



The Blue Coat School

## **RECRUITMENT, SELECTION AND DISCLOSURE POLICY**

Date of Next Review: Lent 2021

This Recruitment, Selection and Disclosure Policy was devised by the Senior Leadership Team in consultation with colleagues in the school.

## **The Blue Coat School Birmingham Limited**

### **RECRUITMENT, SELECTION AND DISCLOSURE POLICY**

#### **I. AIMS AND OBJECTIVES**

##### **1.1.**

The Blue Coat School (the School) is committed to providing the best possible care and education for its pupils, and to safeguarding and promoting the welfare of children and young people. The School is committed to providing a supportive and flexible working environment to all its members of staff. In order to achieve these aims the School recognises that it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share these commitments.

##### **1.2.**

The aims of the Recruitment, Selection and Disclosure Policy are to ensure that:

- The best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- All job applicants are considered equitably and consistently;
- No job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, gender, sex or sexual orientation, marital or civil partner status, disability or age;
- The School is compliant with all relevant legislation and with the current recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**) *Keeping Children Safe in Education* (September 2019) (**KCSIE**), *Disqualification under Childcare Act 2006* September 2018 (**DUCA**), *Working Together to Safeguard Children* (July 2018) and any guidance or Code of Practice published by the Disclosure and Barring Service (**DBS**);
- The School follows the procedures in respect of recruitment set out by Birmingham Local Safeguarding Children Partnership; and
- The School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

##### **1.3.**

All employees involved in the recruitment and selection of staff are responsible for familiarising themselves with this Policy and complying with its provisions.

##### **1.4.**

The Blue Coat School Recruitment, Selection and Disclosure Policy applies to the whole school, including the Early Years Foundation Stage (Buttons Nursery, Transition and Reception).

##### **1.5.**

The Blue Coat School Recruitment, Selection and Disclosure Policy is available for parents in Reception, Buttons Nursery and the Pre-Prep Office and it is also made available to applicants as part of the recruitment process.

#### **2. DATA PROTECTION**

##### **2.1**

The School 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 School to enable the School to carry out the checks that are applicable to their role. The School will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency (TRA). Failure to provide requested information may result in the School not being able to meet its employment, safeguarding or legal obligations. The School will process personal information in accordance with its Staff Privacy Notice.

### 3. RECRUITMENT AND SELECTION PROCEDURES

#### 3.1

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.

#### 3.2

Applicants will receive a relevant job description and person specification for the role. Application forms, job descriptions, person specifications and the School's Safeguarding and Child Protection Policy are available to download from the School's website.

#### 3.3

An applicant submitting an electronic application form will be required to sign his or her application form if he or she attends for a formal interview. Applicants are selected for interview based on their skills, qualifications and experience.

#### 3.4

The applicant may then be invited to attend a **formal interview** in order to discuss his or her relevant skills and experience in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children. At least one member of every interview panel will have successfully completed appropriate training in safer recruitment as defined by the DfE.

#### 3.5

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 School's standard terms and conditions of employment;
- Verification of the applicant's identity (where this has not previously been verified);
- Verification of qualifications, whether professional or otherwise, which the School takes into account in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not;
- Verification of the applicant's employment history;
- The receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;
- For positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (TRA) which renders them unable or unsuitable to work at the School;
- For applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School;
- The receipt of an Enhanced DBS Disclosure which must be considered satisfactory by the School (see 4.7 and 4.8);
- Where the position amounts to "regulated activity" (see below) confirmation that the applicant is not named on the Children's Barred List<sup>1</sup>

<sup>1</sup> *The School is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff and governors who will be engaging in regulated activity and to ensure that all such checks have been carried out by employment agencies providing supply staff for the School. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.*

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

- Information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School;
- For management positions, information about whether the applicant has ever been referred to the DfE, or is subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School (appointments to the Senior Leadership Team or teaching positions with departmental headship only);
- Verification of the applicant's medical fitness for the role (see below);
- Verification of the applicant's right to work in the UK;
- A satisfactory declaration by the applicant that s/he is not disqualified from working with children (see Section 4.9 below); and
- Any further checks which the School decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references.

## **4. PRE-EMPLOYMENT CHECKS**

### **4.1**

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations 2014 the School carries out a number of pre-employment checks in respect of all prospective employees.

