



# Clifton High School

co-educational nursery pre-school to sixth form

<b>Policy applies from EYFS to Sixth Form</b>	<b>Recruitment, Selection and Disclosure</b>
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A shaded area denotes a regulation to which all schools must comply	

*Clifton High School is committed to child protection and safeguarding children and young people and expects all staff, visitors and volunteers to share this commitment.*

## Related Policies

Child Protection and Safeguarding  
Staff Code of conduct  
Visiting Speaker  
Whistle Blowing

Clifton High 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. This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to an offer of employment being confirmed (details of which are given later in this policy). 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 to ensure

- The best possible staff are recruited on the basis of their merits, abilities and suitability for the position
- All job applicants are considered equally and consistently
- 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
- 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**), *Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge)(Extended Entitlement)(Amendment)Regulations 2018* and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**)
- That the School meets its commitment to Child Protection and Safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks

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

## **Advertising**

Positions will be advertised in such a way as to encourage a response from a range of suitable applicants. Positions of responsibility will be advertised internally on staff room notice boards. External vacancies will usually be advertised on the School website in the vacancies section and through other approved online channels. Vacancies will be advertised externally in the press and professional publications as are considered to be appropriate for the role in question.

## **Short term cover for positions, tasks, additional roles and responsibilities**

Often circumstances dictate that short-term cover is required for certain tasks, positions and roles. Defining the duration of short term is not possible as the circumstances will dictate the contingency action required. In these cases, the Head of School may decide there may not be the time to advertise the requirement. The appraisal procedure will have identified those individuals who may have the interest, qualifications and relevant experience to fill a position, additional role or responsibilities.

## **Recruitment and selection procedure**

All applicants for employment will be required to complete the relevant application form (Teaching Staff form or Business Support Staff form) containing questions about 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. Curriculum vitae will not be accepted in place of a completed application form. Applicants must also submit a cover letter, illustrating how the requirements of the post will be met, addressed to the Head of School.

Application forms, Accountabilities and Description of Post and the School's Child Protection and Safeguarding Policy are available to download from the School's website.

All application forms are screened against the Accountabilities and Description of Post to produce a shortlist of suitable candidates. Application forms will be reviewed by the Clifton High School Head's Personnel and Recruitment Officer for any gaps in academic or employment history and will be considered and investigated, prior to interview.

## **Formal interview**

Shortlisted applicants are invited to attend a formal interview at which relevant skills and experience will be discussed in more detail. The invitation will be sent via email.

The formal interview will be carried out by a minimum of two interviewers. The interview panel will consist of at least one member of Senior Leadership, who will ask all Safeguarding questions to ensure the suitability of the candidate, a record of the responses from each interview are kept and used to guide the appointment that is made. The member of Senior Leadership asking the Safeguarding questions must have undertaken the NSPCC Safer Recruitment Training and the refresher, every 3 years.

Candidates who have applied for a Teaching position will be required to undertake a three-part selection assessment process to include an observed teaching activity, a line manager or departmental interview and an interview with the Head of School. Subject to staff availability, it is our aim to administer this assessment over the course of one day. For some appointments, including for senior management positions, it is likely that there will be a two-stage process in which successful candidates from an initial first round interview will be invited to a later second interview. Candidates who have applied for a position in Business Support will be asked to undertake a two-stage process. The process will include an interview with the Head of School and a member of Senior Leadership and a written/practical skills exercise related to a key skill specified in the Accountabilities and Description of Post for the role document.

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 (these requirements comply with DBS identity checking guidelines). The ID proved will be in line with guidelines issued by the Disclosure and Barring Service (DBS).

- One document from Group 1
- Two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address
- Each ID document will be copied and the photocopies will be certified as true copies of the original documents and signed and dated by the Head's Personnel and Recruitment Officer to show the authenticity of the copy
- Original documents confirming any educational and professional qualifications referred to in the 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 (and proof of this) in accordance with KCSIE. 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.

