



QUEEN ETHELBURGA'S COLLEGIATE
SAFER RECRUITMENT POLICY

Authorised by	The Collegiate Board
Signed Chair of the Collegiate Board
Date	
Effective date of the policy	1 September 2022



QUEEN ETHELBURGA'S COLLEGIATE SAFER RECRUITMENT POLICY

<p>Reviewed: 31st July 2022</p> <p>Due for review: July 2023</p>	<p>This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:</p> <p>Education (Independent School Standards) Regulations 2014</p> <p>National minimum standards for boarding schools, in force from 5 September 2022</p> <p>Statutory framework for the Early Years Foundation Stage (DfE, September 2021)</p> <p>Education and Skills Act 2008</p> <p>Education Act 2002, Section 80A; and Sections 403, 406 and 407 of the Education Act 1996</p> <p>Children Act 1989</p> <p>Equality Act 2010, Part 6, chapter 1</p> <p>Children and Families Act 2014</p> <p>Children and Social Work Act 2017 Sections 34 and 35</p> <p>Data Protection Act 2018 and UK GDPR</p> <p>This policy has regard to the following guidance and advice:</p> <p>The Independent School Standards - Guidance for independent schools (April 2019)</p> <p>Keeping children safe in education 2022, in force from 1 September 2022</p> <p>Working Together to Safeguard Children 2018 (updated July 2022)</p>	<p>To be viewed alongside the following related policies and documentation:</p> <p>Child Protection and Safeguarding Policy</p> <p>Data Protection and Privacy Policy</p> <p>E-safety – Digital Wellbeing Policy</p> <p>Equality, Diversity and Inclusion Policy</p> <p>Staff Code of Conduct</p>	<p>Publication and availability for Staff, Parents, Carers and Prospective Parents:</p> <p>This policy is published on the QE website. It is available to staff on SharePoint.</p>
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Safer Recruitment Policy

Recruitment, selection and disclosure policy and procedure

1. Introduction

This Policy applies to the Queen Ethelburga's Collegiate - Queen's Kindergarten, Chapter House Preparatory School, King's Magna Middle School, Queen Ethelburga's College, The Faculty of Queen Ethelburga's and QE Services, hereafter referred to as "the Collegiate".

The Collegiate is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The Collegiate is also committed to providing a supportive and flexible working environment to all its members of staff. The Collegiate recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The aims of the Collegiate's recruitment policy are as follows:

- to ensure that the best possible staff are recruited based on 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 the Education (Independent School Standards) Regulations 2014 (**ISSRs**), the statutory guidance published by the Department for Education (**DfE**), *Keeping children safe in education* (1 September 2022) (**KCSiE**), *Disqualification under the Childcare Act 2006, updated 2018* (**DUCA**), the Prevent Duty Guidance for England and Wales 2015 (the **Prevent Duty Guidance**), the **Revised Prevent duty guidance: for England and Wales (2021)** and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the Collegiate meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

2. Data protection

The Collegiate is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to the Collegiate to enable the Collegiate to carry out the checks that are applicable to their role. The Collegiate 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 Collegiate not being able to meet its employment,



safeguarding or legal obligations. The Collegiate will process personal information in accordance with its Staff Privacy Notice.

3. Roles and Responsibilities

It is the responsibility of The Collegiate Board to:

- ensure that the Collegiate has effective policies and procedures in place for the recruitment of all staff and volunteers, in accordance with DfE guidance and legal requirements;
- monitor our compliance with them.

It is the responsibility of the CEO/Principal and Head of HR to:

- ensure that the Collegiate operates Safer Recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers.
- monitor contractors' and agencies' compliance with this document.
- ensure that at least one member of any interviewing panel has qualified in Safer Recruitment.
- ensure that applications are treated fairly and equally, eliminating discrimination and promoting equal opportunities.
- promote the welfare of children and young people at every stage of the procedure.

