

# Policy Name: Safer Recruitment, Selection and Disclosure

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Author: Director of HR

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## Type of Policy:

- Trust Policy
- Trust policy tailored by School
- School Policy

## Approval:

- School
- LAB
- Board

# Our Four Critical Questions

**Why do  
we exist?**

To improve outcomes, transform lives and enable social mobility.

Trust • Kindness • Endeavour

**How do we  
behave?**

**What do  
we do?**

We create a strong network of schools which transform the lives of students by enabling them to achieve high educational and personal goals, regardless of their background.

Through a clear backbone, strong culture, academic rigour and smart systems.

**How do we  
succeed?**

## 1 Introduction

ORION EDUCATION Trust 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 Trust is also committed to providing a supportive and flexible working environment for all its members of staff. The Trust 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. Please refer to the 'How to' guide on recruitment

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

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position
- to establish a robust practice to deter those who may wish to harm children from gaining employment in the Trust
- 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, disability or age
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**), *Keeping children safe in education* (September 2024) (**KCSIE**), *Disqualification under the Childcare Act 2006* (**DUCA**), The Department for Education (**DfE**) '*Staffing and employment advice for schools*' 2017, London Child Protection Procedures on safer recruitment, the Prevent Duty Guidance for England and Wales 2015 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the Trust meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

It is important to note throughout this policy that safeguarding is everyone's responsibility.

## 2 Data protection

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

## 3 Recruitment and selection procedure

### 3.1 **Advert**

All adverts placed on MyNewTerm and TES must include a statement showing the school and Trust's commitment to safeguarding and child protection. The advert must clearly set out the extent of the relationship between the successful candidate and children they will have contact with and what level of responsibility they will have for children. It must also state that the role is subject to an enhanced DBS check.

### 3.2 **Application Form and sift**

All applicants for employment will be required to complete an **application form** via MyNewTerm containing questions about their academic and employment history and their suitability for the role. MyNewTerm is KCSIE compliant.

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.

Applicants will receive a job description and person specification for the role applied for. Job descriptions, person specifications and the Trust's safeguarding and child protection policy are available on MyNewTerm.

The job description and person specification must ensure it includes an awareness of safeguarding as one of the expectations.

The applicant may then be invited to attend a **formal interview** at which their relevant skills and experience will be discussed in more detail. All shortlisted applicants will be sent a criminal convictions self-declaration form via MyNewTerm to be returned prior to or at interview and are advised that an internet search of their name and links to social media sites will be carried out. They will also be tested at interview about their suitability to work with children.

### 3.3 **Interview**

For all posts, interview panels must have a minimum of three interviewers. For interviews for TLR's two interviewers is permissible. At least one member of the panel must have completed safer recruitment training within the past three years. The panel should be as diverse as possible.

Interviewers must use probing questions to explore the motives, attitudes and behaviours of candidates.

An open question about safeguarding must be asked at all interviews, ideally based on a real situation. Interviewers must have a real sense of what they are looking for in an answer.

Any gaps in employment or education history and frequent changes in employment must be asked at interview and the response recorded. When considering the candidate's suitability for the post, interviewers must consider whether they received a satisfactory response to these questions.

### 3.4 **Following an offer of employment**

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 Trust'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 Trust 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 Trust 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 Trust
- 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 Trust
- where the position amounts to "regulated activity (see section 4.3.2 below) the receipt of an enhanced disclosure from the DBS which the Trust considers to be satisfactory
- where the position amounts to "regulated activity" (see section 4.3.2 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 Trust
- 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 Trust
- confirmation that the applicant is not disqualified from acting as a trustee / governor or senior manager of a charity under the Charities Act 2011 (if applicable, see section 4.6 below)
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 4.7 below)
- verification of the applicant's medical fitness for the role (see section 4.8 below)
- verification of the applicant's right to work in the UK; and
- any further checks which the Trust 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.

Unconditional offers of employment will not be made to individuals.