### **4.2**

In addition to the checks set out below, the School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. This may include internet and social media searches.

### **4.3**

In fulfilling its 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.

## **4.4 Verification of identity, address and qualifications**

### **4.4.1**

All applicants who are invited to an interview will be required to bring the following evidence of identity, of the right to work in the UK, and of their address and qualifications, such as:

- A valid passport; and
- A birth certificate; and
- Two utility bills (not a mobile phone bill) or statements (from different sources and issued within the past 3 months) showing his or her name and home address; and
- Documentation confirming his or her National Insurance number (latest P45, P60 – issued in the last 12 months, or National Insurance card); and
- Original documents confirming any educational and professional qualifications referred to in his or her application form and necessary for the performance of the required role.

The School asks for this information at interview to ensure that the person attending the interview is who they claim to be, to ensure that they are permitted to work for the School if appointed and that they hold the qualifications that have been requested (if any).

### **4.4.2**

Where an applicant claims to have changed his or her name by deed poll or any other mechanism (e.g. marriage, adoption, statutory declaration) he or she will be required to provide original documentary evidence of the change.

### **4.4.3**

The School asks for the date of birth of all applicants (and proof of this) to assist with the vetting of applicants. Proof of date of birth is necessary so that the School may verify the identity, and check for any unexplained discrepancies in the employment and education history, of all applicants. The School does not discriminate on the grounds of age.

#### **4.4.4**

Providing false information will result in the application being rejected, or summary dismissal if the applicant has been selected.

### **4.5 References**

#### **4.5.1**

References will be taken up on short listed candidates prior to interview, including internal applicants. No questions will be asked about health or medical fitness prior to any offer of employment being made.

#### **4.5.2**

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. One of the references must be from the applicant's current or most recent employer. If the current or most recent employment does or did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Where the position is administrative or does not involve direct contact with children, two references are required but it is not a requirement that the second referee should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

#### **4.5.3**

All referees will be asked whether they believe the applicant is suitable for the job for which he or she has applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism". All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to provide information on the following:

- The applicant's dates of employment, salary, job title/duties, reason for leaving, performance, sickness\* and disciplinary record;
- Whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children and the outcome of any such procedures (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 false, unsubstantiated or malicious;
- Whether any allegation or concerns have been raised about the applicant that relate to the safety and welfare of the children or young people or behaviour towards children or young people and the outcome of those allegations or concerns, except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated or malicious; and
- Whether the applicant could be considered to be involved in "extremism".

(\* questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made).

#### **4.5.4**

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

#### **4.5.5**

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.

#### **4.5.6**

Where a reference is not received prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the School. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.

#### 4.5.7

If factual references are received 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.

#### 4.5.8

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

### 4.6 Medical fitness

#### 4.6.1

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

#### 4.6.2

It is the School's practice that all applicants to whom an offer of employment is made must complete a Medical Declaration. The School may arrange for the information contained in the Medical Declaration to be reviewed by the School's medical advisor. This information will be reviewed against the Job Description and the Person Specification for the particular role together with the details of any other physical or mental requirements of the role e.g. proposed timetable, co-curricular activities, and layout of the School etc. If the School's medical advisor has any doubts about the 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.

#### 4.6.3

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

### 4.7 Criminal records checks

#### 4.7.1

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 caution, 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 School.

#### 4.7.2

Since 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 DBS and Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

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

- An adult conviction for an offence committed in the UK will be removed from a DBS disclosure if:
  - Eleven years have elapsed since the date of conviction;
  - It is the persons only offence; and
  - It did not result in a custodial sentence.
- It will not be removed under any circumstances if it appears on a list of "**specified offences**" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.
- A caution received when a person was aged 18 or over for an offence committed in the UK will not be disclosed if six years have elapsed since the date it was issued, and it does not appear on the list of "**specified offences**".

For those aged under 18 at the time of the offence:

- A conviction for an offence committed in the UK will be removed from a DBS disclosure if:
  - Five and a half years have elapsed since the date of conviction;
  - It is the persons only offence; and
  - It did not result in a custodial sentence.

- Again, the conviction will not be removed under any circumstances if it appears on a list of “specified offences”, or if a person has more than one offence on their criminal record.
- A caution received when a person was aged under 18 for an offence committed in the UK will not be disclosed if two years have elapsed since the date it was issued, and it does not appear on the list of “specified offences”.

