



# **RECRUITMENT, SELECTION AND DISCLOSURES POLICY & PROCEDURE**

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# RECRUITMENT, SELECTION & DISCLOSURE POLICY

## 1. Introduction

Gayhurst School ('the School') is committed to ensuring the best possible care and education for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.

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 by reason of a protected characteristic as defined within the Equality Act 2010;
- 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* (updated annually) (**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 queries on the School's Recruitment, Selection and Disclosure Procedure must be directed to the HR & Compliance Manager.

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

All checks will be made in advance of appointment or as soon as practicable after appointment.

Gayhurst School Trust is governed by a board of trustees/governors.

## 2. Data Protection

The School is legally required to carry out the pre-appointment checks detailed in this policy. 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. The School will process personal information in accordance with its Staff Privacy Notice.

### 3. Application Form

All applicants for employment will be required to complete an Application Form containing questions about their academic and employment history and their suitability for the role. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. Checks may be made of previous employment history to ascertain satisfactory reasons for any gaps in employment.

Applicants will also be asked to provide details of their online profile, including account names and social media handles so that online searches can be carried out on shortlisted candidates (see section 7 for more information). This information must be provided by the applicant in order for the application to be considered. A curriculum vitae will not be accepted in place of a completed Application Form.

The School will make candidates aware that all posts in the School involve responsibility for preserving the welfare and safeguarding of children, although the extent of that responsibility will vary according to the nature of the post and the frequency of regulated activity with children.

Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, this policy and the School's Safeguarding Policy are available to download from the School's website when specific posts are advertised.

### 4. Invitation to Interview

The School will conduct a shortlisting exercise by reviewing all application forms received in order to determine which applicants will be invited for interview. The shortlisting exercise will usually be conducted by members of the Senior Leadership Team, who will normally also be involved in the interview process.

Shortlisted applicants will then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview on their knowledge and commitment to Safeguarding and their motivation for and suitability to work with children.

All shortlisted applicants will be required to complete a self-declaration form prior to interview in which they will be asked to provide information about their criminal records history and other factors relevant to their suitability to work with children. This information will be considered and discussed with applicants at interview.

All formal interviews will have a panel chaired by the Head/Bursar and/or other member(s) of the Senior Leadership Team or designated member(s) of staff. At least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Governors will chair the panel for the appointment of a new Head or Bursar. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a

conflict of interest, the panel shall decide whether the Chair should withdraw from the panel.

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

## 5. Conditional Offer of Employment

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

- the agreement of a mutually acceptable start date and salary followed by 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 School being satisfied that any information generated through online searches does not make the applicant unsuitable to work at the School;
- the receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;
- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency which renders them unable or unsuitable to work at the School;
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School;
- where the position amounts to 'regulated activity', the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- where the position amounts to 'regulated activity' (see section 4.3.2 below) confirmation that the applicant is not named on the Children's Barred List\*;
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School;
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School;

- confirmation that the applicant is not disqualified from acting as a trustee/governor or senior manager of a charity under the Charities Act 2011(if applicable);
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable);
- verification of the applicant's medical fitness for the role upon acceptance of the role;
- 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.

## **6. 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 fulfilling its obligations to carry out pre-employment checks, the School is an equal opportunities employer and does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, gender reassignment, disability or age.

## **7. Online Searches**

In addition to the checks set out below, the School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. In accordance with paragraph 221 of KCSIE, this will include online searches on shortlisted candidates (**online searches**). The online searches the School carries out may include searches of internet search engines, websites and social media platforms. Applicants are asked in the application form to provide details of their online profile, including account

names and social media handles. This information will be used to carry out online searches. Applicants are not required to provide account passwords or to grant the School access to private social media accounts.

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

The School will determine how it approaches online searches on a case by case basis. However, all applicants for a role at the School will be treated consistently with regard to online searches.

Wherever possible, online searches will be undertaken by a person who will play no other part in the recruitment process (including the shortlisting exercise) or the appointment decision. In carrying out online searches the School is looking for any publicly available information about an applicant that:

- may be relevant to their suitability to carry out the role for which they have applied;
- may be relevant to their suitability to work at the School or in an education setting;
- is of a safeguarding nature; and/or
- may have an impact on the School's reputation (whether positive or negative).

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

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

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



- the relevant circumstances and the explanation(s) offered by the applicant.

For successful candidates, the School will retain information generated through online searches for the duration of the individual's employment and in accordance with its retention of records policy after employment ends. During the course of employment, the school may from time to time undertake online searches on any of its employees.

For unsuccessful candidates, the School retains the information generated from online searches for six months from the date on which they are informed their application was unsuccessful, after which it will be securely destroyed.

## **8. Verification of Identity, Address, Right to Work 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 as set out in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines). They will also be required to bring in original documents confirming any educational and professional qualifications referred to in their application form.

Where an applicant has 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 their vetting and to enable the school to verify the identity of the applicant and check for any discrepancies in their employment and education history. The School does not discriminate on the grounds of age.

The School asks for the above 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 applicable).

