

# SAFER RECRUITMENT POLICY

## 1 INTRODUCTION

The Queen's School ("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. 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 and volunteers of the highest calibre who share this commitment.

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. The School carries out all recruitment activity in line with the following guidance and regulations:

- ISI Regulatory Handbook Section 4 – Suitability of Staff, Supply Staff and Proprietors
- ISI Regulatory Handbook Section 8 – Quality of Leadership and Management in Schools
- Keeping Children Safe in Education September 2019 (KCSIE) Part 3
- Disqualification under the Childcare Act 2006
- Working Together to Safeguard Children March 2015
- Prevent Duty Guidance: England and Wales 2015
- Education (Independent Schools Standards) (England) Regulations 2010

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

This policy applies to all employees and governors responsible for and involved in the recruitment and selection of all school-based staff, including Early Years Foundation Stage (EYFS) staff.

## 2 AIMS OF THE POLICY

The aims of the School's Safer Recruitment Policy are as follows:

- to ensure that the safeguarding and welfare of children and young people is the primary consideration at each stage of the process;
- 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 equitably and consistently;

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- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital status, disability or age; and
- to ensure compliance with all relevant recommendations and guidance including the recommendations of the DfE in KCSIE (September 2019) and guidance published by the Disclosure and Barring Service.

## 2.1 Other Relevant Policies

In reading this policy you should also consider and consult the following:

- Safeguarding Policy
- Staff Handbook
- Staff Acceptable Use of IT Policy
- Equal Opportunities Policy
- Accessibility Plan
- Visitor Policy
- Data Protection Policy
- Information Security Policy

## 2.2 Review Dates and Approval

This Safer Recruitment Policy is reviewed by the Senior Leadership Team and then approved by the Full Board of Governors (including the Chair of Governors and the Headmistress) through the Audit and Risk Management Sub-Committee.

The Safer Recruitment 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.*

The above definition includes Teachers, paid Coaches, part-time staff, Teaching Assistants, administrative staff, Caretakers and other support staff directly employed by the School. Any staff who TUPE transfer into the School's staff, will also fall under this category and will be required to undertake the statutory requirements with regard to safer recruitment checks.

There is a separate section in Appendix 3, 4 & 5 of this policy relating to volunteers, agency or contract workers and peripatetic teachers.

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

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

## 3 PROCEDURES

### 3.1 Authority to Recruit

All recruitment activities will require the prior approval of the Headmistress or Head of the Lower School.

The New Starter Form must be completed and approved by the Headmistress and Finance Director before any formal offer is made.

### 3.2 Application Forms

The School will only accept applications from candidates completing the Schools Application Form in full. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. 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. Candidates for employed posts will receive a Job Description and Person Specification for the role applied for.

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 destroyed by the Headmistress.

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.

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.

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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.

Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving should be obtained from the school, college, local authority or organisation at which they were employed.

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.

## 4 REFERENCES

Applicants will be informed that references will normally be taken up before interview and they are given the opportunity to inform the HR department if they do not wish a referee to be contacted at this stage.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised, so that they do not support terrorism or any form of "extremism". All referees will be sent a copy of the Job Description and Person Specification for the role that 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 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);
- 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.

Questions about health or sickness will only be included in reference requests sent out after the offer of employment has been made.

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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. References should usually be in writing (including email), unless there are exceptional circumstances when a telephone reference will be acceptable.

The School will compare all references with any information given on the Application Form. Any discrepancies or inconsistencies in the information will be taken up with the applicant before any appointment is confirmed. The School may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

In exceptional circumstances, and if time does not allow for the references to be taken up before interview, then they must be taken up before an offer of employment is made or an informal offer is made subject to such references. Under no circumstances must a contract be issued prior to such references being received, reviewed and approved. The School may call back a candidate for further interview if references are not available at the time of interview.

Where a candidate has a genuine reason not to have a recent work based referee (e.g. if they are returning to work after an extended break after looking after children) then care must be taken to ensure any personal references are thoroughly considered and questioned, and additional references may be sought, including contacts in the local community.

