



GIGGLESWICK  
SCHOOL

# SAFER RECRUITMENT, SELECTION AND DISCLOSURES POLICY AND PROCEDURE

<b>Reviewed by:</b>	<b>RE Atack, HR Manager &amp; Deputy Bursar CA San José, Deputy Head and DSL JR Mundell, Head of the Junior School and DSL KD Sharifi, Bursar</b>
<b>Review period:</b>	<b>Annual</b>
<b>Updated:</b>	<b>September 2022</b>
<b>Approved by:</b>	<b>Governors' Boarding, Wellbeing and Safeguarding Committee, October 2022</b>
<b>Next review date:</b>	<b>September 2023</b>

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# **1 SAFER RECRUITMENT, SELECTION AND DISCLOSURES POLICY AND PROCEDURE**

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This policy should be read in conjunction with the following policies:

- Safeguarding Policy and Procedures
- The School's Data Protection (Privacy Policy) and Data Retention Policies
- Visitors Policy
- Policy on the Recruitment of Governors

Giggleswick School ("the School") is required to comply with a variety of specific recruitment and pre-employment checks to ensure that we appropriately safeguard the pupils in our care. This includes requirements outlined in the relevant legislation, recommendations and guidance published by the Department of Education, such as: Keeping Children Safe in Education (KCSIE), the Prevent Duty Guidance for England and Wales 2015, and any guidance or code of practice published by the Disclosure and Barring Service (DBS). We are also required to comply with the Education (Independent School Standards) Regulations 2014 and the National Minimum Standards of Boarding Schools (2022 – see particularly Standards 19 and 20).

Alongside these requirements we are also an equal opportunities employer and are committed to ensuring that the best possible individuals are recruited on the basis of their merits, abilities and suitability for the position, and that applicants are treated fairly and consistently and are not discriminated against on the grounds of gender, sexual orientation, marital or civil partnership status, pregnancy or maternity, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. For further details please see our Equal Opportunities Policy, which can be found on our website.

Our Safeguarding Policy and Procedures is also available on our website and can be printed and forwarded to job applicants upon request.

This policy is reviewed annually or as legislation change requires. This policy does not form part of any employee's contract of employment and the School may amend it at any time.

## **1.1 SAFEGUARDING STATEMENT**

The School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment by complying with the School's Safeguarding Policy and Staff Code of Conduct at all times.

We will achieve this commitment through effective recruitment and retention of competent, motivated staff members who are suited to, and effective in their roles.

The School aims to recruit staff that share and understand our commitment, and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

All queries on the School's Application Form and recruitment process must be directed to the Human Resources Manager.

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

## 1.2 INTRODUCTION

This policy applies to all sections of the School. Its purpose is to ensure the practice of safe recruitment of staff appointed by:

- attracting the best possible applicants to vacancies;
- deterring prospective applicants unsuitable for work with children;
- identifying and rejecting applicants unsuitable for work with children.

The recruitment and selection process will identify the person best suited to the job based on the applicant's abilities, qualifications, experience and merit, measured against the job description and person specification. All checks will be made in advance of appointment or as soon as practicable after appointment, but before a candidate commences work at the School.

## 1.3 SCOPE OF THIS POLICY

The Recruitment, Selection and Disclosures Policy herewith refers and applies to staff directly recruited and employed by the School. In the Education (Independent Schools Standards) (England) Regulations 2014, staff are defined as:

*Any person working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract but does not include supply staff or a volunteer.*

In the case of agency or contract workers, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. The School conducts identity checks on agency and contract workers on arrival in School and, in the case of agency workers which includes supply staff, the School must be provided with a copy of the DBS check for such staff.

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure, right to work in the UK, barred list, prohibition, Disqualification in Childcare, qualifications, overseas checks plus in line with Keeping Children Safe in Education, two references, declaration of medical fitness, check of previous employment history). The Single Central Register shows these checks have been made and the School carries out its own identity check and has seen a copy of the disclosure (whether or not it discloses any information).

Certain individuals are automatically disqualified from acting in senior management positions within a charity. Whether an individual falls into the category of a senior management position is judged using the following criteria:

- A person who is accountable only to the Head or the Governors, and who is responsible for the overall management and control of the charity's finances. At Giggleswick School this would be the Bursar.

Being disqualified means that a person cannot take on, or stay in, a senior manager position – even on an interim basis, unless the Charity Commission has removed (or waived) the disqualification.

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in the School. The School will determine the appropriate level of supervision depending on the circumstances.

Any staff who TUPE transfer into the School's staff will be required to undertake the statutory requirements with regard to safer recruitment checks.

If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

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## **2 RECRUITMENT**

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### **2.1 PRE-RECRUITMENT CHECKS**

The School will demonstrate a clear commitment to safeguarding with references made on the school website, advertisements for posts and information packs, promotional literature and induction/appraisal materials and training.

