



# Recruitment Policy

**June 2024**

Reviewed by: Bryan Kane (Head of School) & Emma Thorpe (HR Co-ordinator)  
Approved by: Raquel Ayala Terrados (Chief Legal Officer)  
Next review

Date: June 2024  
Date: June 2024  
June 2025



## **Contents**

1. Introduction
2. Scope
3. Aims
4. Recruitment and selection procedure
  - 4.1 Advertisement
  - 4.2 Application Form
  - 4.3 Shortlisting
  - 4.4 Interview
  - 4.5 Offer of Employment
5. Pre-employment checks
  - 5.1 Verification of identity
  - 5.2 Verification of employment history
  - 5.3 Evidence of 'Right to Work' in the UK
  - 5.4 References
  - 5.5 Medical fitness
  - 5.6 Disclosure and Barring Checks
  - 5.7 Procedure if a DBS disclosure is delayed
  - 5.8 'Porting' a DBS from another School (The 'three months' rule)
  - 5.9 DBS Update Service
  - 5.10 Prohibition from Teaching
  - 5.11 Prohibition from Management (Section 128 Direction)
  - 5.12 Verification of qualifications
  - 5.13 Overseas criminal record checks
  - 5.14 Overseas checks of professional conduct
  - 5.15 Disqualification from Childcare
6. Supply Staff
7. Self-employed staff
8. Contractors and employees of third parties (other than employment agencies)
9. Student teachers
  10. Appointment of Volunteers
11. Visiting speakers and the Prevent Duty
12. Single Central Record (SCR)
13. Retention of Records
14. Referral to the DBS and the Teaching Regulation Agency (TRA)
15. Policy on recruitment of ex-offenders
  - 15.2 Assessment criteria
    - 15.1 Background
    - 15.3 Assessment procedure
    - 15.4 Retention and security of disclosure information
    - 15.5 Disclosure of new convictions by current employees



16. Training

17. Queries



## 1. Introduction

St John's School is committed to safeguarding and promoting the welfare of children and young people and providing the best possible care and education to its pupils. The School recognises that it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The School pays due regard to the Education (Independent School Standards) Regulations 2014 (ISSRs), the Department of Education statutory guidance 'Keeping Children Safe in Education' 2024 (KCSIE), the Prevent Duty Guidance for England and Wales (2023) and any guidance or code of practice published by the Disclosure and Barring Service (DBS).

Employees involved in the recruitment and selection of staff must comply with the provisions of this policy.

## 2. Scope

- a) This policy is applicable to the recruitment and selection of all staff and others engaged to provide services for the School, irrespective of whether such a contract is for a temporary or fixed term or is of a permanent duration. It applies to both internal and external recruitment. The ISSRs define staff 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.*

- b) The recruitment procedures relating to supply staff; persons employed by a third party; the self-employed; contract workers and volunteers working within the school are outlined later within this policy.

## 3. Aims

- a) to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- b) to ensure that all job applicants are considered equally and consistently and that no job applicant is treated unfairly on any grounds including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, in accordance with the Equality Act 2010;
- c) to ensure compliance with the DfE statutory guidance Keeping Children Safe in Education, the Education (Independent Schools Standards) (England) Regulations 2014, the Prevent Duty Guidance for England and Wales (2023) and any guidance or code of practice published by the Disclosure and Barring Service (DBS);
- d) to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all the necessary checks prior to any period of employment and any additional action required during an individual's period of employment with the School.



#### **4. Recruitment and selection procedure**

##### **4.1 Advertisement**

- a) All advertisements for both teaching and non-teaching roles will include:
  - a statement relating to the School's commitment to safeguarding and promoting the welfare of children and young people
  - the requirement for safeguarding checks including an enhanced Disclosure and Barring Service (DBS) check with Barred List information for posts in regulated activity
  - the safeguarding responsibilities of the post as per the job description and person specification
  - a statement that the post is exempt from the Rehabilitation of Offenders Act 1974.
- b) All positions within the School involve a degree of responsibility for safeguarding children; therefore, all posts are exempt and applicants must 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. (Also see Paragraph 15 below for the School's Policy on the Recruitment of ex-offenders)

##### **4.2 Application Form**

- a) All applicants for employment will be required to complete the School's application form in full.
- b) A curriculum vitae will not be accepted in place of the completed application form.
- c) Applicants will receive a job description and person specification for the role applied for.
- d) Via the School website, candidates will be provided with the School's Safeguarding Policy and the Recruitment Policy which includes its Policy on the Recruitment of ex-offenders.
- e) The School's application form requires the following details to be included
  - Current name and any former names
  - Current address
  - NI number
  - Full details of qualifications, including awarding body and date of award
  - Details of current (or last employment) and reason for leaving
  - Declaration that the individual has the right to work in the UK
  - Full education and employment history in chronological order by month and year showing all periods of employment, study, voluntary work, with explanations for any periods not covered, and reasons for leaving.
  - DfE number for qualified teachers
  - Information and dates regarding any periods of overseas residence.
  - Details of at least two referees (see Paragraph 5.4 below on references)
  - A statement from the applicant of their personal qualities and experience, which they believe meets the person specification.
  - Signature of the applicant confirming all information provided in the application form is true.