## 4.1 References – Academic Staff

References for academic staff will be taken up on all short-listed candidates prior to interview (where time allows). All offers of employment will be subject to the receipt of a minimum of two satisfactory references, one of which must be from the applicant's current, or most recent employer. For academic staff if the candidate has previously worked with children, but their current/most recent employment does/did not involve work with children, then the second referee 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. In the case of applicants with only one professional reference, a second reference may be sought from their university or school.

## 4.2 References – Support Staff

References for support staff will be taken up on all short-listed candidates prior to interview (where the candidate gives permission – it is noted that sometimes candidates prefer for references to be taken up after receiving an offer as their current employer may not be aware they are looking for a new job). All offers of employment will be subject to the receipt of a minimum of two satisfactory references, one of which must be from the applicant's current or most recent employer. For support staff who have worked in an education setting previously, but their current/most recent employment does/did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Where this is not possible, usual professional references will be sought. Neither referee should be a relative or someone known to the applicant solely as a friend. In the case of applicants with only one professional reference, a second reference may be sought from their university or school.

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## 5 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.

Academic staff interviews will consist of two formal interviews (Senior School) and one formal interview (Lower School) with at least two people on each panel chaired by the Head or a member of the SLT, or another designated senior member of staff alongside a lesson observation. Support staff interviews will consist of at least one panel interview with two or more people on the panel. It is at the discretion of the senior lead as to whether a task is required as part of the interview process. It is essential that at least one person on the panel must have undertaken safer recruitment training, or refresher training within the last 5 years. The Head and the Clerk to the Governors are appointed by the Board of Governors. The interviewers involved will be required to state any prior personal relationship, or knowledge of any of the candidates. A judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

All interviews will be conducted in person, except in exceptional circumstances such as the applicant is working overseas, and the areas that it will explore will include suitability to work with children, safeguarding and child protection.

### 5.1 Identity Documentation

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 with them:

- at least 3 documents in accordance with Appendix 6; along with
- photographic proof of Identification; and
- documentary evidence of any change of name by, for example, deed poll, marriage, adoption

Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient. The School will take a copy of the original documents and mark them as checked and dated at the time of inspection. Those copy documents taken for subsequently unsuccessful applicants will be destroyed.

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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## 6 CONDITIONAL OFFER OF EMPLOYMENT – PRE-EMPLOYMENT CHECKS

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following: (see also section 9)

- Receipt of at least two satisfactory references (one of which must be from the applicant's most recent employer and one from the applicant's employer with whom he/she most recently worked with children, if applicable (section 4)
- Verification of the candidate's identity, including where appropriate, evidence of the right to work in the UK
- Verification of professional qualifications and professional status where that has not previously been verified (section 5.1). The School determines required qualifications for each role and takes them into account in making the appointment decision
- Verification of the applicant's employment history, including satisfactory explanation of any gaps in employment or education
- A satisfactory enhanced DBS check and if appropriate, a check of the Barred List\* maintained by the DBS (section 9)
- For positions which involve "teaching work", a check that the candidate is not subject to a prohibition order issued by the Secretary of State
- Where the successful candidate has worked or been resident overseas such checks and confirmation as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered
- Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999)
- 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 Management Team and teaching heads of department.
- For a candidate to be employed into a senior management position, receipt of a signed "senior charity manager positions : automatic disqualification rules for charities
- If working with EYFS, 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).
- For an applicant that has lived or worked outside the UK, an EEA check using the Teaching Regulation Agency employer access system for information about any teacher sanction or restriction.
- Verification of the candidate's medical fitness for the role.
- The agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment.

\*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 (see Appendix 1 for definition of 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

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

From September 2018, schools are no longer required also to establish whether a member of staff providing, or employed to work in, childcare is disqualified 'by association'. The 'by association' provisions now only apply to childcare in domestic settings (i.e. childminders). Accordingly, it is no longer necessary to ask staff questions about cautions or convictions of those living or working in their household, and for data protection reasons the School will not do so.

## 6.1 Overseas Candidates

Checks to verify the candidate has the right to work in the UK will be carried out.

