



Safer Recruitment, Selection and Disclosure Policy and Procedure

(Including Appendix 2 - Safer recruitment and the SCR during COVID-19)

This policy includes the Early Years Foundation Stage

Policy Reviewed: September 2021

Policy to be reviewed: September 2022

1. Introduction

Longacre (**School**) is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The School is also committed to providing a supportive and flexible working environment to all its members of staff. The School recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

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

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position
- to ensure that all job applicants are considered equally and consistently
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**), *Keeping children safe in education* (September 2020) (**KCSIE**), *Disqualification under the Childcare Act 2006* (**DUCA**), the Prevent Duty Guidance for England and Wales 2015 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

2. Data protection

The School is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to the

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

3. The Recruitment Personnel:

Longacre recognises that its staff are its single most important resource. Therefore, recruitment and selection of all levels of staff are activities of major importance. Recruitment is not an isolated task but rather the beginning of the employment relationship.

All Staff involved in any level of recruitment or any stage of the process should ensure that:

- They act in accordance with the School's Safer Recruitment Policy;
- All appointments are made on merit, against objective criteria which are applied consistently across all candidates;
- Confidentiality is maintained at all times regarding candidates' details;
- The highest quality of teaching and support is provided to all children and young people;
- A favourable and positive image of the School is promoted through its Safer Recruitment and Selection activities.

Longacre prioritises the safeguarding and promotion of the welfare of children and young people. We expect all staff to share this commitment and to undergo appropriate checks including enhanced DBS checks. This commitment is embedded in all our procedures and pre-employment checks.

At least one person who is responsible for interviewing applicants must have completed the Safer Recruitment training. In addition, at least one member of the Governing Board must have Safer Recruitment Training, as they will be required to be involved in the recruitment of SLT members. This means a recruitment panel must have at least one member who has completed the training. In addition, the person responsible for the school's recruitment processes must have completed this training.

The Head has the final say on all appointments, except those specifically identified by the Governing Body. The Head may delegate responsibility for finding the right candidate; however, they will normally meet the candidates when they attend for interview.

The Recruitment Process:

4. Decision to Recruit:

The Head and Bursar decides that a further member of staff is required. Then a recruitment form is completed by those involved in the process which confirms all the details required such as job description, salary etc.

5. Advertising the Role:

All posts will be appropriately advertised, including reference to the fact that Longacre School is committed to equal opportunities, and a reference to safeguarding and promoting the welfare of children and young as well as the requirement for completion of an Enhanced Criminal Records Bureau (DBS) check.

An advert will reflect the title of the role, requirements of the role, closing date and personnel to contact for further information.

Adverts and all recruitment materials will make clear the school's commitment to Safer Recruiting.

6. Recruitment and selection procedure

All applicants for employment will be required to complete an **application form** containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

Applicants will receive a job description and person specification for the role applied for, along with an application form, Longacre's Safeguarding Policy, Safeguarding Statement, Equal Opportunities Form, Self-Disclosure Form and Information about Longacre School.

The applicant may then be invited to attend a **formal interview** at which his / her relevant skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children.

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

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment
- verification of the applicant's identity (where that has not previously been verified)
- verification of qualifications, whether professional or otherwise, which the School takes into account in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not
- verification of the applicant's employment history
- the receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory
- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency which renders them unable or unsuitable to work at the School
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School

- where the position amounts to "regulated activity (see section 4.3.2 below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory
- where the position amounts to "regulated activity" (see section 4.3.2 below) confirmation that the applicant is not named on the Children's Barred List*
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School (is included in a DBS certificate)
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School
- confirmation that the applicant is not disqualified from acting as a trustee / governor or senior manager of a charity under the Charities Act 2011 (if applicable, see section 4.6 below)
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 4.7 below)
- verification of the applicant's medical fitness for the role (see section 4.8 below)
- verification of the applicant's right to work in the UK; and
- any further checks which the School decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references.

***The School is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.**

Whether a position amounts to "regulated activity" must therefore be considered by the School in order to decide which checks are appropriate. It is however likely that in nearly all cases the School will be able to carry out an enhanced DBS check and a Children's Barred List check.