- f) Where an application form is signed electronically, this must be signed in person if the candidate is later shortlisted and interviewed.
- g) Applicants will be made aware from a statement on the application form that it is an offence to apply for a role within the school if the applicant is barred from engaging in regulated activity relevant to children and that providing false information is a criminal offence and could result in an application being rejected, or if appointed, in dismissal and referral to the police and/or DBS.

#### **4.3 Shortlisting**

- a) At least two people will carry out the shortlisting exercise during which they will check the application forms to identify any inconsistencies and/or gaps in employment, and the reasons given for them, in order that all potential concerns can be explored with the candidate at interview.
- b) Applicants should be aware that the School may carry out an online search as part of their due diligence on all shortlisted candidates to identify any incidents or issues that are publicly available online and which the School may wish to explore with the applicant at interview.
- c) All shortlisted applicants will be required to complete and sign a self-declaration form prior to interview in which they will be asked to provide information about their criminal record history and any other factors relevant to their suitability to work with children.
- d) For staff doing teaching work of any kind, a declaration to state whether the applicant has ever been the subject of any proceedings or been subject to a sanction, restriction or prohibition issued by the Teaching Regulation Agency, or any predecessor or successor body; this includes similar professional agencies overseas.
- e) Any information declared will also be considered and discussed with applicants at interview.

#### **4.4 Interview**

- a) Whenever possible, interviews will be conducted in person but occasionally if a candidate is abroad interviews may be conducted online.
- b) All formal interviews will have a panel of at least two people chaired by the Head, or another designated senior member of staff. At least one person on the appointment panel will have undertaken safer recruitment training.
- c) Questions will include an exploration of the candidate's suitability to work with children. It is recognised that not all candidates will have had experience within a school, and in such cases questions will be adapted.
- d) The School will use various selection techniques to identify the most suitable person for the role advertised. Short listed candidates for teaching posts will usually be observed teaching a lesson and other candidates may have appropriately supervised interaction with pupils.
- e) All information considered in the decision making process will be recorded along with the decisions made.
- f) Candidates with a disability who are invited to interview should inform the School in advance of any necessary reasonable adjustments or arrangements which may be needed to assist them.
- g) All candidates invited to interview will be required to bring **original** documents confirming their:



- Identity
- right to work in the UK
- current address
- the original certificates of any qualifications relevant for the post

(See Paragraph 5.1 below for details of documents which should be presented.)

#### **4.5 Offer of Employment**

In accordance with the current statutory guidance in KCSIE, the requirements of The Education (Independent School Standards) Regulations 2014 and the National Minimum Standards for Boarding Schools, the School is required to carry out a number of pre-employment checks in respect of all prospective employees.

If it is decided to make an offer of employment following the formal interview, any such offer will be subject to the following conditions:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment and Non Disclosure Agreement;
- verification of the applicant's identity
- verification of the candidate's employment history
- verification of the applicant's right to work in the UK
- the receipt of a minimum of two references (one of which must be from the applicant's most recent employer) which meet the criteria in Paragraph 5.4 below and which the School considers to be satisfactory
- verification of the applicant's medical fitness for the role (Paragraph 5.5 below);
- the receipt of an enhanced DBS disclosure and where the position is deemed to be 'regulated activity' (see Paragraph 5.6 below) the receipt of an enhanced DBS disclosure including a Children's Barred List Check, which the School considers to be satisfactory.
- for positions which involve teaching work of any kind, confirmation from the Teaching Regulation Agency (TRA) that the applicant is not, nor ever has been, subject to any prohibition, sanction or restriction order, which, in the School's opinion, 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, in the School's opinion, renders them unable or unsuitable to work at the School
- for any management positions, confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits them from being involved in the management of an independent school;



- confirmation that the applicant is not Disqualified from Childcare, which applies to those working with EYFS pupils or later years provision (see Paragraph 5.15 below);
- any further checks which the School deems as necessary due to the applicant having lived or worked outside of the UK for three months or more in the past ten years
- verification of professional qualifications which the School deems a requirement for the post, or which the applicant otherwise cites in support of their application

Newly appointed staff **may not start work** at the School until all of the above have been completed and found to be satisfactory by the School's HR Co-ordinator and the Head. The *only* exception to this is a delayed DBS disclosure; if this occurs the School must follow the procedures outlined in Paragraph 5.7 below before an individual may begin work.