If the candidate has not previously lived in the UK, or has lived outside the UK for over 3 months during the previous 5 to 10 years before the appointment, the School will undertake to check the criminal record of the individual, taking advice from the relevant Embassy in order to do so. The School will undertake 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.

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 will be carried out.

## **7 DOCUMENTING CHECKS**

All checks should be documented and retained on the employee's SCR file and the SCR (subject to certain restrictions under the Data Protection Act and DBS regulations) and followed up where they are unsatisfactory or contain discrepancies.

An Application Form and Employment checklist is used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklists will be retained on SCR files.

The School must notify the Disclosure and Barring Service where:

- an applicant has provided false information in, or in support of, his/her application; or
- there are serious concerns that an applicant poses a risk of harm to children.

If the offer is accepted and the above conditions are satisfied, the applicant will be issued with a contract of employment as confirmation of employment.



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In addition to the checks set out in this policy, 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.

The School will process information in accordance with its Data Protection Policy and Information Security Policy.

## **8 MEDICAL FITNESS**

As part of the recruitment process, the School will take up medical information to confirm that the candidate is medically fit to carry out the role. A self-declaration form is also used which requires the individual to confirm that they are not aware of any reasons – mental or physical – which would prevent them from discharging the responsibilities associated with the post in question. Any individuals who have medical conditions that place potential barriers to enabling them to carry out the intended role may be referred to an occupational health provider and, where possible, reasonable adjustments will be put in place to enable individuals to carry out their duties effectively. The School is committed to its obligations under the Equality Act 2010 to make any such reasonable adjustments as required and viable.

## **9 DISCLOSURE AND BARRING SERVICE**

The School applies for a Disclosure and Barring Service (DBS) check in respect of all prospective staff members, governors and long-term volunteers. This is an enhanced check with barred list information.

An Enhanced Disclosure will contain details of all convictions on record including current and spent convictions (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. If the individual is applying for a position working with children or young adults, the Disclosure will also reveal whether he/she is barred from working with children or vulnerable adults by virtue of his/her inclusion on the lists of those considered unsuitable to work with children or vulnerable adults maintained by the Disclosure and Barring Service. It may also contain non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question.

Applicants with recent periods of overseas residence (more than 3 months during the last 5 years) and those with little or no previous UK residence will be asked to apply for the equivalent of a Disclosure, if one is available in the relevant jurisdiction(s) or confirmation from overseas authorities/police forces.

The School expects supply/temporary worker agencies/contractors that are used by the School to register with the DBS on their own account (DBS updates service) and to follow their policy or their own comparable policy. The School will ask for confirmation from all agencies and contractors that the relevant checks have been undertaken. The School will

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independently verify the identity of staff supplied by such an agency by requiring such staff to bring their passport or (if not available) a photo driving licence into School, in addition to their DBS certificate, before beginning work.

For intermittent workers employed directly by the School, e.g., supply staff and invigilators the School requires them to keep in contact with the School regularly, so as to ensure that no more than three months expires between contacts.

Since June 2013 the DBS has operated a single certificate service whereby only the individual and not the employer is sent a disclosure certificate. The job applicant is therefore required to provide an original copy of the disclosure certificate to the School as part of the pre-employment checks. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

If there is a delay in receiving a DBS disclosure the Head has discretion to allow an individual to begin work, pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place following a risk assessment. In such cases the individual would be fully supervised at all times until a satisfactory DBS disclosure is received and the additional safeguarding measures would be explained to the individual. The risk assessment will be reviewed every 12 days until the certificate has been submitted.

There is an outline of recruitment checks taken up against all categories of workers in the appendices to this policy.

## 9.3 Prohibition Order

Checks will be carried out on anyone employed to carry out "teaching work" (as defined in The Teachers' Disciplinary (England) Regulations 2012) to verify that the individual is not subject to a prohibition order issued by the Secretary of State. These checks are done for all staff through TRA (Teaching Regulation Agency) on Teachers and Others prohibited from the profession.

Prohibition on participation in management section 128 checks are carried out for all persons appointed to a management role, this includes SLT and HoDs appointed since August 2015.

