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HALLFIELD SCHOOL

SAFER RECRUITMENT, SELECTION AND DISCLOSURE POLICY & PROCEDURE

Head Master	Mr K Morrow	
Chairman of Governors	Mr G Ralphs	
Staff member with responsibilities	HR Manager	
Subcommittee with responsibilities	HR & Legal	
ISI Regulatory Policy	Yes	
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***“Hallfield School promotes the safeguarding and welfare of children in its care;
all policies support the Safeguarding Policy”***



HALLFIELD SCHOOL

Safer Recruitment, Selection and Disclosure Policy & Procedure

1. Introduction

Hallfield School (“the School”) is committed to providing the best possible care and education to its pupils and safeguarding and promoting the welfare of children and young people is our highest priority. The School recognises that, in order to achieve these aims, it is fundamentally important to attract, recruit and retain staff of the highest calibre who share this commitment.

The School is also committed to ensuring robust recruitment and vetting arrangements are in place to prevent unsuitable people from working with children in the School or in activities organised by the School.

The aims of this 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 on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, gender reassignment, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including Education (Independent School Standards) Regulations 2014 (**ISSRs**), the statutory guidance published by the Department for Education (**DfE**), *Keeping children safe in education* (1 September 2023) (**KCSIE**), *Disqualification under the Childcare Act 2006* (**DUCA**), the Prevent Duty Guidance for England and Wales 2015 (updated on 1 April 2021, the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

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

2. Scope

The Safer Recruitment, Selection and Disclosure Policy & Procedure 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 under a contract, but does not include supply staff or a volunteer.

3. Recruitment and Selection Procedure

When advertised, job vacancies will include a statement outlining:

- the School's commitment to safeguarding and promoting the welfare of children and young people and the expectation that all staff and volunteers share this commitment;
- that safeguarding checks will be undertaken;
- the safeguarding requirements and responsibilities of the role; and
- whether the role is exempt from the Rehabilitation of Offenders Act 1974.

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. Applicants will also be asked to provide details of their online profile, including accounts names and social media handles so that online searches can be carried out on shortlisted candidates (see Pre-Employment Checks section). This information must be provided by the applicant in order for the application to be accepted.

Incomplete application forms will be returned to the applicant where the application deadline has not passed. Should there be any gaps in academic or employment history; a satisfactory explanation must be provided. A CV will not be accepted in place of the completed application form, but can be submitted alongside it, as additional information.

The School will make applicants 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. Applicants will receive a job description and person specification for the role they are applying for. The School's Safeguarding and Child Protection Policy are available via current vacancies section of the School website and can be emailed or printed on request. Applicants are advised to read both as part of the application process and therefore all applications are received with the assumption that applicants will have read these policies as directed.

The School will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. The shortlisting exercise will usually be conducted by two members of staff (who ideally will also be involved in the interview process).

Shortlisted applicants will be invited to attend a formal interview at which their skills and experience will be discussed in more detail. All shortlisted applicants will be assessed at

interview about their suitability to work with children.

Shortlisted candidates will be required to complete a self-declaration form prior to interview in which they will be asked to provide information about their criminal records history and other factors relevant to their suitability to work with children. This information will be considered and discussed with applicants at interview. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. Candidates will be asked to sign a declaration confirming that the information they have provided is true.

The School takes its responsibility to safeguard children very 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 School immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.

All formal interviews will have a panel of at least two people. It is recommended best practice that at least one person on the panel will have undertaken safer recruitment training. The Chair of Governors should chair the panel for the Head Teacher appointment. 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 as to whether or not an interviewer should withdraw from the panel. The interview will be conducted in person (unless exceptional circumstances and mutual agreement permit a virtual interview at first stage).

All shortlisted applicants will be assessed at interview on their suitability to work with children. Any gaps in employment history highlighted during shortlisting will be explored during interview. Where applicable references and online search results may also be discussed. Interviews with academic applicants will normally include contact with pupils; which may include a lesson being taught, a shared lunch, meeting a representative panel or an informal discussion.

Candidates requiring any adjustments (due to disability or neurodiversity) to assist them in attending / taking part in an interviews are given the opportunity to make the School aware of this before attending interview.

If the School decides 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);
- verification of qualifications (including Qualified Teacher Status), whether professional or otherwise, which the School takes into account in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not;
- verification of successful completion of statutory induction period (for teaching posts, where QTS obtained after 7 May 1999);
- verification of the applicant's employment history;
- the School being satisfied that any information generated through online searches does not make the applicant unsuitable to work at the School;

- the receipt of two references (three references are required for teaching staff), one of which must be from the applicant's most recent employer, which the School considers to be satisfactory;
- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency which renders them unable or unsuitable to work at the School;
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School,
- where the position amounts to "regulated activity" (see definition below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List;
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School;
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School;
- confirmation that the applicant is not disqualified from acting as a trustee / governor or senior manager of a charity under the Charities Act 2011 (if applicable);
- confirmation that the applicant is not disqualified from working in connection with early or later years' provision (if applicable);
- verification of the applicant's medical (mental and physical) fitness for the role.
- verification of the applicant's right to work in the UK (which will be kept on staff's HR files for the duration of employment and a minimum of 2 years afterwards); and
- any further checks which the School decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct / letter of professional standing or professional references.