7. Interviews:

The interviewers involved will be required to state any prior personal relationship or knowledge of the candidates and a judgement will be made as to whether or not an interviewer should withdraw from the panel. Should the chair have a conflict of interest, an appointed vice chair should decide whether the chair should withdraw from the panel.

Teaching posts:

- For Senior Leadership posts, the panel will include the Head and one member of the Board of Governors;

- For all Academic staff it would be usual for the Head and at least one other member of the Senior Leadership Team to be involved in the selection process, at least one of whom will have undergone accredited Safer Recruitment training;
- In most cases candidates will be required to teach one or two lessons, one pre-planned and a further 'on the spot' lesson;
- All candidates will have an opportunity to tour the school, meet other members of staff and ask questions of their choice. Candidates will be informed in advance of what will be required and at what stage during the interview process this will take place.

Non-teaching posts:

- The interview panel will comprise of a member of the Senior Leadership Team and appropriate Line Manager, one of whom has undergone accredited Safer Recruitment training;
- Dependent on the post, there may be a separate assessment of ability/skills required for the role;
- All candidates will have an opportunity to tour the school, meet other members of staff and ask questions of their choice. Candidates will be informed in advance of what will be required and at what stage during the interview process this will take place.

In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel will also explore:

- Safeguarding and suitability to work with children;
- Previous working experience and motivation for applying for the role;
- The candidate's attitude towards children and young people;
- His/her ability to support the School's agenda for Safeguarding and promoting the welfare of children;
- Any gaps in the candidate's employment history;
- Concerns or discrepancies arising from the information provided by the candidate and/or a referee;
- Whether the candidate wishes to declare anything in the light of the requirement for a DBS check e.g. their being subject to a prohibition order.

All reasonable travel expenses will be refunded, on request, within the UK unless the candidate refuses the post, if offered, without adequate reason. The School will not pay for travel to and from an interview from outside the UK unless express permission has been granted by the Head.

A written record of the interview will be kept on the staff member's file if successful. If the applicant is not successful they will be kept for 6 months and then destroyed.

Where possible, the successful candidate will be informed by telephone within 48 hours of the interview, usually by the Head (or someone delegated by him). After verbal acceptance of the post, a conditional letter of appointment is sent to the chosen candidate, along with a statement of the Terms and Conditions of Employment. The applicant will be required to accept the post and the related conditions in writing.

All notes written by interviewers will be kept with all paperwork for each recruitment exercise and feedback where agreed will be provided to unsuccessful candidates.

The HR & Compliance Manager will contact all other shortlisted applicants to inform them that they have been unsuccessful and give them the opportunity to request feedback.

8. Pre-employment checks

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations 2014 the School carries out a number of pre-employment checks in respect of all prospective employees.

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

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

8.1 Verification of identity, address and qualifications

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

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

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

The School asks for the date of birth of all applicants to assist with the vetting of the applicants. Proof of date of birth is necessary so that the School may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The School does not discriminate on the grounds of age.

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

8.2 References

References will be taken up on short listed applicants prior to interview. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

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

applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism" (see the definition of "extremism" at section 7 below). All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, sickness* and disciplinary record
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated or malicious
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious
- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at section 7 below).

(*questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.)

The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.

The School will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

All references are always verified that they originate from a legitimate source.

If a candidate withholds permission without a valid reason, the invite to interview is withdrawn and a further candidate will be invited to attend the shortlist process.

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

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

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

Verbal references will be taken using the verbal reference form, if required.

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

8.3 Criminal records checks

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

8.3.1 DBS filtering rules

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

A conviction will always be disclosable if it was imposed for a "specified offence" committed at any age. A caution issued for a "specified offence" committed over the age of 18 will always be disclosable. However, a caution issued for a "specified offence" committed under the age of 18 is never disclosable. "Specified offences" are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults. The list of "specified offences" can be found at:

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

The filtering rules have recently been updated and work as follows:

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

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

8.3.1.1 eleven years have elapsed since the date of the conviction;

- (a) it did not result in a custodial sentence; and
- (b) it was not imposed for a "specified offence".

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

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

For those aged under 18 at the time of an offence

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

- (a) five and a half years have elapsed since the date of the conviction;
- (b) it did not result in a custodial sentence; and
- (c) it was not imposed for a "specified offence".