## **9. References**

The School will seek references for shortlisted candidates prior to interview where possible. If the candidate does not wish the School to take up references in advance of the interview, they should indicate this in their Application Form. For references requested prior to interview or an offer of employment, no questions will be asked regarding health or medical fitness.

All offers of employment will be conditional on the receipt of a minimum of two satisfactory references. One of the references must be from the applicant's current or most recent employer, usually the Head for a candidate coming from a school. 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.

References will only be accepted if they have been obtained directly from the referee, by way of the school's Reference Form. Open references or testimonials provided by the applicant will not be accepted.

Referees will be sent a copy of the job description (where available) for the role which the applicant has applied and asked whether they believe the applicant is suitable for the role. All referees will be asked whether they have any reason to believe that the applicant is unsuitable to work with children.

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 and duties, reason for leaving, performance and sickness record (only for reference requests sent out after the 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 unsubstantiated, unfounded, false or malicious.
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be unsubstantiated, unfounded, false or malicious.
- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at section 15 below).

**The School will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies or discrepancies will be discussed with the candidate and the relevant referee before any appointment is 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.

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

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

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

School will be the most recent employer and will previously have taken up references from past employers.

## 10. Criminal Records Checks

The school takes its responsibility to safeguard children very seriously. As most positions for which candidates apply involve substantial opportunity for access to children, it is important that applicants and staff provide the School with legally accurate information. Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

Provision of false information is an offence and could result in the application being rejected or summary dismissal by the School if they have been appointed, and a possible referral to the police and/or DBS.

### DBS filtering rules

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.

With effect from 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 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>

**See Appendix 2 for the DBS filtering rules.**

## Regulated activity

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

- (a) frequently, meaning once a week or more; or
- (b) overnight, meaning between 2.00 am and 6.00 am; or
- (c) four times or more in a 30 day period; and
- (d) provides the opportunity for contact with children

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

It is for the School to decide whether a role amounts to 'regulated activity' taking into account all the relevant circumstances.

## The DBS disclosure certificate

The DBS issues the DBS disclosure certificate to the subject of the check only and not to the School. Once the original disclosure certificate is received by the applicant, it must be provided to the School at the applicant's earliest opportunity. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the School should be arranged with the HR & Compliance Officer or Bursar as soon as it has been received.

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

## 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 statutory checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place and a risk assessment completed.

## 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.

Applicants who are living overseas, or who have lived overseas previously, 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 in the previous five years. This will require the applicant to apply for a formal check from the country in question i.e. a criminal records check (or equivalent) or a certificate of good conduct.

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

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

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. 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.

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.

### Retention and Security of Records

The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months.

## 11. Prohibition from Teaching Check

The School is required to check whether staff who carry out 'teaching work' are prohibited from doing so to allow for a full assessment of the applicant's suitability for a role. The School uses the Department for Education's "Check a Teacher's Record" service to check whether successful applicants have been prohibited from teaching by the Teaching Regulation Agency; had sanctions or restrictions placed on them by the General

Teaching Council for England; or been found guilty of serious misconduct but not prohibited from teaching.

The School also asks all applicants for roles which involve ‘teaching work’ (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency or other equivalent body in the UK.

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.

## **12. 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.

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
- Governors

The School will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support roles which carry additional responsibilities.

The relevant information is contained in the enhanced DBS disclosure certificate. It can also be obtained through the Teaching Regulation Agency Teacher Services system. The School will use either, or both, methods to obtain this information.

In addition, the School asks all applicants for management roles to declare in the application form whether they have ever been the subject of a referral to the Department for Education, or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.

It is the School's position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

### **13. Disqualification from acting as a charity trustee or senior manager**

#### **Background**

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

#### **Who is Covered**

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

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

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



## 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.

## Checks by the School

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

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

## Waiver

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

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

## 14. Childcare Disqualification

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



## Definitions

- **Early Years Provision** includes usual school activities and any other supervised activity for a child up to 1 September after the child's 5<sup>th</sup> birthday, which takes place on the school premises during or outside of the normal school day;
- **Later Years Provision** 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 breakfast clubs, after school clubs and holiday clubs. It does not include extended school hours for co-curricular activities such as sports activities.
- **Childcare** - those individuals 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 aged 5 or under. Childcare in LYP does not include education during school hours but does cover before and after school clubs.

## Relevant roles

Roles which will be covered by the Regulations:

- Teaching and teaching assistant positions in EYP
- Those which involve the supervision of under 8s in LYP.
- Those which are directly involved in the management of EYP and LYP, including the Head, and may also include other members of the leadership team
- Those involved in the day to day management of EYP or LYP at the School
- Governors and volunteers who carry out relevant work in EYP or LYP.

Those roles at the School which involve childcare provision in EYP or LYP on an occasional basis will not automatically be within the scope of the Regulations and will be considered on a case by case basis.

## 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 include:

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

## Self-Declaration Form

All applicants involved in EYP or LYP to whom an offer of employment is made 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 with regard to DUCA guidance. 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 can also withdraw an offer of employment if any information disclosed in the Self-Declaration Form renders that person unsuitable to work at the School.