In addition, the Clifton High School application forms also give the candidate the option to disclose their marital status and age/sex of any children. This information is optional and applicants will not be discriminated on in relation to the provision on non-provision of this information.

#### **Appointment of staff**

Any offer of employment arising from the formal interviews will be conditional on the following

- Agreement of a mutually acceptable start date and the signing of the Clifton High School contract of employment incorporating the School's standard terms and conditions of employment
- Where the position amounts to "regulated activity" within the meaning of Part 1 of Schedule 4 of the 2006 Act (see section 1.3) confirmation that the applicant is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act Information about whether the applicant is subject to a prohibition order or an interim prohibition order issued by the Teaching Regulation Agency (TRA), or any equivalent body in the UK or a regulator of the teaching profession in any other country.
- 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 prohibits, disqualifies or restricts them from being involved in the management of an independent school
- 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
- Verification of the applicant's identity (where that has not previously been verified)
- Verification of the applicant's medical fitness for the role (see section 1.1)
- Verification of the applicant's right to work in the UK
- Verification of professional qualifications which the School deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified). Where the position amounts to "regulated activity" (see section 1.3) the receipt of an enhanced criminal record check from the DBS which the School considers to be satisfactory and verification of the original disclosure document against the electronic notification (see section \* below)

- 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 (having regard to any guidance issued by the Secretary of State), certificate of good conduct or additional professional references
- Receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory
- Confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 1.7 below)
- In accordance with the policy on recruitment of ex-offenders (see paragraph 5 below)

**\*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 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.**

## 1 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 several 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.

The following gives details of the pre-employment checks which must be completed before an offer of employment can be confirmed

### 1.1 Medical fitness

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

It is the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire self-declaration form confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. The School may arrange for the information contained in the Health Questionnaire self-declaration form to be reviewed by the School's medical team.

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 School 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.

## 1.2 References

References will be taken up on all short listed candidates prior to interview. Applicants for teaching vacancies must ensure that the three referees cited on their application form are immediately contactable by email. 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.

Employment references will always be sought from an appropriately senior member of staff to the applicant.

All referees will be contacted by email. They will be asked by means of a standard reference request form supplied with the email requesting the reference whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will be sent a copy of the Accountabilities and Description of Post document for the role which the applicant has applied for. 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, non-disability related 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
- 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" below).

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

Clifton High 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.

Clifton High 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.

Clifton High School will, at its discretion, make telephone contact with any referee to verify the details of the written reference provided.

Where an internal candidate applies for a role, the School will obtain a reference as to their suitability for the role from a senior member of staff.

### 1.3 Enhanced Criminal records check

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.

Since 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

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

An adult conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if

- Eleven years have elapsed since the date of conviction
- It is the person's only offence
- It did not result in a custodial sentence

It will not be removed under any circumstances if it appears on a list of specified offences which must always be disclosed. The list of offences which must always be disclosed can be found at the following web address <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over for an offence committed in the United Kingdom will not be disclosed if six years have elapsed since the date it was issued and if it does not appear on the list of specified offences.

#### **For those aged under 18 at the time of an offence**

A conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if

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

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

A caution received when a person was aged under 18 for an offence committed in the United Kingdom will not be disclosed if two years have elapsed since the date it was issued and if it does not appear on the list of specified offences.

The 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 Clifton High 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.

Frequently, meaning once a week or more

- Overnight, meaning between 2.00 am and 6.00 am
- Satisfies the "period condition", meaning four times or more in a thirty day period
- Provides the opportunity for contact with children

Roles which are carried out on an unpaid/voluntary basis will 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 Clifton High School amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the School Office outside of term time or voluntary posts which are supervised.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School. The School receive electronic confirmation of the DBS approval via email from the DBS umbrella body Ucheck. It is a condition of employment with the School that the original disclosure certificate is provided to the School prior to their start by the applicant for verification against the confirmation of the certificate. Original certificates should not be sent by post. A convenient time and date for doing so should be arranged with the School as soon as the certificate 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 within two weeks of the original disclosure certificate being received and these certified copies must be sent to the School. Where a certified copy is sent, the original disclosure certificate must be provided on the first working day. Employment will remain conditional upon the original certificate being verified as satisfactory by the School.

