

STAFF RECRUITMENT AND SELECTION POLICY

Owner: ND
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Next Review: As required (and no later than October 2022)

1 Introduction

“Lady Eleanor Holles is committed to safeguarding and promoting the welfare of children and young people, and expects all staff and volunteers to share this commitment”

- 1.1 In line with the above statement of policy, the 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. All applicants must be willing to undergo child protection screening, including checks with past employers and the Disclosure and Barring Service (DBS). The School takes this responsibility very seriously, and in all aspects of the recruitment of staff, the consideration of safeguarding will have prime importance.
- 1.2 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.
- 1.3 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 any charity legislation, the statutory guidance published by the Department for Education (DfE), Keeping children safe in education (September 2020) (KCSIE), Disqualification under the Childcare Act 2006 (DUCA), the Prevent Duty Guidance for England and Wales 2015 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
 - to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.
- 1.4 Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with, and complying with, the provisions of this policy.

2 Recruitment and selection procedure

- 2.1 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. A curriculum vitae will not be accepted in place of the completed application form.
- 2.2 Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, person specifications and the School's Safeguarding (Child Protection) Policy are available to download from the School's website and can be printed and forwarded to applicants on request.
- 2.3 The applicant may then be invited to attend a **formal interview** at which his / her relevant skills and experience will be discussed in more detail. All recruitment panels include at least one individual who has been trained in safer recruitment. All shortlisted applicants will be tested at interview about their suitability to work with children.
- 2.4 If it is decided to make an offer of employment following the **formal interview**, any such offer will be conditional on the following:
- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment;
 - verification of the applicant's identity (where that has not previously been verified);
 - the receipt of two references, including for internal candidates, one of which must be from the applicant's current (or if not applicable 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 (TRA) which renders them unable or unsuitable to work at the School. For applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by, a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School;
 - where the position amounts to "regulated activity" (see section 4.3.10 below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
 - where the position amounts to "regulated activity" (see section 4.3.10 below) confirmation that the applicant is not named on the Children's Barred List (now known as an Enhanced Check for Regulated Activity);
 - 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, including internal promotion to 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 working in connection with later years provision (if applicable, see section 5 below);
- for overseas candidates where a sponsorship certificate would be required, the offer of employment will be conditional and subject to the Tier 2 qualifying rules;
- verification of the applicant's medical fitness for the role (see section 3 below);
- verification of the applicant's right to work in the UK;
- verification of the applicant's employment history;
- 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;
- 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); and
- where relevant, receipt of a signed "senior charity manager positions: automatic disqualification declaration" confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities.

2.5 The School is not permitted to check the Children's Barred List (now known as an Enhanced Check for Regulated Activity) 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.

2.6 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.

3 Medical fitness

3.1 The School is 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.

3.2 It is the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire, which is assessed by the School's Occupational Health Advisor. This information will be reviewed against the job role. If the School's Occupational Health Advisor has any doubts about an applicant's fitness the School will consider reasonable adjustments in consultation with the

applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

- 3.3 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.

4 Pre-employment checks

By way of introduction:

- In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations 2014 the School carries out a number of pre-employment checks in respect of all prospective employees.
- In addition to the checks set out below, the School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. This may include internet and social media searches.

4.1 Verification of identity and address

- 4.1.1 All applicants who are invited to an interview will be required to bring with them original documents that provide evidence of identity, right to work in the UK, address and confirming any educational and professional qualifications referred to in their application form, and identity documents that comply with DBS identity checking guidelines which can be found here:

<https://www.gov.uk/government/publications/dbs-identity-checking-guidelines/id-checking-guidelines-for-dbs-check-applications-from-3-september-2018>).

NB: Temporary changes to right to work checks were implemented during the height of the coronavirus pandemic to assist with safer recruitment where face to face contact was not possible in the usual way and from time to time the School may be able to initiate right to work checks on the basis of scanned images and live video links. See further guidance at <https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks>.