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>

## **4.8 Disclosure and Barring Service Check**

### **4.8.1**

All members of the teaching and non-teaching staff at the School, including part-time, temporary and supply staff, and visiting staff, such as musicians and sports coaches who will be undertaking regulated activities are subject to a criminal records check which is carried out with the Disclosure and Barring Service before starting work. A regulated activity is defined as an unsupervised activity such as teaching, training, instructing or caring for or supervising a child or children (as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended)). Those who carry out paid or unsupervised unpaid work regularly in the School where that work provides an opportunity for contact with children are also considered to be undertaking regulated activities and they are also checked with the Disclosure and Barring Service.

### **4.8.2**

For all such positions, the School requests an enhanced disclosure from the DBS and a check of the Children’s Barred List (now known as an Enhanced Check for Regulated Activity). An enhanced disclosure with barring information includes spent and unspent convictions, cautions, reprimands and warnings held on the Policy National Computer; and information held on local police records which the police consider to be relevant to the workforce in which the person is applying to work.

### **4.8.3**

Any position undertaken at, or on behalf of the School will amount to ‘regulated activity’ if it is carried out:

- Frequently, meaning once a week or more; or
- Overnight, meaning between 2.00 am or 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.

### **4.8.4**

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.

### **4.8.5**

It is for the School to decide whether a role amounts to “regulated activity” taking into account all relevant circumstances. However, nearly all posts at the School amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the School office outside of term time or voluntary posts which are supervised.

### **4.8.6**

Applicants with recent periods of overseas residence and those with little or no previous UK residence will still be subject to DBS checks. The School will take into account the “DBS unusual address guide” in such circumstances.

### **4.8.7**

The School takes into account the guidance previously issued by the NSPCC when deciding whether to request overseas information from applicants, which recommends that such information should be sought on those who have lived overseas for periods of three months or more in the last five years. However, the School recognises that Education (Independent School Standards) Regulations 2014 do not specify that a minimum period of overseas residence is required. The School therefore assesses each applicant’s situation on its individual facts and may make checks over a longer period than five years. The School will have regard to the Home Office guidance in determining the checks that can reasonably be undertaken from different countries. In the absence of a response from official sources overseas before the person starts work, the School will obtain alternative further checks such as additional references, before the person starts work.

#### 4.8.8

Where applicants are asked to provide further overseas information this will include a criminal records check from the relevant jurisdiction or a certificate of good conduct (as appropriate) and /or references from any employment held. From 5 September 2016, further checks should include a check for information about any teacher sanction or restriction that has been imposed by a professional regulating authority in the European Economic Area (EEA). This check is relevant to applicants for teaching posts in England who have taught in the EEA – both foreign and UK nationals. This check will be carried out using the TRA Teacher Services system. Only restrictions imposed on or after 18 January 2016 will be displayed. Restrictions imposed by another EEA authority do not necessarily prevent an individual from taking up teaching positions in England. Full consideration will be given to the circumstances leading to the restriction to determine the applicant's suitability.

#### 4.8.9

Work can only commence once sufficient overseas information has been received and only if the School has considered that information and confirmed that the applicant is suitable to commence work at the School.

#### 4.8.10

The DBS no longer automatically issue a copy of the DBS Certificate to the School. It is a condition of employment that applicants provide the School with the **original** DBS Certificate so that the School can confirm the eligibility of the applicant for employment. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into School should be arranged with the School's HR Department as soon as it has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email within two weeks of the original certificate being received. Certified copies must be sent to the Headmaster's PA. Where a certified copy is sent, the original certificate must still be provided on the first working day at the latest.

#### 4.8.11

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

#### 4.8.12

If there is a delay in receiving a DBS disclosure, or if a pre-existing enhanced DBS check is accepted under the three-month rule<sup>2</sup> for a member of staff starting work in regulated activity, or a pre-existing enhanced DBS check without barring information is accepted from an applicant who has subscribed to the DBS update service, then the Head has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if the DBS application has been made, 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 with an appropriate risk assessment. The Barred List check will be made as close as possible to the employee's starting date and at least within 3 months of the employee starting. Confirmation of the appointment will not be finalised until the DBS disclosure has been received and deemed satisfactory by the School. The applicant must be informed of the safeguards in place whilst awaiting the DBS disclosure and these must be reviewed at least every two weeks. The Single Central Register will be annotated to this effect and records of the measures implemented will also be recorded. The Risk Assessment and its review will be kept in the staff member's personnel file.