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

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

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

## Waiver of a disqualification

A person who discloses information which appears to disqualify them from working in a relevant role can apply to Ofsted for a waiver of the disqualification. The School may withdraw an offer of employment at its discretion and is under no obligation to await the outcome of an Ofsted waiver application. If a waiver application is rejected, the School will withdraw the conditional offer of employment.

## Retention of Disqualification Information

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

## Continuing duty to disclose change in circumstances

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

## **15. Medical Fitness**

The School is required to verify the medical fitness of anyone to be appointed to a post at the School. It is the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire or Declaration of Medical Fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role.

The information contained in the questionnaire/declaration will then be held by the School in strictest confidence. This information will be reviewed against the Job Description for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, layout of the School.

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.

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

The School will independently verify the identity of individuals supplied by contractors or an agency and requires sight of the original DBS certificate before those individuals can commence work at the School.

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

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, references, completion of the volunteer Application Form, Declaration of Medical Fitness etc.

## 18. Visiting Speakers and the Prevent Duty

The School has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism or radicalised'. This is known as the Prevent Duty. The Prevent Duty Guidance requires the School to have clear protocols for ensuring that all visiting speakers 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 not in regulated activity at the School.

All visiting speakers will be subject to the School's Visiting Speakers Policy. This will include signing in and out at Reception, the wearing of a visitors' badge and being accompanied by a fully vetted member of staff at all times.

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 Visiting Speakers Policy, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

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

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

See Visiting Speakers Policy for further information.

## 19. Whistleblowing

If there are concerns about the use and/or implementation of this policy or recruitment in general which need to be raised, staff are directed to the Whistleblowing Policy.

## 20. Policy on the Recruitment of Ex-Offenders

### Background

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

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered 'spent' except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see Appendix 2 ).

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

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

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

### Assessment Criteria

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

- whether the conviction or other matter revealed is relevant to the position in question
- the seriousness of any offence or other matter revealed
- the length of time since the offence or other matter occurred
- whether the applicant has a pattern of offending behaviour or other relevant matters
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.
- If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of the following offences:
  - murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
  - serious class A drug related offences, robbery, burglary, theft, deception or fraud.

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

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

### Assessment procedure

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

### 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.

## 21. Referrals to the DBS and Teaching Regulation Agency

The School 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.

## 22. Referrals to the DBS and Teaching Regulation Agency

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

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

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

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

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

## **23. Queries**

If an applicant has any queries on how to apply for a post at the School they should contact the HR and Compliance Manager.



## Appendix 1: List of Valid ID Documents

Three documents are required. At least one must be a primary trusted document:

### Primary Trusted Documents

- Current valid Passport
- e-Visa accessed via the 'View and Prove' service
- Biometric Residence Permit (UK)
- Application Registration Card (ARC)
- Current Driving Licence (Full or provisional) UK / Isle of Man / Channel Islands
- Birth Certificate (UK and Channel Islands) - issued within 12 months of birth
- Adoption Certificate.

### Trusted Government Documents

- Current driving licence photocard (full or provisional - all countries outside the UK (excluding Isle of Man / Channel Islands)
- Current UK Driving licence (full or provisional) paper version issued before March 2000
- Birth Certificate (UK / Isle of Man / Channel Islands) issued after the time of birth Marriage/Civil Partnership Certificate (UK and Channel Islands)
- HM Forces ID Card or HM Armed Forces Veteran Card (UK)
- Fire Arms Licence (UK / Isle of Man / Channel Islands)

### Financial and Social History Documents

- Mortgage Statement (UK)\*\*
- Bank/Building Society Statement (UK or Channel Islands)\*
- Bank/Building Society Statement (Countries outside the UK) - branch must be in the country where applicant lives and works \*
- Bank/Building Society Account Opening Confirmation Letter (UK)\*
- Credit Card Statement (UK)\*
- Financial Statement \*\* - e.g. pension, endowment (UK)
- P45/P60 Statement \*\*(UK & Channel Islands)
- Council Tax Statement (UK & Channel Islands) \*\*
- Letter of Sponsorship from future UK employment provider - valid only for applicants residing outside of the UK at time of application)
- Utility Bill (UK)\* - Not mobile telephone and not printed from online account
- Benefit Statement (UK)\* - e.g. Child Allowance, Pension
- A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK & Channel Islands)\*- e.g. from the Department for Work and Pensions, the Employment Service, Local Authority
- EEA National ID Card
- European Health Insurance Card or Global Health Insurance Card (UK)
- Irish Passport Card
- Cards carrying the PASS accreditation logo (UK / Isle of Man / Channel Islands)
- Letter from Head Teacher or College Principal (16-19 year olds in full time education - only used in exceptional circumstances when all other documents have been exhausted). Issued in the last month



**Please 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 issued within the past 12 months
- not denoted - it can be more than 12 months old.

## Appendix 2 - DBS filtering rules

Prior to May 2013 an enhanced disclosure contained details of all convictions on record 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.

With effect from 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 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 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 UK when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by the job applicant) if:

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

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

- (a) six years have elapsed since the date it was issued; and
- (b) 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).