**\*The Trust is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Trust is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the Trust 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 Trust in order to decide which checks are appropriate. It is, however, likely that in nearly**

**all cases the Trust will be able to carry out an enhanced DBS check and a Children's Barred List check.**

#### **4 Pre-appointment checks**

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

In addition to the checks set out below, the Trust 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 Trust. This may include internet and social media searches.

In fulfilling its obligations, the Trust 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.

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

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications 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
- original documents confirming any educational and professional qualifications referred to in their application form.

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.

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

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

##### **4.2 References**

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Trust. 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.

References should preferably be obtained after shortlisting and before interviewing so that the interview panel can discuss any concerns with the candidate during the interview. References must be signed and dated. If the reference is sent via email, the legitimacy of the email must be considered.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism" (see the definition of "extremism" at section 7 below). 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, 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 (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 allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious
- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at section 7 below).

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

The Trust 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.

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

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.

The Trust may at its discretion make telephone contact with any referee to verify the

details of the written reference provided. Written notes should be made following such telephone calls.

All internal candidates who apply for a new role at the Trust will have their application assessed in accordance with this procedure. References will be taken up on all internal candidates as part of the application process but can be provided by colleagues as the Trust will be the most recent employer.

#### 4.3 **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 Trust.

##### 4.3.1 **DBS filtering rules**

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 the 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 an offence**

An adult conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- a. eleven years have elapsed since the date of conviction;
- b. it is the person's only offence; and
- c. 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 United Kingdom will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

#### **For those aged under 18 at the time of an offence**

A conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- a. five and a half years have elapsed since the date of conviction;
- b. it is the person's only offence; and
- c. it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the 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



United Kingdom will not be disclosed if two years have elapsed since the date it was issued and if it does not appear on the list of "specified offences".

#### **The list of "specified offences" which must always be disclosed**

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record.

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>.

#### **4.3.2 Regulated activity**

The Trust 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 Trust 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 Trust will amount to "regulated activity" if it is carried out:

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

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.

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

#### **4.3.3 The DBS disclosure certificate**

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the Trust. It is a condition of employment with the Trust that if a disclosure shows on the certificate, the **original** disclosure certificate is provided to the Trust within two weeks of it being received by the applicant. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the School should be arranged with the Headteacher/Head of School/Principal 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 disclosure certificate being received. Certified copies must be sent to the Head teacher/Head of School/Principal.

Where a certified copy is sent, the original disclosure certificate must still be provided on the first working day.

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

#### **4.3.4 Starting work pending receipt of the DBS disclosure**

If there is a delay in receiving a DBS disclosure the Headteacher/Head of School/Principal 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 a risk assessment and appropriate supervision has been put in place.

#### **4.3.5 Applicants with periods of overseas residence**

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

The Trust takes into account the guidance 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 Trust recognises that Education (Independent Trust Standards) Regulations 2014 do not specify that a minimum period of overseas residence is required. The Trust therefore assesses each applicant's situation on its individual facts.

Where applicants are asked to provide further overseas information this will include a criminal record check from the relevant jurisdiction(s) or a certificate of good conduct (as appropriate) and / or references from any employment held.

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

#### **4.4 Prohibition from teaching check**

The Trust is required to check whether staff who carry out "teaching work" are prohibited from doing so. The Trust uses the Teaching Regulation Agency Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel on behalf of the Teaching Regulation Agency.

In addition, the Trust 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 other equivalent body in the UK.

It is the Trust'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 Teaching Regulation Agency (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the Trust will consider whether the facts of the case render the applicant unsuitable to work at the Trust.

The Trust carries out this check, and requires associated information, for roles which involve "teaching work". In doing so the Trust 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 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 Headteacher/Head of School/Principal. 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.

In addition, for all appointments made on or after 18 January 2016, where an applicant has carried out teaching work outside of the UK the Trust will ask the applicant (and their referees) whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work. This will include checking for the existence of any sanctions issued by regulators of the teaching profession in other EEA countries using the Teaching Regulation Agency Teacher Services system.