## 5. Pre-employment checks

### 5.1 Verification of identity

- All applicants who are invited to an interview will be required to bring with them **original documents** as evidence of their identity. Photocopies or certified copies cannot be accepted neither can documentation printed from the internet e.g. internet bank statements.
- Valid identity documents **must** comply with the DBS identity checking guidelines, which can be found at:  
[https://www.gov.uk/government/publications/dbs-identity-checking-guidelines/id-checking-guidelines-for-standardenhanced-dbs-check-applications-from-1-july-2021 - group-1-primary-identity-documents](https://www.gov.uk/government/publications/dbs-identity-checking-guidelines/id-checking-guidelines-for-standardenhanced-dbs-check-applications-from-1-july-2021-group-1-primary-identity-documents) and **must include:**
  - one document from Group 1 (to include the birth certificate where this is available); and
  - two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address
- Where an applicant states they have changed their name (e.g. marriage, adoption, deed poll) they will be required to provide the original of any documents evidencing any change(s).
- Copies of the identity documents provided will be made and retained by the School, with the original documents then being returned to the applicant immediately.

### 5.2 Verification of employment history

- The HR Co-ordinator or Head will compare all references with any information given on the application form. Any discrepancies or inconsistencies will be followed up appropriately and explored with the referee and/or candidate.
- The HR Co-ordinator or Head will also check the application form for any unexplained gaps in employment which will be explored with the candidate.
- The School will ensure that any concerns are resolved satisfactorily before an appointment is confirmed.

### 5.3 Evidence of 'Right to Work' in the UK

- The School has a legal duty to ensure that all staff have the right to work in the UK.



- b) **UK citizens** must provide their passport **or** for those without a passport a UK birth certificate along with an official letter or document from a government agency e.g. HM Revenue and Customs, Department for Work and Pensions, or a previous employer, showing their name and National Insurance number.
- c) **Non-UK nationals will require** documentation according to their individual circumstances and as such will be subject to the requirements of the Home Office Right to Work Checking Service: <https://www.gov.uk/check-job-applicant-right-to-work>
- d) For both UK and non-UK nationals, copies of all original documentation will be taken and kept in the individual's personnel file and the originals returned to the applicant.

#### 5.4 References

- a) References will be requested and obtained before interview where possible. If a candidate does not wish the School to take up references in advance of the interview, the School should be notified at the time of the application to seek its agreement to this.
- b) All offers of employment are subject to the receipt of a minimum of two references which are considered satisfactory by the School.
- c) The School will only accept references obtained directly from a referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.
- d) All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied.
- e) 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.
- f) Referees will also be asked to confirm that (to the best of their knowledge) the applicant has not been radicalised so that they do not support terrorism or any form of 'extremism'. (see Paragraph 11 below for definition).
- g) Neither referee should be a relative or someone known to the applicant solely as a friend.
- h) References must be completed by a senior person with appropriate authority; if the referee is school or college based, the reference must be confirmed by the headteacher/principal as accurate in respect of any disciplinary investigations.
- i) One of the references must be from the applicant's current or most recent employer.
- j) If the 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. If the applicant has never worked with children, then a reference from the current employer is required.
- k) 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), unsubstantiated or malicious;
  - whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious;
- l) The School will verify the identity of any referees and the details of the written reference provided.
- m) 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 and the relevant referee before any appointment is confirmed.
- n) Any electronic references received will be checked to ensure that they are from a legitimate source.
- o) A telephone reference may be taken in an emergency, but must be recorded in writing and signed and dated. The referee will be asked to provide a written reference as soon as possible.

### **5.5 Medical fitness**

- a) The School has a statutory responsibility 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.
- b) All applicants to whom an offer of employment has been made will be required to complete a health questionnaire and sign a declaration of medical fitness confirming that they know of no reasons, on grounds of mental or physical health, why they should not be able to discharge with due care and skill the responsibilities required by the role.
- c) Any information provided will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed timetable, extra-curricular activities, layout of the School etc.
- d) If the School's medical advisor has any doubts about an applicant's fitness the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.
- e) 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 advice, considering reasonable adjustments and suitable alternative employment.



### 5.6 Disclosure and Barring Checks

- a) The School complies with the provisions of the DBS Code of Practice, a copy of which may be accessed here: <https://www.gov.uk/government/publications/dbs-code-of-practice>.
- b) The School applies for an enhanced disclosure from the DBS including Children's Barred List information in respect of all positions at the School which amount to 'regulated activity' as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended).
- c) An enhanced DBS provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), plus additional information held by the police such as interviews and allegations. The check of the Children's Barred List ensures an individual is not barred from working with children.
- d) DBS checks are mandatory for all applicants including those with recent periods of overseas residence and those with little or no previous UK residence. Applicants who have lived overseas may also be asked to provide criminal records checks from the relevant jurisdiction(s). (See Paragraph 5.13 below on applicants who have lived overseas)
- e) Any position undertaken at, or on behalf of the School, will amount to "regulated activity" if the person:
  - will be responsible on a regular\* basis for teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical emotional or educational well-being, or driving a vehicle only for children.
  - will be working on a regular\* basis where the work gives opportunity for contact with children or
  - is engaged in intimate or personal care or healthcare or any overnight\*\* activity, even if this happens only once.