If there is a delay in receiving a DBS disclosure, the Head of School 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. In these cases a Risk Assessment form will be completed and signed by the employee and Head of School on the first day of employment. A note of this will be held on the School's Single Central Record.

DBS checks will be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction(s), a certificate of good conduct and/or references from any employment held whilst abroad. Where the applicant has worked in a School since being in the UK, this may not be necessary. Work can only commence once the overseas information has been received and only if the School has considered that information and confirmed that the applicant is suitable to commence work at the School.

#### **1.4 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 (TRA) 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 TRA.

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

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 TRA (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
- 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 of School. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches.

In addition, for all appointments made on or after 18 January 2016, where an applicant has carried out teaching work outside of the UK the School will ask the applicant (and their referees) whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work.

This will include checking for the existence of any sanctions issued by regulators of the teaching profession in other European Economic Area (EEA) countries using the TRA Teacher Services system.

#### **1.5 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).

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

- Head of School
- Teaching posts on the senior leadership team
- Teaching posts which carry a departmental head role
- Support staff posts on the senior leadership team

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 TRA 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.

A prohibition from Management check will also be carried out where an internal applicant has been promoted to a management position.



## 1.6 Sanctions in other EEA States check

The School is required to check whether staff who carry out teaching work are prohibited from doing so by virtue of having sanctions from other EEA states.

## 1.7 Policy for Clifton High School and TRA checks

The School has decided that all TRA based checks will be run for all new staff at the School, regardless of their job role, to ensure that persons who may be barred from teaching and applying for non-teaching roles are ruled out of employment.

## 1.8 Childcare disqualification requirements

The Childcare Act 2006 Act and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge)(Extended Entitlement)(Amendment)Regulations 2018 (“the 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.

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

The 2018 regulations state 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.

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.

The 2018 regulations contain 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.

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

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

All applicants to whom an offer of employment is made, and who fall within the scope of EYP or LYP will be required to complete a Staff Suitability Self-Declaration Form (as we are an all-through School) confirming whether they meet any of the criteria for disqualification under the 2018 regulations.

Employment with the School 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.

All applicants who have any criminal records information to disclose about themselves must also provide the following information

- Details of the order, restriction, conviction or caution and the date that this was made
- The relevant court or body and the sentence, if any, which was imposed
- 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 1.3 above).

A person who discloses information which appears to disqualify them from working in a relevant role may apply to Ofsted or ISI 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 or ISI waiver application. If a waiver application is rejected the School will withdraw the conditional offer of employment.

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.

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.

### **1.9 Safeguarding training**

All staff at Clifton High School are also required to attend Child Protection and Safeguarding training and Health and Safety training as a mandatory pre-employment condition. Arrangements for these will be made as part of the induction process.

## **2 Appointment of Supply staff**

Before any supply, temporary or agency staff is appointed, Clifton High School must receive written confirmation from the supply agency that the following checks have been completed for the individual

- Verification of the individual's identity
- Confirmation that the individual is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act
- Confirmation that the individual is not subject to any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained from such a direction

- Verification of the individual's relevant qualifications, where appropriate
- Verification of the individual's right to work in the UK
- Confirmation that a check has been made to establish whether the individual is subject to a prohibition order or an interim prohibition order
- Confirmation that an enhanced criminal record check has been made and the agency has received the enhanced criminal record certificate. If there is any information disclosed on this certificate, the agency must share this with the School.
- Clifton High School must receive a copy of the above enhanced criminal record certificate before the individual is due to begin work at the School
- Any contract or arrangement Clifton High School makes with a supply agency will require the agency to provide verifications of the above checks and a copy of the individual's enhanced criminal record certificate

Clifton High School will also take measures to ensure any individual offered for appointment by supply agency is suitable for the post. This will involve reviewing individual CVs and any interviews or further checks as the School deems necessary.