- 4.1.2 Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.
- 4.1.3 The School asks for the date of birth of all applicants to assist with the vetting of applicants. Proof of date of birth is necessary so that the School may verify the identity, and check for any unexplained discrepancies in the employment and education history, of all applicants. The School does not discriminate on the grounds of age.
- 4.1.4 The School asks for this information at interview to ensure that the person attending interview is who they claim to be, to ensure that they are permitted to work for the School if appointed and that they hold the qualifications that have been requested (if any).

4.2 References

- 4.2.1 Referees will be asked to complete a pro-forma reference request. For all teaching posts, a minimum of two references will be sought in advance of the interview wherever possible, as teachers would normally give their permission for references to be taken up at this stage of the recruitment process as standard practice. At least two references will also be obtained for non-teaching applicants, but where they are not sought before interview, because this is not feasible, or the candidate has not given their permission, then any subsequent offer of employment will be subject to receipt of satisfactory references. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.
- 4.2.2 All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children, if this applies. Neither referee should be a relative or someone known to the applicant solely as a friend.
- 4.2.3 All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has taken all reasonable opportunities to actively support fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs with a view to assess whether or not they support terrorism or any form of "extremism" (see the definition of "extremism" at section 9 below). 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 role, reason for leaving and performance;
 - With reference to the job description, what they think makes the candidate capable of carrying out the role;
 - whether the applicant has been the subject of any disciplinary or capability proceedings (whether formal or informal) within the last 24 months of their employment;
 - whether they are absolutely satisfied that the applicant is suitable to work with children and if the applicant has been the subject of any disciplinary proceedings (whether formal or informal) involving issues relating to the safety and welfare of children or young people;
 - in the context of their employment, if the candidate has taken all reasonable opportunities to support, actively, fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.
- 4.2.4 The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.

- 4.2.5 The School will compare 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.
- 4.2.6 Where a reference is not received prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the School. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.
- 4.2.7 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.
- 4.2.8 The School may, at its discretion, make telephone contact with any referee to verify the details of the written reference provided.
- 4.2.9 Internal candidates who apply for an externally advertised role at the School will have their application assessed in accordance with this procedure. References will be taken up on internal candidates as part of the application process but can be provided by colleagues as the School will be the most recent employer.
- 4.2.10 All job offers at the School are conditional on the receipt of satisfactory references. The School may withdraw any offer of employment at its absolute discretion in the event that unsatisfactory references are received.
- 4.2.11 Under GDPR legislation, if references are provided in confidence, these will not be disclosable as part of a Subject Access Request.

4.3 Criminal records checks

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

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

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

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

4.3.5 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

4.3.6 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:

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

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

4.3.7 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.

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

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

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

Regulated Activity

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

Any position undertaken at, or on behalf of the School will amount to "regulated activity" if it is carried out:

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

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

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

DBS Disclosure Certificate

4.3.13 The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School as soon as practicable after it is received by the applicant. 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

4.3.14 If there is a delay in receiving a DBS disclosure the Head Mistress has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed following completion of a risk assessment and 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.

Applicants with periods of overseas residence

4.3.15 DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction(s), a certificate of good conduct and/or references from any employment held. The School will take into account the "DBS unusual addresses guide" in such circumstances.

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

previous ten years. This would also apply in cases where the applicant has been in more than one country in the specified three months period.

- 4.3.17 When requesting such information the School has regard to relevant government guidance and will therefore always require the applicant to apply for a formal check from the country in question i.e. a criminal records check (or equivalent) or a certificate of good conduct.
- 4.3.18 The School recognises that formal checks are not available from some countries, that they can be significantly delayed or that a response may not be provided. In such circumstances the School will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country and/or an overseas screening carried out by a third party organisation specialising in overseas checks.
- 4.3.19 In addition, where an applicant has carried out teaching work outside of the UK, the School will ask the applicant to provide proof of their past conduct as a teacher by obtaining a letter of professional standing from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher. The School will also ask the applicant (and their relevant overseas 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.
- 4.3.21 The School may allow an applicant to commence work pending receipt of a formal check from a particular country on a risk assessed basis taking into account all of the information that has been obtained during the recruitment process. Unless expressly waived by the School, continued employment will remain conditional upon the School being provided with the outcome of the formal check and it being considered satisfactory.
- 4.3.22 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.
- 4.3.23 The School will take proportionate risk based decisions on a person's suitability in these circumstances. All suitability assessments must be documented and retained on file.
- 4.3.24 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.