*(\*regular, meaning once a week or more on an ongoing basis, or on 4 days or more in a 30 day period. \*\*overnight, meaning between 2.00 am and 6.00 am)*

- f) Almost all posts at the School will amount to 'regulated activity' with very limited exceptions e.g. an administrative post undertaken on a temporary basis in the School office outside of term time. Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis. (see Paragraph 10 on the appointment of volunteers)
- g) A check of the Children's Barred List is not permitted if an individual will not be undertaking 'regulated activity'. On the rare occasions an individual may be deemed not to be working in 'regulated activity' the School will determine the level of DBS required on a case by case basis but this will usually be an Enhanced DBS without Children's Barred List information.
- h) The DBS check must be carried out as a matter of priority for all new employees as soon as the individual accepts the post. If the post is accepted more than three months before the



person will start work, the School adopts best practice and will wait until three months before the individual's start date before applying for the DBS check or to use the Update Service if the person is already registered with the DBS Update Service.

- i) The DBS issues the DBS disclosure certificate to the subject of the check only, and not to the School. It is a condition of employment that the **original** disclosure certificate is provided to the School within one week of it being received by the applicant. A convenient time and date for presenting the original certificate should be arranged with the School's HR Co-ordinator as soon as the certificate has been received.
- j) Applicants who are unable to attend the School prior to starting work must email a scan of the certificate to the HR Co-ordinator. Original certificates must not be sent by post. If a scan is sent, the original disclosure certificate **must** still be presented on or before the first working day.
- k) Employment will remain conditional upon the original DBS certificate being presented and it being considered satisfactory by the School.
- l) The HR Co-ordinator will notify the Head immediately if a DBS check identifies a criminal record. The School will then refer to its Policy on the Recruitment of Ex-offenders as detailed in Paragraph 15.

#### **5.7 Procedure if a DBS disclosure is delayed**

- a) If a DBS is delayed, the individual may start work at the School, but only under controlled conditions and at the Head's discretion.
- b) Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.
- c) The Head will only grant permission under the following conditions:
  - the person is not working in a one-to-one situation with pupils, or undertaking personal care for pupils or involved in residential visits
  - a satisfactory separate check of the Barred List has been obtained (if the person will be working in regulated activity)
  - that **all** other relevant checks (including references) have all been completed satisfactorily
  - that the DBS application has been made and supporting documentation has been provided by the candidate
  - that the person in question is informed of the safeguards in place and other staff are aware that there should be no unsupervised contact
  - that the person will be supervised, meaning that in the presence of children he/she will be within sight and hearing of a colleague for whom the School holds an enhanced DBS disclosure



- a written risk assessment is in place which is reviewed at least every two weeks until the original DBS certificate is presented

### **5.8 'Porting' a DBS from another School (The 'three months' rule)**

- a) There is no requirement for the School to obtain an enhanced DBS certificate if, during a period which ended not more than three months before the person's appointment, the applicant has worked in:
  - a School in England in a position which brought him/her regularly into contact with children aged under 18 or
  - another institution within the further education sector in England, or in a 16 to 19 academy, in a position which involved the provision of education and caring for, training, supervising or being solely in charge of persons aged under 18
- b) If a DBS is accepted under these conditions, the School must:
  - complete all other relevant pre-appointment checks and references
  - carry out a separate Barred List check
  - see the original DBS certificate and check it is of the correct level and contains no information
- c) It is the School's usual practice to apply for a new DBS for all new appointments; however the 'three months rule' may occasionally be used for appointments where a member of staff is required to start work at short notice. The School will still apply for a new DBS disclosure even if the conditions to port a DBS are met.

### **5.9 DBS Update Service**

- a) Individuals MUST join the DBS Update Service when they obtain a DBS check by paying an annual subscription fee; this will be reimbursed by the school in the normal way, via a claim form sent to Finance;
- b) Subscription to the service enables status checks to be carried out in the future to confirm that no new information has been added to the check since its issue.
- c) If a candidate who is a member of the DBS Update Service joins the school, before using the DBS Update Service for an individual the School will:-
  - obtain consent from the individual to carry out an online check to view the status of an existing DBS check
  - confirm the DBS certificate presented to the School matches the individual's identity
  - examine the original certificate to ensure that it is valid for the children's workforce
- d) Using the Update Service for an individual is equivalent to obtaining a new DBS although a new DBS certificate is not issued to the individual.