In the advertising of posts, a job description will include:

- A job title
- Where relevant the title of the person who the post reports to
- Where relevant the titles of staff who report to the new postholder
- Main duties and responsibilities
- The purpose of the job
- Where possible the salary/grade
- An explanation that the postholder has a duty to safeguard and promote the wellbeing of pupils

### **2.2 APPLICATION FORM**

The School will only accept applications from candidates completing the relevant Application Form in full. CVs will not be accepted in substitution for completed Application Forms.

The School will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts will receive a Job Description and Person Specification for the role applied for.

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate, or may result in the rejection of an application at the first stage. Candidates are made aware that relevant checks, including DBS and an online search, will be conducted on shortlisted candidates.

Applications will be scrutinised by more than one person (including a senior member of staff). In doing so, the Job Description (including Person Specification) will be referred to for the shortlisting of appropriate candidates.

As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the School with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the School shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then stored in a sealed envelope in the employee file by the Headmaster and/or the Bursar and/or Human Resources.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However, amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ('DBS') for the position. Additionally, successful applicants should be aware that they are required to notify the School immediately if there are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration.

The statutory guidance *Disqualification under the Childcare Act 2006 (July 2018)* applies to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 and to those who are directly concerned in the management of that childcare.

The School takes its responsibility to safeguard children seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the DSL immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive. Staff and/or successful candidates who are disqualified from childcare or registration may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and, if so, the outcome of any enquiry or disciplinary procedure. If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the School may request character references which may include references from the candidate's school or university.

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

### **2.3 INVITATION TO INTERVIEW**

The School will short-list applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

At this stage, a preliminary online search will be conducted on each shortlisted applicant. Any negative findings from this will be shared in confidence with the safeguarding interviewer(s) for exploration at interview.

All formal interviews will be chaired by the *designated* senior member of staff. It is recommended best practice that at least one person on the appointment panel will have undertaken safer recruitment training<sup>1</sup>. The Chair of Governors should chair the panel for the Bursar's and Headmaster's appointments. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel.

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<sup>1</sup> All members of the SLT involved in staff recruitment undertake annual safer recruitment training.

Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

The interview will be conducted in person and the areas which it will explore will include suitability to work with children. Where not possible, for example, because of distance in the case of overseas candidates or COVID, interviews are conducted online.

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas, etc). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

The School requests that all candidates invited to interview also bring these original documents:

1. A current driving licence including a photograph and a passport (if they have both).
2. Full birth certificate.
3. A utility bill or financial statement issued within the last three months showing the candidate's current name and address.
4. Where appropriate, any documentation evidencing a change of name.
5. Proof of entitlement to work and reside in the UK.

Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient. Online bank statements must be stamped in branch by the bank.

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

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### **3 APPOINTMENT**

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#### **3.1 CONDITIONAL OFFER OF APPOINTMENT: PRE-APPOINTMENT CHECKS**

Any offer to a successful candidate will be conditional upon:

1. Receipt of at least two satisfactory references (if these have not already been received);
2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK;
3. A satisfactory enhanced DBS check;
4. A Barred List check;
5. For a candidate to be employed as a teacher, or in a coaching or instructing capacity, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State. Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:
  - a. Planning and preparing lessons and courses for pupils;
  - b. Delivering and preparing lessons to pupils;
  - c. Assessing the development, progress and attainment of pupils;
  - d. Reporting on the development, progress and attainment of pupils.
6. Verification of professional qualifications, where appropriate;
7. Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999);
8. Where the successful candidate has worked or been resident overseas such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered (e.g. A police check from any country that the individual has lived or worked for three months or more, in the last ten years;
9. Satisfactory medical fitness;

10. Receipt of a signed Staff Suitability Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)";
11. For a candidate to be employed into a senior management position as set out above under "Scope of this Policy", 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;
12. Where the successful candidate will be taking part in the management of the School, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Governors, Senior Leadership Team and teaching Heads of Department.
13. An online search/advocacy check (introduced September 2022).

It is the School's practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence and processed in accordance with the School's Privacy Notice and Data Protection Policy. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role, i.e. proposed workload, extra-curricular activities, layout of the School.

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

### **3.2 REFERENCES**

The School will seek the references referred to above for shortlisted candidates (including recommendations for internal applicants) and may approach previous employers for information to verify particular experience or qualifications, before interview. The School will ask for alternative referees where deemed necessary. One of the references must be from the applicant's current or most recent employer. References must be received by a senior person with appropriate authority. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying.

The School will ask all referees if the candidate is suitable to work with children.

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

The School will verify all references. Where references are received electronically, the School will ensure they originate from a legitimate source.

The School will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies will be discussed with the candidate.

### **3.3 CRIMINAL RECORDS POLICY**

The School will refer to the Department for Education document, *Keeping Children Safe in Education 2022* and any amended version in carrying out the necessary required DBS checks.

The School complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here:

<https://www.gov.uk/government/publications/dbs-code-of-practice>.

There are limited circumstances where the School will accept a check from another educational institution which are as follows:



This is where the new member of staff ("M") has worked in:

- A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
- An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons, during a period, which ended not more than three months before M's appointment.

A new, separate barred list check will be obtained. For note, it is the School's preference and practice to carry out fresh checks on all new employees.