Before the individual begins work at Clifton High School, the School must independently verify the individual's identity.

### **3 Contractors**

All Contractors engaged by the School must complete the same checks for their employees that the School is required to complete for its staff. The School requires confirmation that these checks have been completed before any contractor can commence work at the School. The School will obtain written details regarding the nature of these checks and the dates they were carried out.

The School will independently verify the identity of staff supplied by contractors in accordance with the details given above and will require the provision of the original DBS disclosure certificate before any contractor can commence work at the School.

### **4 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 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 (based on a risk assessment in relation to the person and nature of the volunteer work. 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

- An informal safer recruitment interview with the Head of School or designated Deputy Head of School

## 5 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 Visiting Speaker Policy, which can be found on the School website.

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 Speaker 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.

## 6 Appointment of Proprietors (Chair of Council of Governors and other members of Council)

Before a Chair of Council of Governors is to be appointed, Clifton High School will carry out the following checks

- That the individual is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act
- That the individual is not subject to a prohibition order or an interim prohibition order issued by the Teaching Regulation Agency (TRA), or any equivalent body in the UK or a regulator of the teaching profession in any other country.
- That the individual has not 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 prohibits, disqualifies or restricts them from being involved in the management of an independent school
- That the individual has not 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

The School must request the Secretary of State obtain the following checks on the individual

- An enhanced criminal record check, countersigned by the Secretary of State, and the enhanced criminal record certificate that results from this check
- Confirmation of the individual's identity and right to work in the United Kingdom
- Any further checks which the Secretary of State 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 additional professional references

For appointment of members of Council of Governors other than the Chair, the School will carry out the following checks

- That the individual is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act

- That the individual is not subject to a prohibition order or an interim prohibition order issued by the Teaching Regulation Agency (TRA), or any equivalent body in the UK or a regulator of the teaching profession in any other country.
  - That the individual has not 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 prohibits, disqualifies or restricts them from being involved in the management of an independent school
  - That the individual has not 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
- The School must request the Chair obtain the following checks on the individual
- An enhanced criminal record check, and the enhanced criminal record certificate that results from this check
  - Confirmation of the individual's identity and right to work in the United Kingdom
  - Any further checks which the Chair 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 (having regard to any guidance issued by the Secretary of State), certificate of good conduct or additional professional references

## **7 Policy on recruitment of ex-offenders**

### **7.1 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 objective assessment criteria.

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 on criminal records check above).

A failure to disclose a previous conviction, which should have been 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
- It has serious concerns about an applicant's suitability to work with children

### **7.2 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
- 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
- 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 or any other driving related offence within the last ten years.

### 7.3 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 Director of Operations 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.

### 7.4 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.

In particular, the School will

- Store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the Senior Leadership and recruitment staff
- Not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken
- Ensure that any disclosure information is destroyed by suitably secure means such as shredding
- Prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates

### 7.5 Other checks

The School reserves the right to obtain any such information on any other person appointed to work for or at the School as it reasonably determines as necessary to uphold the principles of KCSIE.

## 8 Retention of records

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

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. It will be retained in accordance with the School's Data Protection Policy after employment terminates.

If the application is unsuccessful, all documentation relating to the application will be confidentially destroyed after six months in accordance with the School's Data Protection Policy.

The same policy applies to any suitability information obtained about volunteers and contractors involved with School activities.

## 9 Whistleblowing

All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the child protection and safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the Whistleblowing Policy, the Child Protection and Safeguarding Policy and the Staff Code of Conduct.

## 10 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

- Applied for a position at the School despite being barred from working with children
- 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 or children

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

## 11 Complaints

Any complaints about the recruitment process should be made, in writing, following the Complaints Policy found on the School website.