4.4 Prohibition from teaching check

- 4.4.1 The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. The School uses the 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.
- 4.4.2 In addition, the School asks all applicants for roles which involve "teaching work" 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.

- 4.4.3 It is the School's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves "teaching work". Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the 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.
- 4.4.4 The School carries out this check, and requires associated information, for roles which involve "teaching work". In doing so the School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012 which states that the following activities amount to "teaching work":
- 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.
- 4.4.5 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.
- 4.4.6 In addition, where an applicant for roles which involve teaching work has carried out teaching work outside of the UK the School will ask the applicant 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 EEA countries using the TRA Teacher Services system for the period up to 31 December 2020. From January 2021, this shall include the candidate providing the School with proof of his/her past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which s/he has worked. For further detail please refer to 4.3.19.

4.5 Prohibition from management check

- 4.5.1 The School is required to check whether any applicant for a management position (or an individual who is promoted to 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**).
- 4.5.2 This check applies to appointments to the following positions:
- Head Mistress;
 - teaching posts on the Senior Management Team;
 - teaching posts which carry a departmental head role; and
 - support staff posts on the Senior Management Team.

It also applies to appointments to the governing body.

- 4.5.3 The relevant information is contained in the enhanced DBS disclosure certificate (which the School obtains for all posts at the School that amount to regulated

activity). It can also be obtained through the TRA Teacher Services system. The School will use either, or both, methods to obtain this information.

- 4.5.4 In addition the School asks all applicants for management roles to declare in the application form whether they have ever been the subject of a referral to the Department for Education, or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.
- 4.5.5 It is the School's position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

4.6 Charity Commission Requirements

- 4.6.1 Certain individuals are automatically disqualified from acting in senior management positions or as trustees within a charity. Therefore, in relation to the following positions: Head, Director of Finance and Operations and Governors, individuals are required to provide self-declarations that they are not disqualified from acting in a senior management position or charity trustee.
- 4.6.2 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.
- 4.6.3 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.
- 4.6.4 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.
- 4.6.5 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:
- the Insolvency Register;
 - the register of disqualified directors maintained by Companies House; and
 - the register of persons who have been removed as a charity trustee.

Waiver

- 4.6.6 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.
- 4.6.7 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.

4.7 Confirmation of Appointment

Newly appointed staff may not start work at the School until all the checks have been completed and found to be satisfactory by the Human Resources Manager, reporting to the Director of Finance and Operations, and the Human Resources Manager has signed off the process. At this point both the newly appointed staff member and the line manager will be informed in writing by HR that the individual is cleared to start on the agreed date. S/he may NOT start until that confirmation has been received, unless a DBS disclosure is delayed and the procedure outlined in 4.3.14 above is in place.

5 Childcare disqualification requirements

5.1 The Childcare Act 2006 (**Act**) and the Childcare (Disqualification) Regulations 2009 (**Regulations**) state that it is an offence for the School to employ anyone in connection with its later years provision (**LYP**) who is disqualified, or for a disqualified person to be directly involved in the management of LYP. LYP includes provision for children under the age of 8 which takes place on school premises outside of the normal school day, including, for example breakfast clubs. It does not include extended school hours for co-curricular activities such as sports activities.

5.2 Roles which will be covered by the Regulations are those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of 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 LYP at the School. DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations. Some roles at the School may involve the provision of childcare in 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 LYP.

5.3 The grounds on which a person will be disqualified from working in connection with 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.