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## **4 DBS UPDATE SERVICE**

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Where an applicant subscribes to the DBS Update Service, the applicant must give consent to the School to check there have not been changes since the issue of a disclosure certificate. All new joiners are asked to subscribe to the DBS Updates Service on an annual basis whilst employed at the School. The cost of this subscription will be reimbursed upon request. A barred list check will still be required where relevant.

### **4.1 IF DISCLOSURE IS DELAYED**

The new employee will not be able to commence employment until the DBS has been received, unless it is deemed that a previous DBS (with no more than 3 month gap) may be used or an appropriate risk assessment may be put in place. This, however, would be on a case-by-case basis and only applicable in special circumstances.

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## **5 RETENTION, SECURITY OF RECORDS AND DATA PROTECTION OBLIGATIONS**

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The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy, available on the School website. Copies of DBS certificates will not be retained unless permission has been provided by the individual.

The School will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the School's Privacy Notice and the Data Protection Policy.

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## **6 POLICY ON THE RECRUITMENT OF EX-OFFENDERS**

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The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her/them from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below. The final decision will be taken by the Headmaster, in consultation, if necessary, with the HR Manager, DSL and external advisors.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)".

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. The School will report the matter to the Police and/or the DBS if:

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

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 childcare, 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 convicted person.

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.

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## **7 ADDITIONAL CHECKS**

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### **7.1 CHECKS ON VOLUNTEERS**

The types of checks we complete for volunteers depends on whether the role they perform is considered to be regulated activity. For clarity, the vast majority of our volunteering roles are engaged in regulated activity. Where volunteers are not considered to be in regulated activity their duties are subject to regular, day-to-day supervision by a fully checked School

employee or volunteer whom we have deemed appropriate to supervise and ensure the safety of those pupils in their care<sup>2</sup>.

Annex A provides more information about regulated activity.

- Volunteers undertaking regulated activity – we will undertake an enhanced DBS check including a Children’s Barred List check.
- Volunteers not involved in regulated activity – we will undertake an enhanced DBS disclosure without barred list information.

Under no circumstances will we permit an unchecked volunteer to have unsupervised contact with pupils or participate in regulated activity.

All volunteers will also be subject to a check of their identification and Right to Work in the UK and we reserve the right to obtain such further suitability information about a volunteer as we consider appropriate in the circumstances.

This may include, but is not limited to, the following:

- Formal or informal information provided by employers, parents, and other volunteers;
- References from the volunteer’s place of work or any other relevant source;
- A ‘safer recruitment’ interview;
- A reputational search across social media.

We need to undertake a new DBS check each time on volunteers if the individual has not been in regular contact with the School for three consecutive months or more. Therefore, all volunteers we will asked to sign up to the DBS update service, so that criminal record checks can be performed as quickly as possible.

## **7.2 CHECKS ON NON-EMPLOYED RESIDENTS**

The School is a boarding school and we accommodate a proportion of our employees and their families. For those accommodated by the School and who live on the School site, members of their family may also be subject to criminal record checks. These checks will need to be satisfactory to the School before members of a family are allowed to move into School accommodation.

### **7.2.1 FOR THOSE LIVING IN BOARDING HOUSES**

All members of staff households who are aged 16 and over (not on the roll of, nor employed by, the School) and who live on the same premises as boarders, are required to have an Enhanced certificate with a check of the Children’s Barred List from the Disclosure and Barring Service (DBS). There are separate rules for occasional visitors to boarding house, which are set out in our Visitors Policy.

Each non-employed resident aged 16 or over (and not a pupil at the School) will also be required to sign a written agreement specifying the terms of their accommodation, guidance and expectations on contact with pupils (including boarders), their responsibilities to supervise their visitors, and notice that their permission to live in School accommodation may be rescinded if there is evidence that they are unsuitable to have regular contact with our pupils<sup>3</sup>.

They will also be required to notify the Designated Safeguarding Lead if they are charged with or convicted of any offence.

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<sup>2</sup> See paragraphs 309 and 310 of KCSIE 2022 for details.

<sup>3</sup> As set out in the National Minimum Standards for Boarding (2022), Standards 19.2 and 19.3.

All residents will be required to acknowledge, annually, that they have read and understood the changes to key safeguarding guidance (Keeping Children Safe in Education) and the School's Safeguarding Policy and Procedures, Staff Code of Conduct, Whistleblowing and Visitors Policy.

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## **ANNEX A THE DEFINITION OF 'REGULATED ACTIVITY'**

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Regulated Activity is defined in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 (as amended by the Protection of Freedoms Act 2012).

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 if it
- satisfies the "period condition", meaning 4 times or more in a 30-day period; and
- provides the opportunity for unsupervised (face-to-face) contact with children.

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

Nearly all posts at the School amount to regulated activity (including all activities relating to personal care, health care, the provision of advice or guidance for children on wellbeing and driving a vehicle only for children). 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.

We are required to carry out an enhanced DBS check and Barred List check for all employees, supply staff and governors who will be engaging in regulated activity. However, we 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.