<sup>2</sup> In accordance with the **three-month rule**, members of staff in schools must be subject to an enhanced criminal record check on entry to the schools' workforce and, thereafter, may move between schools without requirement on subsequent employer schools to carry out further DBS checks unless they leave the school's workforce for three months or more. However, if a new school accepts a pre-existing check under this rule, they must carry out a separate barred list check, subject to the following point on the DBS update service.

From 17 June 2013, the applicant may subscribe to the DBS Update service. This enables other employers to check instantly on-line that there have not been changes since the issue of a DBS certificate. So, if an initial certificate included barring information, a change would be indicated during an update check if the certificate-holder's barred status were to change. A new full check would then be required to access more information about the nature of the change.



#### **4.8.13**

The DBS Reference number is recorded on the Single Central Register. Where appropriate, the School will use the Update Service from the Disclosure and Barring Service to check the Status of an applicant's DBS Certificate.

### **4.9 Disqualification**

#### **4.9.1**

The Childcare Act 2006 (Act) and the Childcare (Disqualification) Regulations 2009 (Regulations) state that it is an offence for the School to employ anyone in connection with our early years provision (EYP) or later years provision (LYP) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP. As part of the recruitment process all applicants for posts in the Early Years (children from birth up to 1 September following their fifth birthday) or for later years provision for children under the age of 8 must make a declaration on the Application Form in respect of disqualification under this Act and these Regulations. The full criteria for disqualification are set out in the guidance document to which applicants must refer for further details about the relevant offences and orders for the purposes of disqualification.

#### **4.9.2**

All members of the teaching and non-teaching staff at the School, including part-time staff, temporary and supply staff, and visiting staff, such as musicians and sports coaches, must comply with the DfE statutory guidance 'Disqualification under the Childcare Act 2006' September 2018. Details about the relevant staff and volunteers for whom this is applicable are set out in this statutory guidance.

#### **4.9.3**

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

#### **4.9.4**

All members of staff in relevant roles have an ongoing duty to inform the School if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information at the recruitment stage or of a future change of circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

### **4.10 Prohibition Orders Check**

#### **4.10.1**

The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. This check is made through Teacher Regulation Agency Teacher Services. This will enable the School to ascertain whether or not the applicant has a Prohibition Order imposed by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency (TRA) or has a Prohibition Order imposed by the General Teaching Council for England (GTCE) prior to April 2012. An interim Prohibition Order might also be in place for an applicant if the Secretary of State has considered this to be in the public interest. This service can also be used to confirm the teacher's QTS status, satisfactory completion of an induction period and satisfactory completion of a probation period.

In addition the School asks all applicants for roles which involve "teaching work" (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or any other equivalent body in the UK.

It is the School's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves "teaching work". Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the TRA (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

#### **4.10.2**

The School carries out this check, and requires associated information, for roles which involve “teaching work”. In doing so the School applies the definition of “teaching work” set out in the Teachers’ Disciplinary (England) Regulations 2012 which states that the following activities amount to “teaching work”:

- Planning and preparing lessons and courses for pupils;
- Delivering and preparing lessons to pupils;
- Assessing the development, progress and attainment of pupils; and
- Reporting on the development, progress and attainment of pupils.

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

### **4.11 Prohibition from Management Check**

#### **4.11.1**

The School is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school (a **section 128 direction**). The School will carry out checks for such directions when appointing applicants into management positions from both outside the School and by internal promotion.

#### **4.11.2**

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

- Head
- Teaching posts on the Senior Leadership Team
- Teaching posts which carry a departmental head role; and
- Support staff on the Senior Leadership or Executive Management Team.

#### **4.11.3**

It also applies to appointments to the Governing body.

#### **4.11.4**

The School asks all applicants for management roles to declare in the application form whether they have ever been subject of a referral to the DfE, 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.

#### **4.11.5**

It is the School’s position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the DfE 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 School will consider whether the facts of the case render the applicant unsuitable to work at the School.