#### 4.5 **Prohibition from management check**

The Trust 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 Trust (a **section 128 direction**).

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

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

- Headteacher/Head of School/Principal
- teaching posts on the senior leadership team
- teaching posts which carry a departmental head role;
- support staff posts on the senior leadership team; and
- the Trust will assess on a case-by-case basis whether the check should be carried out when appointments are made to teaching and support roles which carry additional responsibilities.

It also applies to appointments to the Local Governing Body.

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

In addition, the Trust asks all applicants for management roles to declare in the application form 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 Trust.

It is the Trust'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 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 Trust will consider whether the facts of the case render the applicant unsuitable to work at the Trust.

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

##### **4.6.1 Background**

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

##### **4.6.2 Who is covered**

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

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

##### **4.6.3 Self-declaration**

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

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

All those who are required to complete a self-declaration form are also under an ongoing duty to inform the Trust 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.

##### **4.6.4 Checks by the Trust**

To ensure that it has accurate and up to date information the Trust will also check the

following registers in respect of each governor and senior manager who is already in post or is appointed in future:

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

#### 4.6.5 **Waiver**

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

The Trust 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 Trust is under no obligation to await the outcome of a Charity Commission waiver application before taking such action.

#### 4.7 **Childcare disqualification**

The Childcare Act 2006 (**Act**) and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (**Regulations**) state that it is an offence for the Trust 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.

##### 4.7.1 **Definitions**

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

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

##### 4.7.2 **Relevant roles**

Roles which will be covered by the Regulations are teaching and teaching assistant positions in EYP, and those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Headteacher/Head of School/Principal 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 Trust.

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

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

#### **4.7.3 Grounds for disqualification**

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

- a. having been cautioned (after 6 April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;
- b. various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- c. having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;
- d. having been refused an application for registration of a children's home or having had any such registration cancelled; or
- e. having been prohibited, restricted or disqualified from private fostering.

#### **4.7.4 Self-declaration form**

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

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

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

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

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

**Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3.1 above).**

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

#### **4.7.5 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 Trust 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 Trust will withdraw the conditional offer of employment.

#### **4.7.6 Retention of disqualification information**

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

#### **4.7.7 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 Trust 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.

#### **4.8 Medical fitness**

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

It is the Trust's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. The Trust will arrange for the information contained in the Health Questionnaire to be reviewed by the Trust's occupational health provider. 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 Trust etc. If the Trust's occupational health provider has any doubts about an applicant's fitness the Trust will consider reasonable adjustments in consultation with the applicant. The Trust may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge

the responsibilities required by the role. If an applicant prefers to discuss this with the Trust instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the Director of HR so that appropriate arrangements can be made.

The Trust 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.

## **5 Probation and Induction**

Once employed, every member of staff will complete a comprehensive probation and induction into the school's practices and processes around safeguarding and child protection. The member of staff will sign and date the induction checklist showing they have been given all the necessary documentation listed and understood the procedures.

## **6 Contractors and agency staff**

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

The Trust will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform before an individual can commence work at the Trust. The School will also check that the person presenting themselves for work is the same person on whom the checks have been made.

Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school or college, which has disclosed any matter or information, or any information was provided to the employment business, the school or college must obtain a copy of the certificate from the agency. Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances. The Trust will check the identity of all contractors and their staff on arrival at the school.

For self-employed contractors such as music teachers or sports coaches working in LYP, the Trust will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

## **7 Trainee/student teachers**

Where applicants for initial teacher training are salaried by us, the Trust will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, the Trust will obtain written confirmation from the training provider that necessary checks have been carried out and that the



trainee has been judged by the provider to be suitable to work with children.

When working with LYP, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

## 8 **Volunteers**

The Trust 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 Trust (the definition of regulated activity set out in section 4.3.2 above will be applied to all volunteers).

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

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

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

In addition, the Trust 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.