Charity Trustees, governors, have responsibility for the overall management and control of the School's finances and are subject to disqualification from management rules and will be checked as above. Before any new Chair of Governors takes over following a change, the School will apply to the Secretary of State to carry out an enhanced DBS check, confirm identity of individual concerned and if the individual lives or has lived outside of the UK, where making an enhanced check is insufficient, such other checks as the Secretary of State considers appropriate.

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

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

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

## 9.2 Disqualification under the Childcare Act 2006

This relates to staff working in the early years and those involved in childcare for children under the age of eight in before-and-after-school settings. It concerns how people can be disqualified under the Childcare Act 2006, explains the changes made by the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.

The School will not knowingly employ anyone to work in childcare, or allow them to be directly concerned in management, if they themselves are directly disqualified from childcare.

Grounds for disqualification include, in summary:

- Inclusion on the DBS Children's Barred List
- Being cautioned for, convicted of or charged with certain violent and sexual criminal offences against children and adults, at home or abroad;
- any offence involving death or injury to a child (even if not specifically listed in guidance);
- Grounds relating to the care of children (including where an order is made in respect of a child under the person's care);
- Having registration refused or cancelled in relation to childcare or children's homes or being disqualified from private fostering;

Disqualification occurs as soon as the above criteria are met, for example, as soon as a caution or conviction occurs, even before the person is formally included on the children's barred list.

### 9.2.1 Self-Declaration Form

All applicants to whom an offer of employment is made to carry out a relevant role in EYFS will be required to complete a Self-Declaration Form, confirming whether they meet any of the criteria for disqualification under the Regulations. In line with the Data Protection and Information Security Policy, the Schools only holds personal data (including criminal record information) by consent. In the absence of consent, the School will record the date the

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check was completed, (declaration made), details of any safeguarding restrictions imposed by the School or Others, and whether or not an Ofsted waiver has been granted.

Any applicants who are affected by this restriction must apply to Ofsted for a waiver of the disqualification. This application must be made by the individual rather than the School and employment cannot be confirmed until this disqualification is formally waived. In the event of the disqualification being formally waived, the School will then make a decision about the suitability of the applicant on a case-by-case basis. If no formal waiver is received from Ofsted, then the offer of employment will be automatically withdrawn.

The Self-Declaration Form is reviewed on an annual basis and all relevant staff are asked to complete the Self-Declaration Form on an annual basis and reminded to inform the Headmistress or Head of Lower School of any changes in their circumstances that would require a new declaration to be made.

## **10 POST APPOINTMENT INDUCTION**

All staff, governors and other volunteers newly appointed in the School will be offered and expected to undergo an induction programme, regardless of previous experience. Further information is contained in the Safeguarding Policy and Staff Induction Policy and Procedure.

## **11 RETENTION AND SECURITY OF DISCLOSURE INFORMATION**

The School's policy is to observe best practice as regards use of disclosed information. In particular, the School will

- store disclosed information and other confidential documents in locked offices access to which will be restricted to the HR Manager, Finance Manager, Director of Finance and Headmistress;
- ensure that any disclosed information is destroyed by suitably secure means such as shredding.

### 11.1 Retention of Records

If an applicant is appointed, the School will retain any relevant information provided on their Application Form (together with any attachments) on their personnel file, in accordance with the requirements of the Data Protection Act 2018. These records will be retained indefinitely under current Government requirements with reference to the Independent Inquiry into Child Sexual Abuse (ongoing). If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after 6 months, unless the applicant specifically requests the School to keep their details on file.

### 11.2 Single Central Register of Appointments (SCR)

In line with KCSIE, the School maintains a live SCR, which includes all individuals who work in regular contact with pupils. Please note that the SCR is a live document so does not contain the details of past staff. The following information is contained on the SCR:

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- Name
- Address
- Date of Birth
- Position
- Employment Start Date
- ID Check
- Qualifications (if required)
- Enhanced DBS
- Barred List (if appropriate)
- Right to Work Check
- Overseas check, including EEA check where appropriate (if required)
- Prohibition from Teaching Check (if required)
- Prohibition from Participation in Management (if required)
- Declaration that not Disqualified from Working with Children Under 8 (if required)
- References x 2
- Application Form (containing full employment history)
- Medical Declaration

Please note that for longer serving employees some of the information may not be available but this is noted on the register.