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

8.3.2 Regulated activity

The School applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the School which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. Any position undertaken at, or on behalf of the School will amount to "regulated activity" if it is carried out:

8.3.2.1 frequently, meaning once a week or more; or

8.3.2.2 overnight, meaning between 2.00 am and 6.00 am; or

8.3.2.3 satisfies the "period condition", meaning four times or more in a 30 day period; and

8.3.2.4 provides the opportunity for contact with children.

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

It is for the School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the School amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the School office outside of term time or voluntary posts which are supervised.

8.3.3 The DBS disclosure certificate

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School as soon as is possible after it has been received by the applicant. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the School should be arranged with HR & Compliance Manager as soon as it has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email as soon as the original disclosure certificate has been received. Certified copies must be sent to the HR & Compliance Manager. Where a certified copy is sent, the original disclosure certificate must still be provided no later than the first working day.

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

8.3.4 Starting work pending receipt of the DBS disclosure

If there is a delay in receiving a DBS disclosure the Head 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. A Risk Assessment will be completed and placed on file and reviewed every two weeks until the DBS certificate has been seen.

8.3.5 Applicants with periods of overseas residence

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

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

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.

Any costs associated with applying for the relevant overseas checks will be the responsibility of the candidate.

The School recognises that formal checks are not available from some countries, that they can be significantly delayed or that a response may not be provided. In such circumstances the School will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country.

In addition, where an applicant has carried out teaching work outside of the UK, the School will ask the applicant to provide proof of their past conduct as a teacher by obtaining a letter of professional standing from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher. The School will also ask the applicant (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work.

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

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

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

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

8.4 Prohibition from teaching check

The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. The School uses the Teaching Regulation Agency Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel on behalf of the Teaching Regulation Agency.

It is the School's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves "teaching work". Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the Teaching Regulation Agency (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

The School carries out this check, and requires associated information, for roles which involve "teaching work". In doing so the School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012 which states that the following activities amount to "teaching work":

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

- reporting on the development, progress and attainment of pupils.

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

8.5 Prohibition from management check

The School is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school (a **section 128 direction**).

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

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

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

It also applies to appointments to the governing body.

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

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.

8.6. Disqualification from acting as a charity trustee or senior manager

8.5.1 Background

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

trustee or senior manager. These include various spent and unspent criminal offences and other sanctions.

8.5.2 Who is covered

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

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

8.5.3 Self-declaration

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

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

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

8.5.4 Checks by the School

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

8.5.4.1 the Insolvency Register;

8.5.4.2 the register of disqualified directors maintained by Companies House; and

8.5.4.3 and the register of persons who have been removed as a charity trustee.

8.5.5 Waiver

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

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

8.6 Childcare disqualification

The Childcare Act 2006 (**Act**) and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (**Regulations**) state that it is an offence for the School to employ anyone in connection with our early years provision (**EYP**) or later years provision (**LYP**) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP.

8.6.1 Definitions

8.6.1.1 EYP includes usual school activities and any other supervised activity for a child up to 1 September after the child's 5th birthday, which takes place on the school premises during or outside of the normal school day;

8.6.1.2 LYP includes provision for children not in EYP and under the age of 8 which takes place on school premises outside of the normal school day, including, for example breakfast clubs, after school clubs and holiday clubs. It does not include extended school hours for co-curricular activities such as sports activities.

DUCA states that only those individuals who are employed directly to provide childcare are covered by the Regulations. "Childcare" means any form of care for a child, which includes education and any other supervised activity for a child who is aged 5 or under. "Childcare" in LYP does not include education during school hours but does cover before and after school clubs.

8.6.2 Relevant roles

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

DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

Some roles at the School may involve the provision of childcare in EYP or LYP on an occasional basis. They will not automatically be within the scope of the Regulations and the School will therefore consider whether they do on a case by case basis. The Regulations only apply to a limited number of roles within the School but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP.

8.6.3 Grounds for disqualification

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

8.6.3.1 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;

- 8.6.3.2 various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- 8.6.3.3 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;
- 8.6.3.4 having been refused an application for registration of a children's home or having had any such registration cancelled; or
- 8.6.3.5 having been prohibited, restricted or disqualified from private fostering.

8.6.4 Self-declaration form

All applicants to whom an offer of employment is made to carry out a relevant role in EYP or LYP will be required to complete a self-declaration form confirming whether they meet any of the criteria for disqualification under the Regulations.