4. Artificial Intelligence

The School does not use artificial intelligence software as a decision-making tool at any stage of the recruitment process, including in respect of external and internal applications and promotion proposals.

5. Pre – Employment Checks

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the ISSRs the School carries out a number of pre-employment checks in respect of all prospective staff.

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

Online searches

In addition to the checks set out below, the School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. In accordance with KCSIE this will include online searches on shortlisted candidates (**online searches**). The online searches the School carries out may include searches of internet search engines, websites and social media platforms. Applicants are asked in the application form to provide details of their online profile, including account names, social media and professional networking site handles and details of websites on which the applicant is featured or named. This information will be used to carry out online searches. Applicants are not required to provide account passwords or to grant the School access to private social media or professional networking account content that is not publically available. However, if information (such as profile pictures and/or account bios) is publically available when the account is locked and can therefore be viewed by the School it may be taken into account as part of the online search.

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

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

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

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

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

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

- whether the information is relevant to the position applied for;

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

For successful candidates, the School will retain information generated through online searches for the duration of the individual's employment and in accordance with its policy covering retention of records after employment ends.

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

5.1 Verification of identity, address, right to work in the UK and qualifications

All candidates who are invited to interview are required to bring with them documents to evidence their identity, right to work, address and proof of any educational and professional qualifications that are necessary or relevant for the post.

The School requests that all candidates invited to interview bring with them:

- A current driving licence including a photograph or a passport (for proof of identity);
- Where appropriate any official documentation evidencing a change of name;
- Proof of entitlement to work and reside in the UK (such as passport or birth certificate plus official proof of NI documentation). Valid forms of evidence can be found in the Home Office 'Right to Work Checklist;'
- Original certificates to confirm relevant and required qualifications for the post (for example degree certificates, teaching or teaching assistant qualifications).

Originals of the above are necessary.

5.2 References

References will be taken up on shortlisted applicants prior to interview where possible.

No questions will be asked about health or medical fitness prior to an offer of employment being made.

All offers of employment will be subject to the receipt of a minimum of two references (three for teaching staff) 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. A referee should not be a relative or someone known to the applicant solely as a friend.

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. All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied.

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.
- any substantiated safeguarding concerns or allegations that meet the harm threshold set out in KCSIE. Substantiated allegations that meet the harm threshold should be included in references.
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be unsubstantiated, unfounded, false or malicious.
- whether the applicant could be considered to be involved in 'extremism.'

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

The School will compare all references with any information provided on the application form and may need to discuss any discrepancies with both the referee and the applicant before appointment can be confirmed.

If it has not been possible to obtain a reference 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.

If factual references are received (containing limited information), this will not necessarily disadvantage an applicant, although additional references may need to be sought.

The School may make telephone contact with any referee to verify the details of the written reference provided.

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

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

5.3 Medical Fitness

The School is legally required to verify the medical fitness of anyone to be appointed to a post at the School, after an offer of employment has been made but before the appointment can be confirmed. Upon offer of employment an employee will be required to complete an online medical questionnaire via the School's external occupational health provider. It may be necessary for the questionnaire to be confidentially explored by the occupational health provider over the telephone before fitness to work is confirmed. One outcome may be the recommendation to consider reasonable adjustments. In some cases, further medical information or advice may need to be sought.

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 and considering reasonable adjustments or suitable alternative employment.

5.4 Criminal Records Check (DBS)

An enhanced DBS check with a check of the Children's Barred List will be required for most applicants because they will be engaged in regulated activity. In summary "regulated activity" means if as a result of their work they:

- will be responsible, on a regular basis in School, for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in School where that work provides an opportunity for contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

Where an applicant is a registered member of the DBS Update Service a check will be obtained and where an applicant has worked or lived abroad within the last 5 years the applicant and/or the School will obtain the relevant equivalent checks from that particular country.

In some cases, an applicant will be supervised to such a level that they are not in regulated activity. The School will need to consider:

- whether the individual will be supervised by a member of staff in a regulated activity, and whether the supervision will be regular and day to day;
- whether the supervision will be reasonable in all the circumstances to ensure the protection of children: and
- whether the supervised individual is a volunteer.