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

4 Recruitment and selection procedure

- **Advertising** – Advertisements to include what qualifications, experience and qualities are required and that, if successful, the applicant will need to obtain an enhanced certificate through the DBS. Any advertisement must be compiled for appropriate media and include a statement about the Collegiate's commitment to safeguarding and promoting the welfare of children and employment checks. Alternatively, the vacancy will be referred to a reputable agency.
- **Job descriptions**– Ensure these are up to date and refer to the responsibility for safeguarding and promoting the welfare of children.
- **Person specification** - Ensure these are up to date and include specific reference to suitability to work with children and includes both essential and desired criteria.

4.1 All applicants for employment will be required to complete an **application form** containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.



4.2 Applicants will receive a job description and person specification (where available) for the role applied for. Application forms, job descriptions, person specifications for current vacancies are available from the Collegiate's irecruit portal [Queen Ethelburga's Collegiate iRecruit | HomePage \(ciph-irecruit.com\)](https://www.ciph-irecruit.com). This policy and the Collegiate's Child Protection and Safeguarding Policy are available to download from the Collegiate's website and can be printed and forwarded to applicants on request.

4.3 The Collegiate will then conduct a shortlisting exercise by reviewing all application forms received to determine which applicants will be invited for interview. The shortlisting exercise will usually be conducted by at least two members of staff who will ideally also be involved in the interview process.

4.4 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 asked to complete a disclosure form prior to interview about their suitability to work with children. If this form is not completed and returned prior to interview, then the interview should not take place. Questions may be asked about the content of the form prior to, or at interview.

4.5 Other than in exceptional circumstances, **face-to-face interviews** that ask appropriately robust questions will form part of the recruitment process. The applicant may be invited to attend a **formal interview**, at which his / her relevant skills and experience will be discussed in more detail.

- **At least one member of every interview panel must be trained in Safer Recruitment.**
- Written notes and details of outcome must be kept on file.
- All applicants who are invited to an interview will be required to bring with them evidence of **identity, right to work in the UK, current address and relevant qualifications**. The Collegiate asks for this information at interview to ensure that the person attending interview is who they claim to be, that they are permitted to work for the Collegiate if appointed and that they hold appropriate qualifications.
- A list of valid Identity documents is attached in Appendix 1. (These requirements comply with DBS identity-checking guidelines.)
- Should the applicant be overseas, an initial interview may be carried out using a Skype, Microsoft Teams or Zoom facility, but may be followed up with a face-to-face interview. Those applicants who are invited to undertake a Skype, Microsoft Teams or Zoom interview will be asked to provide certified evidence of identity, right to work in the UK, address and qualifications.

4.7 If it is decided to make an offer of employment following the **formal interview**, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the Collegiate's standard terms and conditions of employment
- verification of the applicant's identity (where that has not previously been verified)



- verification of qualifications, whether professional or otherwise, which the Collegiate considers in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not
- 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** (one of which must be from the applicant's most recent employer) which the Collegiate 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 Collegiate
- 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 Collegiate
- where the position amounts to "regulated activity (see section 0 below) the receipt of an enhanced disclosure from the DBS which the Collegiate considers to be satisfactory
- where the position amounts to "regulated activity" (see section 0 below) 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 Collegiate
- 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 Collegiate
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 15 below)
- verification of the applicant's medical fitness for the role (see section 0 below)
- verification of the applicant's right to work in the UK; and
- any further checks which the Collegiate decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references.

***The Collegiate is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Collegiate is required to carry out an enhanced DBS check for all staff, supply staff and Board members who will be engaging in regulated activity. However, the Collegiate can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e., roles which would amount to regulated activity if carried out more frequently.**



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

5 Pre-employment checks

5.1 In accordance with the recommendations set out in KCSiE (2022), DUCA 2006, updated 2018 and the requirements of the ISSRs and the *Boarding schools: national minimum standards* the Collegiate carries out a number of pre-employment checks in respect of all prospective staff.

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

5.3 In addition to the checks set out below, the Collegiate 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 Collegiate. This may include internet and social media searches. In accordance with paragraph 220 of KCSiE this will include online searches on shortlisted candidates (**online searches**). The online searches the Collegiate carries out may include searches of internet search engines, websites and social media platforms. Applicants are not required to provide account passwords or to grant the School access to private social media accounts.