The School will decide whether a role is relevant and within the scope of EYP or LYP by having regard to the guidance in DUCA. Employment with the School in any relevant role will be conditional upon completion of the self-declaration form and upon the applicant not being disqualified.

The School cannot permit any person who is currently disqualified to start work in a relevant role. The School also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the School, any information disclosed in the self-declaration form renders that person unsuitable to work at the School.

Applicants who have any criminal records information to disclose about themselves must also provide the following information:

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

Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3.1 above).

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

8.6.5 Waiver of a disqualification

A person who discloses information which appears to disqualify them from working in a relevant role may apply to Ofsted for a waiver of the disqualification. The School may withdraw an offer of employment at its absolute discretion and is under no

obligation to await the outcome of an Ofsted waiver application. If a waiver application is rejected the School will withdraw the conditional offer of employment.

8.6.6 Retention of disqualification information

The School will securely destroy any information which is provided by an applicant which is not relevant to the childcare disqualification requirements as soon as it is established that it is not relevant. Where a person appointed to a role at the School is found to be disqualified the School will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the School, after which it will be securely destroyed.

8.6.7 Continuing duty to disclose change in circumstances

After making this declaration staff in a relevant role are under an on-going duty to inform the School if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information now, or of a future change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

8.7 Medical fitness

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

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 & Compliance Manager so that appropriate arrangements can be made.]

The School is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence, considering reasonable adjustments and suitable alternative employment.

9. Contractors and agency staff

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

Agencies who supply staff to the School must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires confirmation that these checks have been completed before an individual can commence work at the School.

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

10. Volunteers

The School will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the School (the definition of regulated activity set out in section 4.3.2 above will be applied to all volunteers).

The School will request an enhanced DBS disclosure without Children's Barred List information on all volunteers who do not undertake regulated activity. This is likely to be because their volunteering duties are subject to regular, day to day supervision by a fully checked member of staff or by a volunteer who the School has deemed appropriate to supervise and ensure the safety of those pupils in their care.

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

It is the School's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the School for three consecutive months or more. Those volunteers who are likely to be involved in activities with the School on a regular basis may be required to sign up to the DBS update service as this permits the School to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition the School will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- formal or informal information provided by staff, parents and other volunteers
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

11. Visiting speakers and the Prevent Duty

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

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

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

The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and / or permit a

speaker to attend the School. In doing so the School will always have regard to the Visitor Protocol Policy, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

"Extremism" is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

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

12. Policy on recruitment of ex-offenders

8.8 Background

The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The School makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the School. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 8.2 below.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3.1 above).

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

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

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

8.9 Assessment criteria

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

- whether the conviction or other matter revealed is relevant to the position in question

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

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

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

If the post involves access to money or budget responsibility, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

8.10 Assessment procedure

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

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

8.11 Retention and security of disclosure information

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

13. Single Central Register

An entry will be made on the Single Central Register for all current members of staff at the School, the proprietorial body and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

14. Whistleblowing

All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the School's policies (including the whistleblowing policy, the safeguarding policy and the Staff Behaviour Policy). 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

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

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

If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the Teaching Regulation Agency.

16. Queries

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

Appendix 1 List of valid identity documents

Group 1: primary identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence photocard - full or provisional (UK / Isle of Man / Channel Islands and EEA)
- birth certificate - issued within 12 months of birth (UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces)
- adoption certificate (UK and Channel Islands)

Group 2a: trusted government documents

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

All driving licences must be valid.

Group 2b: Financial and social history documents

- mortgage statement (UK or EEA)**
- bank / building society statement (UK and Channel Islands or EEA)*
- bank / building society statement (countries outside the EEA)*
- bank / building society account opening confirmation letter (UK)*
- credit card statement (UK or EEA)*
- financial statement - e.g. pension, endowment, ISA (UK)**
- P45 / P60 statement (UK and Channel Islands)**
- council tax statement (UK and Channel Islands)**
- letter of sponsorship from future employment provider (non UK / non EEA only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)
- utility bill (UK; not mobile telephone bill)*
- benefit statement - e.g. child benefit, pension (UK)*
- a document from central or local government/ government agency / local council giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs, Jobcentre, Jobcentre Plus, Social Security (UK and Channel Islands) *
- EEA national ID card (must be valid at time of application)
- Irish passport card (cannot be used with an Irish passport; must be valid at time of application)
- cards carrying the PASS accreditation logo (UK and Channel Islands; must be valid at time of applications)
- letter from Head or College Principal (for 16-19 year olds in full-time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application).