## 12 Single Central Register

12.1 Clifton High School is required to maintain a Single Central Register (SCR), recording all the checks that are made in reference to "Appointment of staff", "Appointment of Supply staff", "Contractors" and "Appointment of Proprietors (Chair of Council of Governors and other members of Council)", as detailed above.

12.2 The SCR is maintained in line with the following ISI guidance

- (1) The standard in this paragraph is met if the proprietor keeps a register which shows such of the information referred to in sub-paragraphs (3) to (7) as is applicable to the school in question.
- (2) The register referred to in sub-paragraph (1) may be kept in electronic form, provided that the information so recorded is capable of being reproduced in legible form.
- (3) The information referred to in this sub-paragraph is—
  - (a) in relation to each member of staff ('S') appointed on or after 1st May 2007, whether—
    - (i) S's identity was checked;

- (ii) a check was made to establish whether S is barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act;
  - (iii) a check was made to establish whether S is subject to any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in such a direction;
  - (iv) checks were made to ensure, where appropriate, that S had the relevant qualifications;
  - (v) an enhanced criminal record certificate was obtained in respect of S;
  - (vi) checks were made pursuant to paragraph 18(2)(d);
  - (vii) a check of S's right to work in the United Kingdom was made; and
  - (viii) checks were made pursuant to paragraph 18(2)(e), including the date on which each such check was completed or the certificate obtained;
- (b) in relation to each member of staff ('S'), whether a check was made to establish whether S is subject to a prohibition order or an interim prohibition order, including the date on which such check was completed.
- (4) The information referred to in this sub-paragraph is, in relation to each member of staff in post on 1st August 2007 who was appointed at any time before 1st May 2007, whether each check referred to in sub-paragraph (3) was made and whether an enhanced criminal record certificate was obtained, together with the date on which any check was completed or certificate obtained.
- 5) The information referred to in this sub-paragraph is, in relation to supply staff—
- (a) whether written notification has been received from the employment business that—
    - (i) checks corresponding to those referred to in sub-paragraph (3)(a)(i) to (iv), (vi) and (vii) have been made to the extent relevant to any such person; and
    - (ii) an enhanced criminal record check has been made and that it or another employment business has obtained an enhanced criminal record certificate in response to such a check, together with the date the written notification that each such check was made, or certificate obtained, was received;
  - (b) whether a check has been made in accordance with paragraph 19(2)(e) together with the date the check was completed; and
  - (c) where written notification has been received from the employment business in accordance with a contract or other arrangements referred to in paragraph 19(2)(d) that it has obtained an enhanced criminal record certificate, whether the employment business supplied a copy of the certificate to the school.
- (6) The information referred to in this sub-paragraph is, in relation each member ('MB') of a body of persons named as the proprietor appointed on or after 1st May 2007, whether the checks referred to in paragraph 20(6)(b) were made, the date they were made and the date on which the resulting certificate was obtained.
- (7) The information referred to in this sub-paragraph is, in relation to each member of a body of persons named as the proprietor in post on 1st August 2007 who was appointed at any time before 1st May 2007—
- (a) whether each check referred to in sub-paragraph (6) was made; and
  - (b) whether an enhanced criminal record certificate was obtained, together with the date on which any check was completed or certificate obtained.

12.3 Any individual who leaves is retained on the SCR for the duration of that academic year.

### **COVID-19 Adjustments**

**All Visitors must follow the Covid – 19 Visitors Guidelines Document which can be found in the Policy Section on the Clifton High School website. Additionally**

- **During the lesson observation, teaching applicants will need to deliver the lesson from the front of the room and all pupils will be positioned in a forward direction. Applicants should not approach the pupils but aim to offer explanation from the front of the classroom**
- **All applicants should be in a well-ventilated room and social distanced during their interviews**
- **In case lunch needs to be provided it will be in a specified room, away from school staff and pupils**