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 Collegiate will not carry out online searches as part of its initial sift of applications.

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

Wherever possible online searches will be undertaken by a member of the HR team. In carrying out online searches the Collegiate 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 Collegiate or in an education setting;
- is of a safeguarding nature; and/or
- may have an impact on the Collegiate'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 Collegiate being satisfied that the successful applicant is suitable to work at the Collegiate in light of any information generated from online searches.



In evaluating any online information for relevance, the Collegiate 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 Collegiate or in an education setting;
- whether the information could have an impact on the Collegiate's reputation (whether positive or negative);
- whether the information calls into doubt the applicant's willingness or ability to uphold the Collegiate'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 Collegiate will retain information generated through online searches for the duration of the individual's employment and in accordance with its Retention of Records Policy after employment ends.

For unsuccessful candidates, the Collegiate 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.

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

5.4.1 All applicants who are invited to an interview will be required to bring with them evidence of their identity, right to work in the UK, address, and qualifications. 5.4.2 The Collegiate asks for this information at interview to ensure that the person attending interview is who they claim to be, that they are permitted to work for the Collegiate if appointed and that they hold appropriate qualifications.

5.5 Identity and address: all applicants must bring with them to interview, original documents which evidence their identity and address as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

- one document from Group 1*; and
- two further documents from either of Group 1*, Group 2a or Group 2b, one of which must verify the applicant's current address: and

(*applicants should always provide their birth certificate as one form of identity unless there is good reason why this cannot be provided).

5.5.1 Where an applicant claims to have changed their name by deed poll or any other means (e.g., marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. They will also be required to provide their birth certificate.



5.5.2 The Collegiate asks for the date of birth of all applicants in order to verify identity and check for any unexplained discrepancies in the employment and education history. The Collegiate does not discriminate on the grounds of age.

5.5.3 Right to work in the UK: all applicants must also bring to interview a valid form of evidence which confirms their right to work in the UK. Valid forms of evidence can be found at [Right to work checklist - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

5.5.4 The Collegiate will check this evidence in accordance with the Home Office 'Code of Practice on preventing illegal working: Civil penalty scheme for employers: 1 July 2021' (Code of practice on preventing illegal working (publishing.service.gov.uk)).

5.6 Qualifications: all applicants must also bring to interview original documents which evidence any educational and professional qualifications referred to in their application form and / or which the Collegiate requests.

5.7 References

5.7.1 The Collegiate will seek to take up references on short listed applicants prior to interview, wherever possible. References may however be taken up after interview.

5.7.2 Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

5.7.3 All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Collegiate. 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. Neither referee should be a relative or someone known to the applicant solely as a friend.

5.7.4 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, 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), except where the issues were deemed to have resulted from allegations which were found to be unsubstantiated, unfounded, false 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 unsubstantiated, unfounded, false or malicious

- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at 15 below).

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

5.7.6 The Collegiate 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.

5.7.7 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 Collegiate. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.

5.7.8 If factual references are received i.e., those which contain limited information such as job title and dates of employment, this will not necessarily disadvantage an applicant although additional references may be sought before an appointment can be confirmed.

5.7.9 The Collegiate may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

5.7.10 The Collegiate treats all references given or received as confidential which means that the applicant will not usually be provided with a copy.

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

5.7.12 All internal candidates who apply for a new role at the Collegiate 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 Collegiate will be the most recent employer and will previously have taken up references from past employers.

5.8 Criminal records checks

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



5.8.1 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 records 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 conviction or caution that should not have been disclosed. If a protected conviction or caution is inadvertently disclosed to the Collegiate during the recruitment process it must be disregarded when making a recruitment decision.

5.8.2 A conviction will always be disclosable if it was imposed for a "specified offence" committed at any age. A caution issued for a "specified offence" committed over the age of 18 will always be disclosable. However, a caution issued for a "specified offence" committed under the age of 18 is never disclosable. "Specified offences" are usually of a serious violent or sexual nature or are relevant for safeguarding children and vulnerable adults. The list of "specified offences" can be found at:

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

5.8.3 The filtering rules have recently been updated and work as follows:

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

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

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

A spent caution for an offence committed when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- (a) six years have elapsed since the date it was issued; and
- (b) it was not issued for a "specified offence".