### **4.12 Disqualification from acting as a charity trustee or senior manager**

#### **4.12.1**

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

#### **4.12.2**

The Governors are the charity trustees of the School as they have general control and management of the administration of the charity. At the School the disqualification rules will be applicable to all governors, the Headmaster and Bursar who report directly to the governors and who have responsibility for the overall management and control of the charity’s finances.

### **4.12.3 Self-declaration**

#### **4.12.3.1**

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

#### **4.12.3.2**

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

#### **4.12.3.3**

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

### **4.12.4 Checks by the School**

#### **4.12.4.1**

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

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

### **4.12.5 Waiver**

#### **4.12.5.1**

A person who discloses that one or more of the disqualification criteria is applicable to them may apply to the Charity Commission for a waiver of the disqualification. The School may at its absolute discretion withdraw an offer of employment for a senior manager or cease or terminate an appointment to the governing body if a waiver application becomes necessary or is rejected by the Charity Commission. The School is under no obligation to await the outcome of a Charity Commission waiver application before taking such action.

## **5. CONTRACTORS AND AGENCY STAFF**

### **5.1**

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

### **5.2**

Agencies who supply staff to the School must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires confirmation that these checks have been completed before the individual(s) can commence work at the School.

### **5.3**

The School will independently verify the identity of individuals supplied by contractors or an agency in accordance with section 4 above and requires the provision of the DBS disclosure certificate before those individuals can commence work at the School. The DBS disclosure certificate must have been obtained not more than three months before the date on which the person is due to begin work at the School unless the person has worked in a school or maintained school in England in a position which brought them regularly into contact with children or young persons during a period which ended not more than three months before the person is due to begin work at the School.

## **6. VOLUNTEERS**

### **6.1**

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

### **6.2**

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

### **6.3**

It is the School's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the School for three consecutive months or more. Those volunteers who are likely to be involved in activities with the School on a regular basis may be required to sign up to the DBS update service as this permits the School to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

### **6.4**

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

- Formal or informal information provided by staff, parents and other volunteers;
- Character references from the volunteer's place of work or other relevant sources; and
- An informal safer recruitment interview.

## **7. GOVERNORS**

### **7.1**

Governors are not employees of the School. Prior to their appointment as a Governor, prospective Governors are required to have their ID, right to work in the UK, an enhanced criminal record check and prohibition from management checks completed. Such further checks as the Chair of Governors considers appropriate, having regard to any guidance issued by the Secretary of State, will be made on any prospective governors who lives, or has lived outside the UK such that an enhanced criminal record certificate is not sufficient to establish suitability to work in a school.

## **8. POLICY ON RECRUITMENT OF EX-OFFENDERS**

### **8.1 Background**

#### **8.1.1**

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

#### **8.1.2**

In view of the fact that all positions within the School will amount to 'regulated positions' within the meaning of the Protection of Children Act 1999 (as amended by the Criminal Justice and Court Services Act 2000), all applicants for employment must declare all previous convictions, cautions, reprimands or final warnings that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013). A failure to disclose such a previous conviction (which should be declared) may lead to an application being rejected or, if the failure is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose such a previous conviction may also amount to a criminal offence.

### **8.1.3**

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on any lists maintained by the Disclosure and Barring Service (DBS), the Department for Education (DfE) and the Department of Health of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

### **8.1.4**

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

- Receives an application from a barred person;
- Is provided with false information in, or in support of an applicant's application; or
- Has serious concerns about an applicant's suitability to work with children;

then it will report the matter to the Police, Birmingham Safeguarding Children Partnership, Ofsted, the DBS and/or the DfE's Children's Safeguarding Operations Unit (formerly the Teacher's Misconduct Team).

## **8.2 Assessment Criteria**

### **8.2.1**

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

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

### **8.2.2**

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 of the following offences:

- Murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence;
- Serious class A drug related offences, robbery, burglary, theft, deception or fraud.

### **8.2.3**

If the post involves access to money or budget responsibility, it is the Schools' 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.

### **8.2.4**

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 driving under the influence of alcohol, drugs or using a mobile phone within the last ten years.

## **8.3 Assessment Procedure**

### **8.3.1**

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

### **8.3.2**

Confidential information supplied by an applicant in respect of criminal records will only be read by a member of the Senior Leadership Team if the applicant is shortlisted for interview. Any such information will be retained in accordance with the guidance set out below.