### **5.10 Prohibition from Teaching (TRA check)**

- a) The School is required to check whether staff who carry out "teaching work", as defined in the Teachers' Disciplinary (England) Regulations 2012, are prohibited from doing so.
- b) The School uses the Teaching Regulation Agency Employer Access service to check whether



successful applicants are the subject of a prohibition, or interim prohibition, order issued by the Teaching Regulation Agency.

- c) Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:
  - Planning and preparing lessons and courses for pupils
  - Delivering and preparing lessons to pupils
  - Assessing the development, progress and attainment of pupils
  - Reporting on the development, progress and attainment of pupil
- d) The check is undertaken for all individuals involved in teaching work of any kind, whether they are qualified teachers or not. E.g. sports coaches, teaching assistants, peripatetic staff.
- e) In addition, the School asks all applicants for roles which involve "teaching work" to declare in the application form whether they:
  - have ever been the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency, or any predecessor or successor body; and
  - have ever been the subject of any proceedings before a professional conduct panel of the Teaching Regulation Agency, or equivalent body in the UK.
- f) The School recognises that a Prohibition from Teaching order may not last indefinitely and that professional conduct panels do not always impose sanctions.
- g) In order to fully assess the suitability of an applicant, the School considers it important that all such information is made available during the recruitment process and requires all candidates to declare such information.
- h) Where an applicant is not currently prohibited from teaching, but has been the subject of a professional conduct hearing whether 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 individual case render the applicant unsuitable.

#### **5.11 Prohibition from Management (Section 128 Direction)**

- a) The School is required to check whether applicants appointed to management positions are subject to a Section 128 Direction; a direction made by the Secretary of State under s.128 of the Education and Skills Act 2008 barring individuals from taking part in the management of an independent School.
- b) The School considers all members of the Senior Management Team, the HR Co-ordinator and the Proprietors to be involved in the management of the School.
- c) Proprietors are also subject to a Prohibition from Management check.
- d) In addition we ask all applicants for management roles to declare in the application form whether they:
  - have ever been the subject of a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school; and



- have ever been the subject of a referral to, or proceedings before, the Department for Education or other appropriate authority where consideration was given to imposing a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.
- e) If a member of staff is promoted internally to a management position then the School will check that the member of staff is not subject to a Section 128 direction prior to the promotion.

### **5.12 Verification of qualifications**

- a) Original documents confirming any educational and professional qualifications relied upon in the application must be provided by the candidate to the School at interview. The School will take photocopies and return the original documents to the individual.
- b) For qualified teachers, an online check will also be made of their QTS status and the completion of teacher probation or induction. (Induction applies to those who obtained QTS after 7 May 1999.)

### **5.13 Overseas criminal record checks**

- a) There is no statutory period of time spent overseas which demands that additional checks be made. KCSIE states that:- *Schools and colleges **must** make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.*
- b) However, the School will usually undertake overseas criminal record checks for each country where the candidate has lived for 3 months or more in the ten years prior to applying to the School.
- c) If an individual has worked in a School in the UK since moving from overseas, without going back overseas, it is not necessary to repeat overseas checks for subsequent appointments. However, the School will assess each case individually and will consider what overseas checks the previous School obtained prior to deciding what further action it deems necessary.
- d) The School recognises that overseas criminal record checks can be significantly delayed or may not be possible to obtain from some countries. In such circumstances the School will seek to obtain further information from the country in question, such as an additional reference from any employment undertaken in that country.
- e) The School may allow an applicant to commence work pending receipt of a criminal records check from overseas if it has received a reference and/or letter of professional standing from that country and considers the applicant suitable to start work. Unless expressly waived by the School, continued employment will remain conditional upon the School being provided with the outcome of the formal check and it being considered satisfactory.
- f) If no information is available from a particular country, the School will carry out an assessment



of whether the applicant is suitable to work at the School on the basis of all other information that has been obtained. The School will take a proportionate risk-based decision on a person's suitability in such circumstances.