## 9 **Adults who supervise pupils on work experience**

- When organising work experience, the Trust will ensure that policies and procedures are in place to protect children from harm. The Trust will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

## 10 **Pupils staying with host families**

- Where the school makes arrangements for pupils to be provided with care and accommodation by a host family to which they are not related (for example, during a foreign exchange visit), the Trust will request enhanced DBS checks with barred list information on those people.

- Where the school is organising such hosting arrangements overseas and host families cannot be checked in the same way, we will work with our partner schools abroad to ensure that similar assurances are undertaken prior to the visit.

## 11 Visiting speakers and the Prevent Duty

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

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

All visiting speakers will be subject to the Trust's Visitors Policy. 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.

The Trust 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 Trust. In doing so the Trust will always have regard to the visitor policy, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

*"Extremism" is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."*

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

## 12 Policy on recruitment of ex-offenders

### 12.1 Background

The Trust will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The Trust makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the Trust. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 8.2 below.

All positions within the Trust 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 (see section 4.3.1 above).

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.

It is unlawful for the Trust to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the Trust. The Trust 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.

### 12.2 **Assessment criteria**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Trust 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.

If the post involves regular contact with children, it is the Trust'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.

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

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

### 12.3 **Assessment procedure**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Trust will carry out a risk assessment by

reference to the criteria set out above. The assessment form must be signed by the Headteacher/Head of school/Principal and the Director of HR of the Trust before a position is offered or confirmed.

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

#### 12.4 Retention and security of disclosure information

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

### 13 Single Central Record

Every School in the Trust will maintain a Single Central Record (SCR) which must remain up-to-date and compliant at all times. The SCR will record all pre-appointment checks.

The SCR must record all staff who are employed to work at the school or in the Trust, including agency and third-party supply staff, add teacher trainees on salaried routes. The SCR will also record volunteers and governors.

The Designated Safeguarding Lead will scrutinise the SCR for accuracy and compliance on a termly basis minimum.

### 14 Safer working environment

The Trust will maintain a 'it could happen here' attitude and ensure that everyone, new and established, understands and follows the Trust's safeguarding practices and procedures.

### 15 Whistleblowing and exit interviews

All staff are trained so that they understand they 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 Trust's policies (including the whistleblowing policy, the safeguarding (child protection) policy and the Staff code of conduct).

Safeguarding children is at the centre of the Trust's culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at an exit interview which are held with all leavers.

### 16 Referrals to the DBS and Teaching Regulation Agency

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 Trust also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the Trust despite being barred from working with children; or
- has been removed by the Trust 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.

If the individual referred to the DBS is a teacher, the Trust may also decide to make a referral to the Teaching Regulation Agency.

## 17 **Queries**

If an applicant has any queries on how to complete the application form or any other matter, they should contact the Director of HR.

Reviewed by JCNC	October 2024
Approved by PP & P	November 2024
Adopted by the Board	December 2024

## 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 / Channel Islands and EEA)
- 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)

### Group 2a: trusted government documents

- current driving licence photocard - full or provisional (all countries outside the EEA excluding Isle of Man and Channel Islands)
- current driving licence paper version (UK / Isle of Man / Channel Islands and EEA; full or provisional)
- 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 EEA. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non EEA country in which the role is based)
- HM Forces ID card (UK)
- fire arms licence (UK, Channel Islands and Isle of Man)

All driving licences must be valid.

**Group 2b: Financial and social history documents**

- mortgage statement (UK or EEA)\*\*
- bank / building society statement (UK and Channel Islands or EEA)\*
- bank / building society statement (countries outside the EEA)\*
- bank / building society account opening confirmation letter (UK)\*
- credit card statement (UK or EEA)\*
- financial statement - e.g. pension, endowment, ISA (UK)\*\*
- P45 / P60 statement (UK and Channel Islands)\*\*
- council tax statement (UK and Channel Islands)\*\*
- letter of sponsorship from future employment provider (non UK / non EEA 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, Jobcentre, Jobcentre Plus, Social Security (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 and Channel Islands; must be valid at time of applications)
- letter from Head or College Principal (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