Note

If a document in the list of valid identity documents is:
denoted with * - it should be less than three months old
denoted with ** - it should be less than 12 months old

Appendix 2 - Safer recruitment and the SCR during COVID-19

The DfE has issued several pieces of guidance for schools during the COVID-19 lockdown period guidance. On 27 March 2020 the DfE published guidance entitled 'Coronavirus (COVID-19): safeguarding in schools, colleges and other providers' (March Guidance). On 28 April 2020 it published 'Actions for schools during the coronavirus outbreak' (April Guidance). Both have sections on safer recruitment.

In relation to safer recruitment, the March Guidance states:

'If schools and colleges are recruiting new staff, they should continue to follow the relevant safer recruitment processes for their setting, including, as appropriate, relevant sections in part 3 of KCSIE'

The safer recruitment position has not therefore changed and all required checks must still be completed at the relevant time. However, the way in which some checks are carried out have changed from a practical perspective during this period (see below).

The April Guidance states that due to social distancing schools 'it will not be possible for schools to hold face-to-face recruitment processes'. It recommends that interviews take place remotely, by telephone or video call, or be delayed where that is not possible. Schools will therefore need to consider how they adjust their HR process in order to continue meeting regulatory obligations.

It remains vital, however, that schools carry out a recruitment process that is no less thorough than before and that the aim remains to deter, identify and reject unsuitable applicants.

Maintaining the SCR during COVID-19

The March Guidance also confirms that it remains essential from a safeguarding perspective to maintain the SCR in accordance with existing regulatory obligations. Nothing has therefore changed with regard to the requirement to maintain the SCR or the way in which it should be completed.

Given that many schools are open for the children of key workers, and that some may have staff from other schools working on their site, the March Guidance states that it is essential that schools know who is on site on any given day, and that the appropriate checks have been carried out on those people. The Guidance also suggest that schools in this position may wish to use the SCR as a log to account for everyone who is on site on any given day, and to record details of risk assessment that have been carried out on any individual currently working at the school who is not a part of the usual staff body.

Inspections are of course suspended at the present time but they will resume in due course. The SCR will still be inspected and must therefore be kept up to date.

Carrying out pre-appointment checks during COVID-19

All the same checks must be carried out as were required prior to the closure of schools.

In terms of the timing of checks, again the usual rules apply. This means that all checks must be completed before work commences, with the usual caveat relating to the DBS check continuing to apply.

From a practical perspective there has been some necessary change to the way in which some checks are carried out, on which we comment below:

- Identity checking

The DBS identity checking guidelines have been amended as a result of COVID-19. The normal position under the DBS identity checking guidelines is:

- i. the identity checker for the school must examine the applicant's identity documents face-to-face with the applicant or via a video link; and
- ii. the identity checker must have sight of the **original** identity documents so they can be checked for indicators of fraud.

The COVID-19 position allows identity documents to be viewed over video link and the identity checker to view **scanned** images of the identity documents. The DBS say this route should only be used for urgent cases where the normal guidelines cannot be followed (although there is no detail on what amounts to an urgent case).

The amended DBS guidelines state that the employer must however see the original identity documents when the individual physically attends for their first day of work. Schools must not therefore forget to follow this up with the individual.

- Verifying right to work in the UK

Right to work checks continue to be necessary and it remains an offence to knowingly employ anyone who does not have the right to work in the UK. Again, however, there is an amended procedure in place for checking a person right to work status set out in government guidance called 'Coronavirus (COVID 19): right to work checks' (RTW Guidance).

The RTW Guidance states that employers must continue to check the prescribed documents (see the Home Office employer's 'Right to Work Checklist'). However, the way in which these documents are checked has been adjusted. As of 30 March 2020:

- checks can be carried out over video calls; and
- applicants can send scanned documents or a photo of documents.

Those checking right to work evidence in this way must date the document and mark it "*adjusted check undertaken on [insert date] due to COVID-19*".

We also advise that schools add the same note to the SCR where right to work checks have been undertaken using this temporary process.