For the Governing Body the following information should be contained on the SCR:

- Name
- Address
- Date of Birth
- Position
- Appointment Date
- ID Check
- Qualifications (if required)
- Enhanced DBS
- Barred List (if appropriate)
- Right to Work Check
- Overseas check (if required)
- EEA Teaching Check
- Barred List
- Prohibition from Teaching (if required)
- Prohibition of Participation in Management
- Declaration that not Disqualified from Working with Children Under 8 (if required)

## **Appendix 1 - Definitions of Regulated Activity**

The full legal definitions of regulated activity are set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. Currently there is more than one definition of 'regulated activity' which is relevant to schools. The following are those most relevant and in the order of most relevance to schools.

The Key question in determining regulated activity is:

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- Is the activity they will do 'work'? (A person, for example, visiting the head or their own child would not be working.)
- Is the work regular? For the purpose of assessing whether a person is working in regulated activity, 'regular' includes 'frequent' and these are defined together as follows: frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight (between 2am and 6am).

1 ALL REGULAR WORK FOR SCHOOLS WITH OPPORTUNITY FOR CONTACT WITH CHILDREN IS REGULATED ACTIVITY, except:

- Work (not entailing personal care, within definition 2) by supervised volunteers
- Work (not entailing care or teaching, within definitions 2 or 3) by occasional/temporary contractors
- Work by pupils for other pupils (excepting for those in early years) (known as 'the peer exemption').

2 Relevant personal care, or health care is regulated activity –

- Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
- Healthcare in this context means care for children provided by or under the direction or supervision of, a regulated health care professional.

Note that 'care' within this definition is always regulated; considerations of regularity and supervision do not apply.

3 Regular, unsupervised teaching, training, instructing, caring for or supervising children is regulated activity and so is regularly

- providing advice or guidance for children on well-being, or
- driving a vehicle only for children.

## **Appendix 2 - Policy on Recruitment of Ex-offenders**

### 1. Background

The School will not unfairly discriminate against any applicant for employment on the basis of a conviction, or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set.

In view of the fact that all positions within the School will amount to "regulated positions" within the meaning of the Protection of Children Act 1999 (as amended by the Criminal Justice and Courts Services Act 2000), all applicants for employment must declare all previous convictions (including those which would normally be considered "spent" under the Rehabilitation of Offenders Act 1974). A failure to disclose a previous conviction may lead to an application being rejected or, if the failure 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.

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the Disclosure and Barring Service of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the

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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 a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. If:

- the School receives an application from a disqualified person;
- the School 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, it will report the matter to the Police, and the Disclosure and Barring Service.

## Assessment Criteria

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

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

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

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

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last 10 years.

## Assessment Procedure

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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 of the School before a position is offered.

If an applicant wishes to dispute any information contained in a Disclosure, he/she can do so by contacting the DBS directly. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosed information.



# SAFER RECRUITMENT POLICY

## Appendix 3 Policy on the Recruitment of Volunteers

Volunteers fall outside the definition of staff contained within The Education (Independent School Standards) (England) Regulations 2010. As a result, the same extensive range of recruitment checks, which must be undertaken when recruiting paid staff, do not need to be completed for volunteers. This has been the case since 1 September 2010.

The extent of the checks the School is required to undertake on a volunteer, or that it is permitted to undertake, are set out in the DfE statutory guidance KCSIE (2019), and also depend on whether a particular volunteer will be carrying out regulated activity for the School.

Regulated activity is defined by the Safeguarding Vulnerable Groups Act 2006 (SVGA) and is detailed in Appendix 1.

Most positions at the School, whether paid or unpaid, carried out on a regular basis will fall within this definition.