For those aged under 18 at the time of an offence

A spent conviction for an offence committed when a person was under the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- a) five and a half years have elapsed since the date of the conviction.



- b) it did not result in a custodial sentence; and
- c) it was not imposed for a "specified offence".

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

5.8.4 Applicants with Criminal Records

KCSIE only requires a criminal record check after a conditional offer of employment. In order to comply with current data protection law, asking for self-declaration of criminal records at any stage of the recruitment process must be **necessary and proportionate**, and it is unlikely that it can be justified before the receipt of the results of a DBS check, where this is appropriate.

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

5.8.6 All positions within the Collegiate 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. 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.

5.8.7 It is unlawful for the Collegiate to employ anyone who is barred from working with children, and it is a criminal offence for any person who is barred from working with children to attempt to apply for a position at the Collegiate. The Collegiate 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.

5.8 Assessment criteria. If 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 Collegiate 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 applicant.

5.9 Risk Assessment

If 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 Collegiate will carry out a risk assessment by reference to the criteria set out below.

The assessment form must be signed by the Principal/CEO before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he / she can do so by contacting the DBS direct.

In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Collegiate will, 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.

If a candidate's application is considered to be fraudulent or contains false information, the Collegiate will report the matter without delay to the Secretary of State via the DfE and also the police as appropriate.

5.10.1 Risk factors:

a) If the post involves regular contact with children, it is the Collegiate'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



b) If the post involves access to money or budget responsibility, it is the Collegiate'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.

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

6. Regulated activity

6.1 The Collegiate applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the Collegiate which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. Any position undertaken at, or on behalf of the Collegiate will amount to "regulated activity" if it is carried out:

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

6.2 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.

6.3 It is for the Collegiate to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the Collegiate amount to regulated activity.

7. The DBS disclosure certificate

7.1 The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the Collegiate. It is a condition of employment with the Collegiate that the **original** disclosure certificate is provided to the Collegiate before employment commences. Original certificates should not be sent by post.

7.2 Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the Collegiate.

7.3 If there is a delay in receiving a DBS disclosure the Principal/CEO/Head of HR has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred



List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place.

8. Applicants with periods of overseas residence

8.1 DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. The Collegiate will take into account the "DBS unusual addresses guide" in such circumstances.

8.2 For applicants who are living overseas, or who have lived overseas previously, obtaining a DBS certificate may be insufficient to establish their suitability to work at the Collegiate. In such cases the applicant will be required to provide additional information about their suitability from the country (or countries) in which they have lived. The Collegiate's policy is to request such information from each overseas country in which the applicant has lived for a period of three months or more in the previous 10 years.

8.3 When requesting such information, the Collegiate has regard to relevant government guidance and will therefore always require the applicant to apply for a formal check from the country in question i.e., a criminal records check (or equivalent) or a certificate of good conduct.

8.4 The Collegiate recognises that formal checks are not available from some countries, that they can be significantly delayed or that a response may not be provided. In such circumstances the Collegiate will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country.

8.5 In addition, where an applicant for a teaching position has worked as a teacher outside of the UK, the Collegiate will ask the applicant to obtain from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher, evidence which confirms that they have not imposed any sanctions or restrictions on the applicant and that they are not aware of any reason why the applicant may be unsuitable to work as a teacher. The Collegiate will also ask shortlisted applicants (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.

8.6 Sanctions and restrictions issued by the regulating authority of another country will not prevent a person from working as a teacher at the Collegiate. However, the Collegiate will take all relevant information into account in determining whether an applicant is suitable to work at the Collegiate.