After the lockdown period schools must re-check anyone appointed using the adjusted process within eight weeks of COVID-19 measures ending. Copies of the original documents must be taken, dated and retained. Checks carried out in the normal way during this period do not have to be re-done.

We advise that this practice of noting, and re-checking original documents once social distancing measures are relaxed, is also applied to identity checks undertaken using the temporary measure outlined above.

- Checking qualifications

Schools are likely to experience similar difficulties with seeing original documents when checking an applicant's qualifications. We therefore see no reason why schools cannot see copies of documents to verify qualifications during the recruitment process provided they see the original documents at the earliest opportunity after the appointment has been made.

Again, if such measures are used we advise that the copy documents are dated and marked as being seen during COVID-10, with the same note being added to the SCR. When the original documents are eventually checked copies should be taken, dated and retained.

- References

Issues may be experienced when trying to obtain references if the school / previous employer is closed or the referee has been furloughed. In those circumstances' schools must still try to obtain references and should ask the applicant to assist in this process. If a referee does not respond then alternative referees should be considered. Of course, Keeping Children Safe in Education (KCSIE) requires schools to obtain a reference from the current/most recent employer and the most recent employer where the applicant worked with children (if different). This may be difficult to achieve if the that employer is not responding to the reference request due for COVID-19 reasons.

References are required as part of having regard to KCSIE. Schools can, however, depart from KCSIE where there is good reason to do so. It may therefore be acceptable to permit an individual to start work if two references could not be obtained, or the most recent employer did not respond to a reference request, because of COVID-19. However, the school must still be able to decide that the individual is suitable to start work in the absence of two references. This decision would be based on all of the other suitability information obtained during the recruitment process and must be reasonable.

If schools allow work to start without having obtained two references due to COVID-19 they should document the difficulties in a file note and add a note to the SCR. As restrictions ease best practice would be to try to obtain any references that are missing even if work has already commenced.

- Overseas checks

Similarly, it may prove difficult to obtain overseas checks for an individual due to the lockdown measures in place in a particular country. The requirement on schools is to carry out such overseas checks as the proprietor considers appropriate. Schools may be able to decide that a person is suitable to start work in the absence of overseas check but, again, that decision must be reasonable and evidence based. Best practice would be to continue trying to obtain overseas checks once restrictions ease, even if work has commenced. Again, a file not explaining the difficulties experiences should be retained on file and be added to the SCR.

- All other checks

All other checks are still required and there are no temporary measures in place relating to them. Those checks which can be carried out on-line, such as the DBS check, Children's Barred List check and prohibition checks will continue to be carried out in that way. There will be no excuse for failing to undertake them in advance of work commencing.

Offers of employment

Given the current circumstances schools may be reviewing whether they can proceed with all scheduled appointments. There is no obligation to do so but whether an offer of employment can be withdrawn, or whether notice of termination would have to be given (and paid), will depend on the terms of the offer of employment and the reason why the school does not wish to proceed.

In accordance with KCSIE, any offer of employment must be conditional upon satisfactory completion of all pre-appointment checks. Provided the offer is conditional in this way, and the reason for withdrawing the offer is because one or more checks has not been completed, then the offer can be rescinded without the need to make a payment in lieu of notice.

If the offer of employment is not conditional, or all the conditions of that offer have been satisfied, then the applicant will be entitled to work, or be paid for, the contractual notice period. Rescinding an offer due to a change in circumstances attributable to COVID-19 does not change this position.

Summary

Schools must try to continue recruiting staff in the same way as they did before COVID-19. Of course, there will be practical barriers to doing so but schools must still take reasonable evidence-based decisions on suitability. COVID-19 may give schools some latitude to allow work to commence before all checks are completed but this should be the exception rather than the rule. A suitable risk assessment must be carried out and retained for any person starting work in such circumstances.

Schools will also have to consider how they ensure that all the information gathered from the recruitment process is entered onto the SCR if staff who are responsible for this are working from home or have been furloughed.

Inspections will of course resume in due course and schools must continue to prepare for inspection as they did prior to COVID-19. Whilst it is hoped that inspectors will be permitted to allow some latitude to staff appointments made during this time that cannot be assumed. Schools must therefore do all they reasonably can to ensure they continue to recruit safely and in accordance with regulatory requirements.