- g) Further guidance on criminal records checks for applicants who have lived overseas can be found at <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

#### **5.14 Overseas checks of professional conduct**

- a) If an applicant has taught outside the UK, the School will ask for proof of their past conduct as a teacher.
- b) This may be provided by the applicant obtaining a letter which verifies their professional conduct, from the professional regulating authority for teachers in each country in which they have worked.
- c) The School will also ask the applicant (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work.
- d) This verification of professional conduct is separate from overseas checks of criminal records.
- e) Where this information is not available, the School will seek alternative methods of checking suitability e.g. additional references and/or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

#### **5.15 Disqualification from Childcare**

- a) The school follows the Statutory Guidance *Disqualification Under the Childcare Act 2006 (updated 2018)* to ensure that individuals are not disqualified from Childcare.
- b) This is an additional requirement which applies to anyone working with children under the age of five (Nursery and Reception classes) or in wraparound care for children up to the age of 8, including those staff who are concerned with the management of such provision.
- c) Any person who is disqualified under the 2018 regulations may not:
  - provide relevant childcare provision
  - be directly concerned in the management of such provision
- d) The school is prohibited from employing a disqualified person and commits a criminal offence should it knowingly do so. The legislation applies to the following individuals:
- e) **Early Years Provision (EYP)** Staff who provide any care for a child up to and including reception age. (Up to 1st September following a child's 5<sup>th</sup> birthday) This includes education in Nursery and Reception classes or any supervised activity such as breakfast clubs, lunchtime supervision and after school care provided by the school both during the normal school day and outside of school hours for children in the early years age range.



**f) Later Years Provision (LYP) (for children under 8 (Years 1, 2 and 3))** This applies those who work in childcare provided by the school outside of the normal school day for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before-school settings, such as breakfast clubs, and after school provision.

**g) Roles in scope of the Regulations**

- Any teaching, teaching assistant positions or other care positions in EYP, and those which involve the care or supervision of under 8s in LYP.
- Those who are directly involved in the management of EYP and LYP including the Head, School Leads and Head of EYFS. It 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.
- Volunteers and casual workers (including individuals on work experience) who are directly concerned with the management of childcare provision, or who work on a regular basis, whether supervised or not, are within the scope of the legislation.
- The regulations also apply to self-employed staff (for example a music teacher or sports coach) and staff supplied by an employment agency or third party. (The school requires agencies and third parties to confirm that any employee supplied is not disqualified before they begin work at the school.)

**h) Roles not in scope of the Regulations**

Disqualification Under the Childcare Act (2018) contains an express statement that:

- cleaners
- drivers
- transport escorts
- catering staff
- office staff

are specifically excluded from the statutory definition of childcare, and are therefore not covered by the legislation. As are any staff involved in any form of health care provision for a child. This includes:

- school nurses
- speech and language therapists
- educational psychologists

**i) Criteria for Disqualification from Childcare**

The following offences are included in the criteria for Disqualification from Childcare.

- inclusion on the Disclosure and Barring Service (DBS) Children's Barred List



- being found to have committed certain violent and sexual criminal offences against children and adults
- certain orders made in relation to the care of children
- refusal or cancellation of registration relating to childcare
- being found to have committed an offence overseas, which would constitute an offence regarding disqualification under the 2018 regulations if it had been committed in any part of the United Kingdom

j) Further information on the criteria for disqualification may be found [here](#).

**k) Self-declaration Form**

Anyone who is offered a relevant role will be required to complete a Self-Declaration Form confirming that they do not meet any of the criteria for disqualification.

Any relevant role is conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified. The School also reserves the right 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 a criminal record must provide the following information:

- details of the order, restriction, conviction or caution and the date that this was made;
- the relevant court or body and the sentence, if any, which was imposed; and
- a copy of the relevant order or conviction.
- Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering guidance. For details on DBS Filtering see [here](#).

**l) Ongoing requirements**

After making the initial declaration, staff in relevant roles are under an on-going duty to confirm to the School annually that their circumstances have not changed in any way, which would mean they subsequently meet any of the criteria for disqualification.

Failure to disclose relevant information at the time of appointment, or a change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal.

**m) Ofsted Waiver**

A person who is disqualified from working in a relevant role may apply to Ofsted for a waiver of the disqualification. See [here](#) for further details.



## **6. Supply Staff**

- a) Supply staff are staff who are supplied to the School by an employment agency to work under the control of the School. This includes supply teachers, but also applies to any other staff supplied by an employment agency e.g. cleaning, catering.
- b) Before an individual begins work, the School must receive written confirmation from the agency that all the checks that would normally be carried out by the School, if it was employing the person directly, have been completed.
- c) The written confirmation must detail all the checks carried out and the date these were undertaken for the *specific named individual* who will begin work at the School.
- d) Where an external agency does not have access to the necessary database to do a relevant check, the School will do the missing check(s), where this applies.
- e) Before beginning work, the individual must present the original of their DBS certificate and an acceptable photographic identity document to the School e.g. current driving licence or passport.
- f) The DBS certificate must be less than three months old when the person starts work, unless it can be verified that the individual has been working in another School within the last three months.
- g) A copy of the ID document will be taken and held on file. It is not permissible to retain copies of DBS certificates but the date and number of the certificate will be recorded.
- h) For all supply staff the Head must also approve that the person is suitable to work at the School.