Self-Declaration Form

- 5.4 All applicants to whom an offer of employment is made to carry out a relevant role in LYP (or who subsequently extend their remit to carry out a role in LYP once in employment) 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 LYP by having regard to the guidance in DUCA. Employment with the School in any relevant role will be conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified. The School cannot permit any person who is currently disqualified to start work in a relevant role (or extend their role to include LYP). 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.
- 5.5 Applicants who have any criminal records information to disclose about themselves, must also provide the following information:
- details of the order, restriction, conviction or caution and the date that this was made;
 - the relevant court or body and the sentence, if any, which was imposed; and
 - a copy of the relevant order or conviction.
- 5.6 Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3 above). For the avoidance of doubt the School does not require applicants to request any criminal records information directly from the DBS. The School only requires applicants to provide relevant information about themselves "to the best of their knowledge".

Waiver of a disqualification

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

Retention of disqualification information

- 5.8 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.
- 5.9 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.

6 Contractors and agency staff

- 6.1 Contractors engaged by the School (e.g. catering companies or any other contractors who will be undertaking regulated activity) must complete the same checks for their employees that the School is required to complete for its staff. The School requires written confirmation that these checks have been completed before employees of the contractor can commence work at the School.
- 6.2 It is the School's policy not to use agency teaching staff unless all other methods of engaging temporary staff have been used. Agencies who supply staff to the School must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires confirmation that these checks have been completed before an individual can commence work at the School. The School requires the agency to provide the School with a copy of the DBS Enhanced Certificate before the person can start work at the School.
- 6.3 The School will independently verify the identity of individuals supplied by contractors or an agency.

7 Governors

- 7.1 The required checks on Governors will be made in advance of appointment. New Governors will be required to undergo the following checks: enhanced DBS disclosure; barred list check; identity; overseas checks if applicable; right to work in the UK; prohibition from management check and confirmation that they are not disqualified from acting as a Charity Trustee or Company Director, for example by virtue of an undischarged bankruptcy.
- 7.2 The Chair of Governors is subject to the following checks by the DfE: enhanced DBS disclosure; overseas checks if appropriate; right to work in the UK.

8 Volunteers

- 8.1 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.
- 8.2 Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with pupils.

9 Visiting speakers and the Prevent Duty

- 9.1 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.
- 9.2 The School is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the School or perform any other regular duties for or on behalf of the School.
- 9.3 The School has a protocol regarding visiting speakers so that:
- A Visiting Speaker Form is completed (see Safeguarding (Child Protection) Policy) and submitted together with the Dates Approval Form in advance of their visit to the school.

- The DSL assesses the level of risk of pupils being exposed to radical/extreme views either by the speaker(s) or the content of their speech.
- If it is concluded a risk exists, then the DSL undertakes the risk assessment in the form attached to the Visiting Speaker Form. Where possible speakers will be booked as a result of recommendations, or testimonials which can be checked.
- The DSL shall ensure all checks undertaken (if applicable) are recorded in the Single Central Register.
- All visitors will be required to sign in and out at Reception, wear a visitor's badge at all times, and be accompanied by a fully vetted member of staff at all times.

9.4 In its consideration of due diligence checks the School will always have regard to its Safeguarding (Child Protection) Policy and 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."

10 Policy on recruitment of ex-offenders

10.1 Background

10.1.1 The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The School makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the School. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 10.2 below.

10.1.2 All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3 above).

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

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

10.2 Assessment criteria

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

- 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;
- in the case of disqualification from providing LYP, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.

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

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

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

10.2.5 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 Headmistress before a position is offered or confirmed.

10.2.6 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.

11 Data Protection and Retention

The School will process and retain personal information of prospective staff, staff and Governors in accordance with its Recruitment Privacy Notice, Staff Privacy Notice and Data Protection Policy.

12 Safeguarding and Welfare of Pupils

All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the School's policies (and in particular the Safeguarding (Child Protection) Policy (which incorporates the policy relating to whistleblowing regarding safeguarding matters and the Code of Conduct for Working with Children and Young Adults)).

13 Referrals to the DBS and Teaching Regulation Agency (TRA)

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

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

13.2 If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the TRA.

14 Queries

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