8.7 The Collegiate may allow an applicant to commence work pending receipt of a formal check from a particular country if it has received a reference and/or letter of professional standing from that country and considers the applicant suitable to start work. Decisions on suitability will be based on all the information that has been obtained during the recruitment process. Unless expressly waived by the Collegiate, continued employment will remain conditional upon the Collegiate being provided with the outcome of the formal check and it being considered satisfactory.



8.8 If no information is available from a particular country the Collegiate may allow an applicant to commence work if they are considered suitable based on all the information that has been obtained during the recruitment process.

8.9 The Collegiate will take proportionate risk-based decisions on a person's suitability in these circumstances. All suitability assessments must be documented and retained on file

8.10 If the formal check is delayed and the Collegiate is not satisfied about the applicant's suitability in the absence of that information, the applicant's proposed start date may be delayed until the formal check is received.

9. Prohibition from teaching check

9.1 The Collegiate is required to check whether staff who carry out "teaching work" are prohibited from doing so. The Collegiate 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.

9.2 In addition, the Collegiate 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.

9.3 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 that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the Collegiate will consider whether the facts of the case render the applicant unsuitable to work at the Collegiate.

9.4 The Collegiate 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.

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

10. Prohibition from Management check

10.1 The Collegiate 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**).

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

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

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

10.4 The Collegiate 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.

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

10.6 The relevant information is contained in the enhanced DBS disclosure certificate (which the Collegiate obtains for all posts at the Collegiate that amount to regulated activity). It can also be obtained through the Teaching Regulation Agency Teacher Services system. The Collegiate will use either, or both, methods to obtain this information.

10.7 In addition, the Collegiate 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.

10.8 Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body, whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the Collegiate will consider whether the facts of the case render the applicant unsuitable to work at the Collegiate.

11. Childcare disqualification

11.1 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 Collegiate 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.

11.2 Definitions

11.2.1 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 Collegiate premises during or outside of the normal school day;

11.2.2 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.

11.2.3 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.

11.3 Relevant roles

11.3.1 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 Collegiate.

11.3.2 DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

11.3.3 Some roles at the Collegiate 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 Collegiate will therefore consider whether they do on a case-by-case basis. The Regulations only apply to a limited number of roles within the Collegiate but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP.

11.4 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:

- having been cautioned (after 6 April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;
- various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;



- having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;
- having been refused an application for registration of a children's home or having had any such registration cancelled; or
- having been prohibited, restricted or disqualified from private fostering.

11.5 Self-declaration form

11.5.1 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.

11.5.2 The Collegiate 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 Collegiate in any relevant role will be conditional upon completion of the self-declaration form and upon the applicant not being disqualified.

11.5.3 The Collegiate cannot permit any person who is currently disqualified to start work in a relevant role. The Collegiate also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the Collegiate, any information disclosed in the self declaration form renders that person unsuitable to work at the Collegiate.

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

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

11.5.5 Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 0 above).

11.5.6 For the avoidance of doubt the Collegiate does not require applicants to request any criminal records information directly from the DBS. The Collegiate only requires applicants to provide relevant information about themselves "to the best of their knowledge".

11.6 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 Collegiate 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 Collegiate will withdraw the conditional offer of employment.

11.7 Retention of disqualification information

The Collegiate 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 Collegiate is found to be disqualified the Collegiate will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the Collegiate, after which it will be securely destroyed.

11.8 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 Collegiate 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.

12. Medical fitness

12.1 The Collegiate is legally required to verify the medical fitness of anyone to be appointed to a post at the Collegiate, after an offer of employment has been made but before the appointment can be confirmed.

12.2 It is the Collegiate's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e., proposed timetable, extra-curricular activities, layout of the Collegiate etc. If the Collegiate has any doubts about an applicant's fitness, reasonable adjustments will be considered in consultation with the applicant. The Collegiate may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

12.3 The Collegiate aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence, considering reasonable adjustments and suitable alternative employment.

13. Contractors and agency staff

13.1 The Collegiate must complete the same checks for contractors and their employees undertaking regulated activity at the Collegiate as it does for its own employees. The Collegiate requires written confirmation from the contractor that it has completed these checks on all those individuals whom it intends will work at the Collegiate before any such individual can commence work.