Applicants subject to the requirements set out above should not begin work at the School until aforementioned checks are completed and deemed satisfactory. In exceptional circumstances, this may not be possible, in which case, the Head Master may allow the applicant to begin work providing the School has:

- requested a DBS check and completed a satisfactory barred list check;
- obtained satisfactory references;
- carried out a risk assessment which specifies safeguarding conditions;

- confirmed the risk assessment/safeguarding conditions will be reviewed every two weeks until the DBS check is completed;
- made the applicant aware of the safeguarding conditions; and
- made a note on the Single Central Register (SCR).

5.6 Recruitment of Ex-Offenders

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

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

With effect from 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal record disclosures. The filtering rules developed by the DBS and the Home Office designate certain spent convictions and cautions as “protected”. “Protected” convictions and cautions are not included in a DBS certificate and job applicants are not required to disclose them during the recruitment process. It is unlawful for an employer to take into account a convictions or caution that should not have been disclosed. If a protected conviction or caution is inadvertently disclosed to the School during the recruitment process it must be disregarded when making a recruitment decision.

A conviction will always be disclosable if it was imposed for a “specified offence” committed at any age. Further information can be found at <https://www.gov.uk/government/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

All candidates should be aware that failure to disclose a previous conviction or provision of false information could result in the application being rejected or summary dismissal on the grounds of gross misconduct if they have been appointed. A failure to disclose a previous conviction may also amount to a criminal offence. It is unlawful for the School to employ anyone who is barred from working with children. It is 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 barred from working with children 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 barred 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.

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: 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 within the last ten years.

Assessment Procedure

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

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School may, where practicable and at its discretion, defer a final decision about appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

5.7 Prohibition from Teaching Check

The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. The School uses the Teaching Regulation Agency 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 Teaching Regulation Agency.

In addition, the School asks all shortlisted applicants to declare whether they have ever

been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or other equivalent body in the UK.

Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the Teaching Regulation Agency (or other equivalent body), whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

The School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012, which state that the following activities amount to "teaching work":

- planning and preparing lessons and courses for pupils
- delivering lessons to pupils
- assessing the development, progress and attainment of pupils; and
- reporting on the development, progress and attainment of pupils.

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the Head. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches.

5.7 Prohibition from Management Check

The School is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school (a **section 128 direction**).

The School will carry out checks for section 128 directions when appointing applicants into management positions from both outside the School and by internal promotion.

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

- Head
- teaching posts on the senior leadership team
- teaching posts which carry a departmental head role; and
- support staff posts on the senior leadership team

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

All individuals who are appointed to the governing body will be subject to a section 128 direction check.

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 Teaching Regulation Agency Teacher Services system. The School will use either, or both, methods to obtain this information.

In addition, the School asks all shortlisted applicants to declare 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.

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 or not 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.

5.8 Disqualification from acting as a charity trustee or senior manager

5.8.1 Background

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

5.8.2 Who is covered

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

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

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

5.8.3 Self-declaration

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

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

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

5.8.4 Checks by the School

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

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

5.8.5 Waiver

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

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

5.9 Childcare disqualification

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

5.9.2 Definitions

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

DUCA states that only those individuals who are employed directly to provide childcare are covered by the Regulations. "Childcare" means any form of care for a child, which includes education and any other supervised activity for a child who is aged 5 or under. "Childcare" in LYP does not include education during school hours but does cover before and after school clubs.

5.9.3 Relevant roles

Roles which will be covered by the Regulations are teaching and teaching assistant positions in EYP, and those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Head, and may also include other members of the leadership team as well as those involved in the

day to day management of EYP or LYP at the School.

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 EYP or LYP on an occasional basis. They will not automatically be within the scope of the Regulations and the School will therefore consider whether they do on a case by case basis. The Regulations only apply to a limited number of roles within the School but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP.

5.9.4 Grounds for disqualification

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

- a) 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;
- b) various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- c) 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;
- d) having been refused an application for registration of a children's home or having had any such registration cancelled; or
- e) having been prohibited, restricted or disqualified from private fostering.

5.9.5 Self-declaration form

All applicants to whom an offer of employment is made to carry out a relevant role in EYP or LYP will be required to complete a self-declaration form confirming whether they meet any of the criteria for disqualification under the Regulations.

The School will decide whether a role is relevant and within the scope of EYP or LYP 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. 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.

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

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

Applicants are not required to disclose a caution or conviction for an offence committed in the UK if it has been filtered in accordance with the DBS filtering rules (see relevant section of this policy).

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.'

5.9.6 Waiver of a disqualification

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.

5.9.7 Retention of disqualification information

The School will securely destroy any information which is provided by an applicant which is not relevant to the childcare disqualification requirements 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.

5.9.8 Continuing duty to disclose change in circumstances

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

6. Safer Recruitment Monitoring

The monitoring of safer recruitment is undertaken by the HR Manager. The HR Manager will, prior to any new member of staff/volunteer commencing work at the School, check the individual is entered correctly onto the Single Central Register (SCR) and that all necessary dates for recruitment checks have been entered.