The school will undertake an Enhanced DBS check and a Children's Barred List check on all individuals undertaking regulated activity with children. The School will carry out an Enhanced DBS check and Children's Barred List check for all newly appointed volunteers who will be undertaking regulated activity.

The school will not undertake these checks for non-regulated volunteers (where the individual is fully supervised by a DBS enhanced checked individual). In respect of volunteers who will not be engaging in regulated activity (which will most likely be due to the frequency of their volunteering, because they are fully supervised or because there is no opportunity for contact with children) the School will conduct an internal risk assessment and use professional judgement and experience to determine whether it would be appropriate to carry out the non-statutory enhanced DBS check. The risk assessment process will consider:

- the nature of the work with children;
- what the School knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers
- whether the volunteer has other employment, or undertakes voluntary work elsewhere, from where referees can advise on suitability; and
- whether the role is eligible for a DBS check (which it will be if it involves work with children).

In addition to the above risk assessment the School will carry out the following checks on all volunteers:

- references;
- an informal interview.

Where no DBS or Barring List Checks have been carried out a volunteer will not be left unsupervised with children, or be allowed to work in regulated activity. This is in line with both KCSIE regulations and the Prevent Duty – England and Wales.

# SAFER RECRUITMENT POLICY

Risk assessments will be carried out by the HR Manager prior to any volunteer carrying out work. The risk assessment will consider the type of volunteering planned and identify the checks deemed necessary. See the School's Risk Assessment flow chart in the Risk Assessment Policy. See also the School's Visitor Policy which also refers to Prevent Duty Guidance and KCSIE.

## Supervision of Volunteers

Whether a volunteer is supervised will be key in determining whether they are carrying out regulated activity. The KCSIE guidance states that there are three main strands to appropriate supervision, which are:

- the supervision must be by a fully vetted person who is undertaking regulated activity;
- the supervision must be regular and day to day; and
- the supervision must be "reasonable in all the circumstances to ensure the protection of children".

Within this definition there is some discretion for the School to decide what amounts to appropriate supervision (considering the following factors):

- the ages of the children, including whether they differ widely;
- the number of children that the individual is working with;
- whether other individuals are helping to look after children;
- the opportunity for contact with children presented by the work or volunteering;
- how vulnerable the children are; and
- how many individuals will be supervised by the person carrying out the supervision.

## Parents Group

In respect of parents who volunteer at functions, or who are members of the QSPA, the School will assess how often they are volunteering and whether there is the potential for unsupervised access to children. If they satisfy the above definition of regulated activity, then an Enhanced DBS check and Children's Barred List check will be completed. If they do not then the School will adopt the risk assessment approach.

It is unlikely that those parents, who volunteer at functions on a one-off basis, and who the school are confident will be supervised for the most part, will be undertaking regulated activity. Therefore, the School will exercise its discretion in such cases.

For those on the Parents Group where the volunteering is more likely to be regular enough to satisfy the definition of regulated activity, the School will consider whether they are supervised and the opportunity for contact with pupils each individual is afforded by their role on the Group (by carrying out the relevant risk assessment).

Supervision will be required of those volunteers who are not undertaking regulated activity but for whom the School has carried out an Enhanced DBS check. However, if the School has

# **SAFER RECRUITMENT POLICY**

received a satisfactory disclosure, the level of supervision may be more relaxed than if we had undertaken no checks at all. The decision rests with the School in these circumstances.

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## Appendix 4 Policy on the Engagement of Third Party Workers/Agency Workers/Contractors/Vendors/Peripatetic Teachers (Approved Visitors)

Third Party workers are those individuals who work at the school from time to time but who are employed by another company/professional body. The School will check with the relevant agency/company to confirm that the required checks have been carried out to the extent relevant to that person. These checks will be confirmed in writing by the employing agency/company. They will include:

- Name
- Address
- Date of Birth
- Position
- Start Date
- ID Check
- Qualifications (if required)
- Enhanced DBS
- Barred List (if appropriate)
- Right to Work Check
- Overseas Checks, including EEA Check (if required)
- Prohibition from Teaching (if required)
- Prohibition from Management (if required)
- References x 2
- Full Employment History
- Declaration that not Disqualified from working with Children Under 8 (if required)
- Medical Declaration

For those individuals not employed by the School, but are in effect self-employed, the School will treat them as staff and will conduct the checks and they will be recorded on our School SCR.

