Children's Barred List information on all volunteers.

Under no circumstances will the College permit an unchecked volunteer to have unsupervised contact with pupils or engage in regulated activity (regulated activity is defined at paragraph 10.5 above).

The College completes a 'Volunteer Questionnaire' for each volunteer and will, in addition, 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 (for each volunteer, a notice is placed in the College's common room, inviting such information);
- identity check;
- references;
- child protection briefing with the Designated Senior Lead;
- a safer recruitment interview;
- overseas criminal record check, if applicable;
- a check of the EEA sanctions list, and
- a Disqualification Declaration (Prep, see paragraph 10.6 above).

15 Contractors and Agency Staff

Where the employees of contractors, such as builders, will have access to areas where *unsupervised* contact with children is possible, the College has arrangements in place to ensure that DBS checks are undertaken by the contractor, together with other checks the College considers suitable. No contractor will be permitted to carry out work until the College receives confirmation from the company that the required checks have been undertaken. Alternatively, if not carried out by the company, the College will complete the same, together with other checks as the College considers suitable, before work is carried out by the contractor.

Under no circumstances will unchecked contractors be allowed to work at the College unsupervised, where opportunity for contact with children is possible.

Agencies who supply staff to the College must complete the pre-employment checks which the College would otherwise complete for its staff. The College requires confirmation that these checks have been completed before an individual can commence work at the College. The relevant agency must complete the College's 'agency staff' form and respond to the College's queries in advance of the agency staff member working at the College.

The College will independently verify the identity of staff supplied by contractors or an agency. The College is not required to see the DBS certificate for employees of contractors and third parties, with the exception of those from supply agencies.

16 Data and Retention of records

The College 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 College to enable us to carry out the checks that are applicable to their role. The College 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 College not being able to meet its employment, safeguarding or legal obligations. The College will process personal information in accordance with its Candidates' and Staff Privacy Notices, available on the College's website.

If an applicant is appointed, the College will retain any relevant information provided on his / her application form (together with any attachments) on his / her personnel file. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

17 Referrals

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

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

If the individual is a teacher, the College may also decide to make a referral to the Teaching Regulation Agency (TRA).

Additionally, it is a criminal offence for any person who is barred from working with children to apply for a position at the College. The College 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.

18 Whistleblowing and Exit Interviews

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 College's policies (including the Whistleblowing Policy, the Safeguarding Policy



and the Staff Code of Conduct). These Policies are available in the Staff Handbook on the College's Shared Drive, in the following directory: S:\Staff\HANDBOOKS

Safeguarding children is at the centre of the College's culture and is accordingly considered formally during development reviews and appraisals and finally at exit interviews.

19 Queries

If an applicant has any queries on how to complete the application form or any other matter he / she should contact Human Resources in the first instance.

Frequency of review: 6 months

Policy last reviewed: Michaelmas 2019

Next review date: Lent 2020

Appendix 1 - List of valid identity documents

Group 1: Primary identity documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence – photo card with counterpart	UK/Isle of Man/Channel Islands (full or provisional)
Adoption certificate	UK and Channel Islands
Birth certificate - issued at time of birth	UK and Channel Islands – including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces

Group 2a: Trusted government documents

Document	Notes
Current driving licence – old-style paper version	UK
Current photo driving licence	Non-UK licences must be valid for up to 12 months from the date the applicant entered the UK
Birth certificate – issued after time of birth	UK and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

Group 2b: Financial and social history documents

Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months



Document	Notes	Issue date and validity
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, eg pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit statement, eg Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, eg from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EEA National ID card	-	Must still be valid
Irish passport card (cannot be used with an Irish passport; must be valid at time of application)		Must still be valid
Cards carrying the PASS accreditation logo	UK and Channel Islands	Must still be valid
Letter from head teacher or college principal	UK - for 16 to 19 year olds in full time education - only used in exceptional	Must still be valid



Document	Notes	Issue date and validity
	circumstances if other documents cannot be provided	

Appendix 2 - Filtering rules (DBS)

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 College.

As of 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 DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

For those aged 18 or over at the time of an offence

An adult conviction will be removed from a DBS disclosure if:

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

It will not be removed under any circumstances if it appears on a list of "specified offences" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

For those aged under 18 at the time of an offence

A conviction will removed from a DBS disclosure if:

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

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record.

A caution received when a person was aged under 18 will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

The list of "specified offences" which must always be disclosed

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found online at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>



Frequency of review: 6 months
Policy last reviewed: Michaelmas 2019
Next review date: Lent 2020