## **7. Self-employed staff**

- a) Staff working in the School but not directly employed by the School such as self-employed teachers, peripatetic teachers, and coaches are treated as employed staff as far as pre-employment vetting is concerned, and the same checks are carried out by the School as for employees.
- b) This is regardless of whether the person is paid for by the School or by the parents directly.

## **8. Contractors and employees of third parties (other than employment agencies)**

- a) The level of checking for contractors and employees of third parties is determined by their role.
- b) For those individuals with access to children and in 'regulated activity', they will be considered in exactly the same way as 'supply staff' as in Paragraph 6 above.
- c) Contractors may also include individuals in School for a short time with very limited access to children (e.g. a plumber supervised by the School's maintenance department) In such instances, the School will ensure that any contractor who works in the School, has been subject to the appropriate level of checks which will be determined on a case by case basis depending on the nature of their work and their opportunity for contact with children.
- d) The School checks the identity of all contractors on arrival as a minimum.

## **9. Student teachers**

- a) Student teachers (unless employed directly by the School) are checked by the supplying



university/training provider; however, the School does require written confirmation from the provider that it has carried out all necessary pre-appointment checks *and* that the trainee has been judged by the provider to be suitable to work with children.

- b) Trainee teachers on a salaried route with the School have the same pre-appointment checks and are recorded on the SCR in the same way as employees.

#### **10. Appointment of Volunteers**

- a) Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with pupils or engage in 'regulated activity'.
- b) Checks are not required for volunteers for a one off occasion such as a parent accompanying a class on a visit to a museum. However, such occasional volunteers must not be unsupervised nor must they be involved in any personal care of pupils or involved in any overnight stays.
- c) Volunteers assisting the School on a regular basis are classified as being in 'regulated activity' and are subject to the following checks before they begin in the School:
- Enhanced DBS with Children's Barred List Check
  - References from the volunteer's place of work or any other relevant source
  - Informal interview
  - No contrary indications from anyone in the School
- d) 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.
- e) A new DBS certificate is required for volunteers who work with the School on regular occasions but who have not been involved in any activities with the School for three consecutive months or more. Volunteers who are likely to be involved in such activities with the School will 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.

#### **11. Visiting speakers and the Prevent Duty**

- a) All visitors to the School must sign in to the building, must be supervised at all times and must not be left alone with pupils.
- b) Visitors must wear a visitor's badge at all times.
- c) For visiting speakers to the School, The Prevent Duty Guidance requires clear protocols to ensure that whether invited by staff or by pupils, speakers are suitable and appropriately supervised.
- d) Staff must follow the procedure described in the Visiting Speaker Policy (and Form) [available on the shared drive] and obtain permission from the Head of School for any visiting speakers.



- e) All visiting speakers will be required to confirm their identity on arrival.
- f) The School will 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 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.'*

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

## **12. Single Central Record (SCR)**

- a) In addition to the various staff records kept in individual personnel files, the School is statutorily required to keep a Single Central Record of all recruitment checks.
- b) The SCR shows which checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained for each individual working in the School. This includes:-
  - employees
  - supply staff provided by an employment agency
  - staff employed by third parties
  - self employed staff
  - contractors
  - proprietors
  - volunteers in regulated activity
- c) For supply staff, and other staff employed by a third party or agency, the SCR also records the date the providing employer provided written confirmation to the School that all the required checks had been completed.
- d) The School uses an internal document (published by ISBA) relating to the procedure for all pre-appointment checks and the administration of the SCR to ensure the School follows good practice and is compliant with legislation and statutory guidance.
- e) The SCR is scrutinised regularly by the Head and the Governor with responsibility for Safeguarding, (termly) to ensure that all the necessary checks are carried out and recorded correctly before individuals begin work in the School.



### **13. Retention of Records**

- a) The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and the School's Data Protection Policy.
- b) If an applicant is appointed, the School will retain any information provided and documentation related to pre-employment checks in their personnel file. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications as a minimum.
- c) The School is not permitted to retain copies of DBS certificates. It will keep a record of the date of a disclosure, the type of disclosure, and the unique number issued by the DBS. It will also record the date the original of the DBS certificate was presented to the School.
- d) Documentation will be retained by the School for the duration of the successful applicant's employment and then in accordance with the School's Data Retention Policy on the keeping of records after employment terminates.
- e) This also applies to any suitability information obtained about volunteers.
- f) If an applicant is unsuccessful in obtaining a position with the School, all documentation relating to the application will be held for 6 months, and then destroyed.