13.2 Agencies who supply staff to the Collegiate must also complete the pre-employment checks which the Collegiate would otherwise complete for its staff. Again, the Collegiate



requires confirmation that these checks have been completed before an individual can commence work at the Collegiate.

13.3 Where contractors not employed by the Collegiate attend the site to carry out specific work e.g., short-term building or maintenance, they will be under the supervision of staff who are DBS cleared and will not be allowed to share any facilities with Collegiate staff and students. For such contractors, any communication with students could lead to dismissal. Wherever possible e.g., for construction, such staff will be separated from the rest of the campus. For occasional work e.g., servicing, the procedure for signing in and out will be required and supervision by a DBS-cleared manager will be necessary.

13.4 The Collegiate will independently verify the identity of individuals supplied by contractors or an agency and requires the provision of the DBS disclosure certificate before those individuals can commence work at the Collegiate.

14. Volunteers

14.1 The Collegiate 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 Collegiate.

14.2 The Collegiate 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 Collegiate has deemed appropriate to supervise and ensure the safety of those pupils in their care.

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

14.4 It is the Collegiate'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 Collegiate for three consecutive months or more. Those volunteers who are likely to be involved in activities with the Collegiate on a regular basis may be required to sign up to the DBS update service as this permits the Collegiate to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

14.5 In addition the Collegiate 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 and other volunteers
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.



14. Work Experience

14.1 External School Students

All work experience students from external schools will be always supervised whilst undertaking their work experience at the Collegiate and will be subject to risk assessment. They will be required to complete the work experience application form in full and complete the staff disqualification declaration to assess suitability for working with pupils under the age of eight.

14.1.1 The work experience needs to be confirmed by the Collegiate staff involved, including letting the HR Department know the duration, start and end date, and working pattern (e.g., days worked). On arrival, Collegiate staff will give the student a child protection briefing, and the HR department will provide a booklet of key safeguarding information. The student will need to sign to confirm that the training has taken place.

14.2 Internal Collegiate Students

Collegiate students undertaking work experience within the Collegiate will need to undertake a child protection briefing given by Collegiate staff and will be always supervised. The student will need to sign to confirm that the training has taken place. The work experience needs to be confirmed by the Collegiate staff involved, including letting the HR Department know the duration, start and end date, and working pattern (e.g., days worked).

14.3 University Students

All work experience students from universities will be required to complete an application form and staff disqualification declaration, to assess suitability for working with pupils under the age of eight.

Their University Course Tutor, or Outreach Coordinator, will need to provide the HR Department with a safeguarding vetting letter, which includes details of enhanced DBS checks and confirmation that the student has been cleared in accordance with that university's child protection and safer recruitment procedures. On arrival, the students need to provide a form of photo ID to verify their identity and present their original DBS certificate. The member of Collegiate staff organising the work experience will go through a short child protection briefing with the student. A booklet is provided by the HR Department. The student will need to sign to confirm that the training has taken place. The work experience needs to be confirmed by the Collegiate staff involved, including letting the HR Department know the duration, start and end date, and working pattern (e.g., days worked).

15. Visiting speakers and the Prevent Duty

15.1 The Prevent Duty Guidance requires the Collegiate to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.



15.2 The Collegiate 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 Collegiate or perform any other regular duties for or on behalf of the Collegiate.

15.3 All visiting speakers will be subject to the Collegiate's usual visitor's protocol. This will include signing in and out at Reception, the wearing of a visitors' badge at all times and being escorted by a fully vetted member of staff between appointments.

15.4 The Collegiate 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 Collegiate. In doing so the Collegiate 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."

15.5 In fulfilling its Prevent Duty obligations the Collegiate 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.

16. Retention and security of information

16.1 The Collegiate's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information. Other records will be retained in accordance with the Data Protection Act 2018/UK GDPR

16.2 All expired disclosure information or other personal data will be destroyed by suitably secure means, such as shredding. The same policy applies to any suitability information obtained about volunteers involved with Collegiate activities.