# SAFER RECRUITMENT POLICY

## Appendix 5 Policy on Visiting Contractors (Vendors) (i.e. refuse collection, sanitary operatives)

There are contractors/vendors that visit the school for regular and ad-hoc service maintenance purposes. Unless an individual is checked in accordance with Appendix 4 requirements as an approved visitor, he/she will always be accompanied on site during normal school day timings (8.30-6.00pm), Monday-Friday during term time.

## **Appendix 6 Pre-Employment Checks Confirming Identity & Right to Work in UK**

The School has a legal duty under the Immigration Asylum and Nationality Act 2006 and sections 24 and 24B of the Immigration Act 1971 to ensure that all potential employees have a right to work in the UK. The School has to confirm the identity of all employees as part of the criminal record checking process.

**Original** documentation must be provided – photocopies will not be accepted.

The documents applicants need to provide will depend on the route taken below. Route 1 must be attempted first.

### **ROUTE 1**

The applicant must be able to show:

- 1 document from Group 1
- 2 further documents from either Group 1 or 2a or 2b.

At least 1 document must show the applicant's current address.

### **ROUTE 2**

If the applicant does not have any document from Group 1, they must be able to show:

- 1 document from Group 2a
- 2 further documents from either Group 2a or 2b.

At least 1 document must show the applicant's current address.

We may also need additional documentation to prove your right to work in the UK and further validation may be required for this.

### **ROUTE 3 (This route can only be used if it is impossible to use either Route 1 or 2)**

The applicant must be able to show:

- A birth certificate issued after the time of birth (UK and Channel Islands);
- 1 document from Group 2a;
- 3 further documents from Group 2a or Group 2b.

At least 1 document must show the applicant's current address.

The School may also need additional documentation to prove an applicants right to work in the UK and further validation may be required for this.

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Group 1 – Primary identity documents		
Document	Notes	
Passport	Any current and valid passport	
Biometric Residence Permit	UK and current and valid.	
Current driving licence photocard (full or provisional)	UK, Isle of Man, Channel Islands and EU	
Birth certificate - issued within 12 months of birth	UK, Channel Islands and Isle of Man – including those issued by UK authorities overseas, for example embassies, High Commissions and HM Forces	
Adoption certificate	UK and Channel Islands	
Group 2a Trusted government documents		
Document	Notes	
Current, valid driving licence photocard - full or provisional	All countries outside the EU (excluding Isle of Man and Channel Islands)	
Current, valid driving licence (pre-1998 paper version) - full or provisional	UK, Isle of Man, Channel Islands and EU	
Birth Certificate – issued after time of birth	UK, Isle of Man, Channel Islands and EU	
Marriage/Civil Partnership certificate	UK and Channel Islands	
HM Forces ID card	UK	
Firearms licence	UK, Channel Islands and Isle of Man	
Group 2b – Financial and social history documents		
Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in the last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in the last 3 months
Bank or building society account opening confirmation letter	UK	Issued in the last 3 months
Credit card statement	UK or EEA	Issued in the last 3 months
Financial statement, for example pension or endowment	UK	Issued in the last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in the last 12 months
Council Tax statement	UK and Channel Islands	Issued in the last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK/Non-EEA only – valid only for applicants residing outside of the UK at the time of application	Must still be valid
Utility bill	UK - not mobile telephone bill	Issued in the last 3 months

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Benefit statement – e.g. Child Benefit, Pension	UK	Issued in the last 3 months
Central or local government, government agency or local council document giving entitlement – e.g. from the Department of Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in the last 3 months
EU National ID card	-	Must still be valid
Cards carrying the PASS accreditation logo	UK, Isle of Man and Channel Islands	Must still be valid
Letter from head teacher or college principal	UK – for 16 to 19 year olds in full-time education – only used in exceptional circumstances if other documents can't be provided	Must still be valid