### **14. Referral to the DBS and the Teaching Regulation Agency (TRA)**

- a) This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. However, the School also has a legal duty to make a referral to the DBS in circumstances where an individual:-
  - has applied for a position at the School despite being barred from working with children; or
  - has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.
- b) If such circumstances arose, in line with KCSIE and the School's Safeguarding Policy, the School would work closely and from the earliest stages with the LADO for Devon County Council.  
<https://www.devon.gov.uk/educationandfamilies/child-protection/managing-allegations-against-adults-working-with-children/>
- c) Further advice about referrals to the DBS may be found [here](#).
- d) If the individual referred to the DBS is engaged in teaching duties, the School may also decide to make a referral to the TRA.



- e) Referrals may also be made to the TRA (irrespective of whether the DBS criteria for referral have been met) for unacceptable professional conduct, conduct that may bring the profession into disrepute or a conviction, any time, for a relevant offence.
- f) Advice about the conduct of teachers can be found in Teacher misconduct: the prohibition of teachers (February 2022) which is published on the TRA website.  
[https://www.gov.uk/government/publications/teacher-misconduct-the-prohibition-of-teachers--3](https://www.gov.uk/government/publications/teacher-misconduct-the-prohibition-of-teachers-3)

## **15. Policy on recruitment of ex-offenders**

### **15.1 Background**

- a) The aim of this policy is to ensure that having a criminal record will not necessarily bar any individual from working in the School, and that due consideration is given to the nature of the position together with the circumstances and background of any offences.
- b) The School uses the DBS Disclosure service to assess the suitability of applicants for all positions at the School. It complies with the DBS Code of Practice and undertakes to treat all applicants for paid or voluntary positions fairly and will assess each case on an individual basis.
- c) The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The School makes appointment decisions on the basis of merit and ability.
- d) If an applicant has a criminal record this will not automatically bar them from employment with the School. Each case will be decided on its merits in accordance with the objective assessment criteria set out below.
- e) All positions within the School involve a degree of responsibility for the safeguarding and welfare of children. Therefore, all positions are exempt from the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020).
- f) 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.
- g) Any information provided, will only be seen by those closely involved in the recruitment process.
- h) A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has



started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

- i) It is unlawful for the School to employ anyone who is barred from working with children.
- j) It is a criminal offence for any person who is barred from working with children to apply for a position at the School. The School will make a report to the Police and / or the DBS if:
  - it receives an application from a barred person;
  - it is provided with false information in, or in support of an applicant's application; or
  - it has serious concerns about an applicant's suitability to work with children.
- k) It is also unlawful for the School to knowingly employ someone who is disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006".

#### **15.2 Assessment criteria**

- a) 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 age of the applicant when the offence was committed and 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 applicant.in the case of Disqualification from Childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification
- b) The Head will consider the incident in the context of the Teachers' Standards and Teacher Misconduct Guidance if the applicant is applying for a teaching post.
- c) If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:
  - murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
  - serious class A drug related offences, robbery, burglary, theft, deception or fraud.



- d) 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
- e) 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.

### **15.3 Assessment procedure**

- a) 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 risk assessment must be signed by the Head of the School before a position is offered or confirmed.
- b) If an applicant wishes to dispute any information contained in a disclosure, they may 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 may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.
- c) The Head will confirm in writing whether the person can be employed and, if so, any mitigating actions and controls to be put in place.
- d) The Head undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

### **15.4 Retention and security of disclosure information**

- a) The School's policy is to observe the guidance issued or supported by the DBS on the use and storage of any disclosure information.
- b) In particular, the School will:
- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to the Head and HR Co-ordinator;
  - certificate information will be restricted to those who are authorised to receive it in the course of their duties
  - not retain disclosure information or any associated correspondence for longer than is necessary
  - ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
  - prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates

### **15.5 Disclosure of new convictions by current employees**



- a) Employees are required to inform the School of any new convictions, cautions or reprimands issued during their employment (which wouldn't be filtered in line with current guidance), regardless of how minor they are considered to be.
- b) The expectation would be that the employee advises the School as early as possible for example at the point of being interviewed by the police in connection with the alleged criminal conduct or arrested.
- c) Where a new conviction is disclosed, a full appraisal of the situation will be carried out by the Head including whether the conviction is relevant to the post and an assessment of the risks involved.
- d) As a result of this assessment, the School may consider the introduction of safeguards, may move the employee to an alternative role or may dismiss the individual.
- e) Depending on the nature of the new conviction, it may also be appropriate to suspend the employee while the matter is investigated further.
- f) The School may be informed by the Police and/or the Local Safeguarding Children Partnership of a safeguarding issue relating to a member of staff. In such instances the School would work in partnership with external agencies to safeguard pupils.
- g) New employees will be advised of this expectation during the induction process and reminders will be issued to staff periodically.

#### **16. Training**

The Head of the School, the School's HR Co-ordinator and the Director of Finance and Administration have all received training on Safer Recruitment, which is updated every three years.

#### **17. Queries**

Any queries about recruitment procedures should be addressed to the School's HR Co-ordinator.