In particular, the Collegiate 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 members of the Collegiate's senior management team, the HR Manager and the Company Solicitor.
- since May 2013, not retain DBS certificates*.
- not retain disclosure information or any associated correspondence for longer than is necessary and for a maximum of six months*. The Collegiate will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken.
- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.



- Normally securely dispose of all documentation relating to unsuccessful applications after six months.

*In line with DBS guidance, if, in exceptional circumstances, it is deemed necessary for an employee's ongoing employment relationship to retain information for longer than six months, the Collegiate will seek advice and give full consideration to the Data Protection and Human Rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail. (Ref. <https://www.gov.uk/government/publications/handling-of-dbs-certificate-information/handling-of-dbs-certificate-information>).

16.3 The Collegiate is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Collegiate will retain on his / her compliance personnel file any relevant information provided as part of the application process. This will include:

- a written record of all employment interviews and conversations regarding any gaps in employment,
- copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications.
- medical information which may be used to help the Collegiate to discharge its obligations as an employer e.g., so that the Collegiate may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.
- records of child protection training.

16.4 This documentation will be retained by the Collegiate for the duration of the successful applicant's employment with the Collegiate.

16.5 A central list of all appointments (Single Central Record or SCR), showing that the relevant checks have been made, is kept by the HR Department. When staff leave the Collegiate, information stored on the SCR will be removed from the main record but may be retained if deemed necessary e.g., in the light of the IICSA.

17 Whistleblowing and Exit Interviews

All staff are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the Collegiate's policies (including the Whistleblowing Policy, the Safeguarding Policy and the Staff Code of Conduct). All staff receive training so that they understand the Collegiate's expectations. Safeguarding children is at the centre of the Collegiate's culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at an exit interview which is held with all leavers.



17. Referrals to the DBS and Teaching Regulation Agency

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

- an individual has applied for a position at the Collegiate despite being barred from working with children; and / or
- an individual has been removed by the Collegiate 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.

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

17.3 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 Collegiate will make a referral to the Teaching Regulation Agency. The Teaching Regulation Agency will consider whether to impose a prohibition from teaching order.

18. Queries

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



Appendix 1 List of valid identity documents

Group 1: primary identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence photocard - full or provisional (UK / Isle of Man and Channel Islands)
- birth certificate - issued within 12 months of birth (UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces)
- adoption certificate (UK and Channel Islands)

Group 2a: trusted government documents

- current driving licence: photocard - full or provisional (all countries outside the UK excluding Isle of Man and Channel Islands)
- current driving licence: paper version if issued before 1998 - full or provisional (UK / Isle of Man and Channel Islands)
- birth certificate - issued after time of birth (UK, Isle of Man and Channel Islands)
- marriage / civil partnership certificate (UK and Channel Islands)
- immigration document, visa or work permit (issued by a country outside the UK. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non-UK country in which the role is based)
- HM Forces ID card (UK)
- firearms licence (UK, Channel Islands and Isle of Man)

All driving licences must be valid.



Group 2b: Financial and social history documents

- mortgage statement (UK)**
- bank / building society statement (UK and Channel Islands)*
- bank / building society statement (countries outside the UK)*
- bank / building society account opening confirmation letter (UK)*
- credit card statement (UK)*
- financial statement - e.g. pension or endowment (UK)**
- P45 / P60 statement (UK and Channel Islands)**
- council tax statement (UK and Channel Islands)**
- letter of sponsorship from future employment provider (non UK only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)
- utility bill (UK; not mobile telephone bill)*
- benefit statement - e.g. child benefit, pension (UK)*
- a document from central or local government/ government agency / local council giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs (UK and Channel Islands)*
- EEA national ID card (must be valid at time of application)
- Irish passport card (cannot be used with an Irish passport; must be valid at time of application)
- cards carrying the PASS accreditation logo (UK, Isle of Man and Channel Islands; must be valid at time of application)
- letter from Head or College Principal (UK; for 16-19 year olds in full-time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application).

Note

If a document in the list of valid identity documents is:
denoted with * - it should be less than three months old
denoted with ** - it should be less than 12 months old