An entry will be made on to the School's SCR of all current members of staff, the proprietorial body and volunteers who work in regular contact with children.

The Director of Finance and Operations will undertake a termly review of the SCR in conjunction with the HR Manager, to ensure compliance and the Head Master will receive a termly update highlighting the new employees at the School on the SCR to further ensure compliance with all current regulations.

The Governors will examine the School's SCR on a termly basis as a standing agenda item at the HR & Legal Committee to ensure compliance with all current regulations. The monitoring of the SCR will be recorded in the minutes.

7. Internal Recruitment and Promotion

All employees will be made aware of career opportunities including promotion, with details circulated via the Head Master's weekly briefing, email and staff noticeboards. Training and role experience (such as shadowing) needed for promotional opportunities will be open to all employees. Promotion will be determined by merit and performance against objective criteria.

8. Contractors and Agency Staff

The School must complete the same checks for contractors (and their employees) undertaking regulated activity at the School as it does for its own employees. The School requires written confirmation from the contractor that it has completed these checks on all of those individuals whom it intends will work at the School before any such individual can commence work at the School. In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

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 will independently verify the identity of individuals supplied by contractors or an agency and requires the provision of the appropriate level of DBS certificate for such staff before those individuals can commence work at the School. The School will not keep copies of a DBS disclosure certificate. The Single Central Register will show these checks have been made and that the School has carried out its own identity check and has seen a copy of the disclosure.

9. Volunteers

The School will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the School.

The School will request an enhanced DBS disclosure without Children's Barred List information on all volunteers who do not undertake regulated activity. This is likely to be because their volunteering duties are subject to regular, day to day supervision by a fully checked member of staff or by a volunteer who the School has deemed appropriate to supervise and ensure the safety of those pupils in their care.

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

It is the School's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the School for three consecutive months or more. Those volunteers who are likely to be involved in activities with the School on a regular basis may be required to sign up to the DBS update service as this permits the School to obtain up to date criminal records

information without delay prior to each new activity in which a volunteer participates.

In addition, the School will seek to obtain such further suitability information about a volunteer, as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- formal or informal information provided by staff, parents or other volunteers
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview

10. Visiting Speakers and the Prevent Duty

The Prevent Duty Guidance requires the School to have clear protocols for ensuring that any visiting speakers are suitable and appropriately supervised.

The School is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the School or perform any other regular duties for or on behalf of the School.

All visiting speakers will be subject to the School's Visiting Speaker Policy, which is designed to protect pupils and staff from the risk of radicalisation by visiting speakers or groups.

Visitors will be required to sign in and out at the Front Office, wear a visitor's badge at all times and being escorted by a fully vetted member of staff between appointments.

The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and / or permit a speaker to attend the School. In doing so the School will always have regard to the Visiting Speaker Policy 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.”

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

11. After Appointment

All new members of staff will go through an induction programme, which will introduce them to the School and their role and the importance of safeguarding in all aspects of their role and responsibilities. They will be directed to read the School's policies with key policies being issued to them both prior to and on their first day. This will include (but is not limited to) Safeguarding and Child Protection; Prevent; Staff Code of Conduct; Whistleblowing, Anti-Bullying and Disciplinary; Capability and Grievance Procedures.

All staff/volunteers should ensure they are familiar with the latest version of the KCSIE

document and a copy / link and summary being provided as part of the induction programme. In addition to specific training sessions (including safeguarding and child protection and health & safety), the induction programme will also explain the School's expectations of behaviour for staff and how to forward any concerns observed with this.

All staff are expected and encouraged to raise concerns they have, whether related to 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 (including Whistleblowing policy, Grievance policy, Safeguarding and Child Protection policy and Staff Code of Conduct policy). All staff receive training so they understand the School's expectations. Safeguarding is at the centre of the School's culture.

12. Referrals to the DBS and TRA

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

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

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

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

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

13. Retention, Security of Records and Data Protection Obligations

The School is legally required to carry out the pre-appointment checks detailed in this policy. Staff and prospective staff will be required to provide certain information to the School to enable the School to carry out the checks that are applicable to their role. The School will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency. Failure to provide requested information may result in the School not being able to meet its employment, safeguarding or legal obligations.

The School will comply with its obligations regarding the processing and retention of

personal information in accordance with its Data Protection Policy and privacy notices. Where a copy of a DBS certificate is taken, this will not be retained for longer than 6 months.

14. Queries

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

Associated Policies

Data Protection Policy & Privacy Notices

Safeguarding and Child Protection Policy

Equality and Diversity Policy

Whistleblowing Policy

Visiting Speaker Policy

Induction Policy