### **8.3.3**

If an applicant wishes to dispute any information contained in a disclosure, he or 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 School will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

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

### **8.4.1**

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

### **8.4.2**

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 members of the School's Senior Leadership Team;
- Not retain disclosure information or any associated correspondence for longer than is necessary. Generally, this will be for a maximum of six months. The School 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;
- Ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- Prohibit the photocopying or scanning of any disclosure information.

## **9. RETENTION OF RECORDS**

### **9.1**

The School is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the School will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the School to discharge its obligations as an employer e.g. so that the School may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

### **9.2**

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. It will be retained in accordance with the School's retention of records policy after employment terminates.

### **9.3**

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

### **9.4**

The same policy applies to any suitability information obtained about volunteers involved with School activities.

## **10. REFERRALS TO THE DBS AND TRA**

### **10.1**

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. Whilst these are pre-employment checks 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.

### **10.2**

If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the TRA. Further details are set out in the Safeguarding and Child Protection Policy.

## **11. QUERIES**

### **11.1**

If an applicant has any queries relating to the completion of the application form or any other matter he or she should contact the Bursar or the Headmaster.

## **12. PERSONNEL FILES**

### **12.1**

Personnel files are maintained on staff in accordance with the data protection legislation. It is a requirement of *'Keeping Children Safe in Education'* that copies of identity document, right to work and qualifications are kept. It is also a requirement of the Immigration (Restrictions on Employment) Order 2007 that employers in England and Wales check and retain copies of passports, or alternatively birth/adoption certificates for people appointed on or after 29 February 2008. The Information Commissioner's Office or Chartered Institute of Personnel and Development can provide further guidance on more general document retention issues. Personnel files will be kept for at least six years after the person has left.

## **13. SINGLE CENTRAL REGISTER**

### **13.1**

A Single Central Register (SCR) is maintained by the School to record centrally whether or not certain checks have been made for staff and if so, the dates of those checks. The School follows the guidelines in the current Commentary on the Regulatory Requirements and any subsequent updates in respect of the information recorded on the SCR for staff, supply staff, governors, volunteers and contractors. The SCR is maintained electronically but in a format which can be printed out for the purposes of inspection. For reasons of data protection legislation, the copy provided for inspection purposes should not contain personal data but there must be a means of identifying the staff to facilitate discussion.

### **13.2**

The dates recorded on the SCR are the dates when the School receives the relevant information to inform their recruitment decision. The expectation is that the dates of all checks must therefore precede the start date of the relevant member of staff, although allowance can be made for delayed criminal record checks where appropriate precautions are taken. For example, if a pre-existing DBS check has been accepted under the three-month rule, the date of the check would be the date that the certificate had been seen, not the date on the certificate.

### **13.3**

The SCR indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check;
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check;
- a Section 128 check for relevant staff
- further checks on people who have lived or worked outside the UK including recording checks for EEA teacher sanctions and restrictions
- professional qualifications check where required; and
- right to work in the UK.

For Supply staff, the SCR also includes whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of staff.

#### **12.4**

The SCR relates to the relevant persons at any time and is kept up to date. The records for former workers are not removed until after the end of the school academic year and at this point they are archived.

#### **12.5**

Parallel entries are made when checks are renewed to preserve the integrity of the original data. The School renews criminal records checks for a sample of staff annually.

#### **12.6**

The SCR is maintained by the HR Administrator. The Bursar, the Headmaster or the Main Designated Safeguarding Lead (DSL) sign off recruitment paperwork and check the entry in the SCR prior to a member of staff starting at the school. Periodic checks are made of the SCR and associated files by the Headmaster, Main DSL, Chair of Governors and Safeguarding Governor. These checks are made at least termly.

### **13. RELATED POLICIES, MONITORING AND POLICY REVIEW**

#### **13.1**

This Policy should be read in conjunction with other School policies including the policies for Safeguarding and Child Protection, Visiting Speakers and the Staff Induction.

#### **13.2**

The Policy will be reviewed annually to ensure that it complies with statutory requirements and to ensure that any changes in practices are accurately reflected. It will be presented to the Governors' Governance and Human Resources Committee for approval and to the Health and Safety Committee for information and general consideration in the Lent Term each year prior to being presented to the Governors. The minutes of these meetings will be presented to the Governors.