

FHS

Francis Holland Schools

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Availability of this document:

Copies of this document are available on request from the Bursary, Francis Holland Schools Trust, 35 Bourne Street, London, SW1W 8JA and the policy is published on the Trust's website.

1	Related Information.....	4
1.1	Regulatory Guidance.....	4
1.2	Supporting Documents	4
2	Introduction.....	4
3	Data Protection.....	5
4	Overview.....	5
5	Scope	6
6	Recruitment and Selection Procedure.....	6
6.1	Application Process.....	6
6.2	Longlisting and Shortlisting.....	7
6.3	Interview Process.....	7
6.4	Conditional Offer of Employment.....	8
7	Pre-Employment Checks.....	9
7.1	Verification of Identity, right to work in the UK, Address and Qualifications	9
7.2	References	10
7.3	Criminal Records Checks	11
7.3.1	DBS Filtering Rules.....	11
7.3.2	“Regulated Activity”	12
7.3.3	The DBS Disclosure Certificate.....	13
7.3.4	Starting Work Pending Receipt of the DBS Disclosure	13
7.3.5	Applicants with Periods of Overseas Residence	13
7.4	Prohibition from Teaching Check.....	14
7.5	Prohibition from Management Check	15
7.6	Disqualification from Acting as a Charity Trustee or Senior Manager	15
7.6.1	Background.....	15
7.6.2	Who is Covered?.....	15
7.6.3	Self-Declaration	16
7.6.4	Waiver.....	16
7.7	Childcare Disqualification	16
7.7.1	Definitions	16
7.7.2	Relevant Roles	16
7.7.3	Grounds for Disqualification.....	17
7.7.4	Self-Declaration Form	17
7.7.5	Waiver of a Disqualification.....	18
7.7.6	Retention of Disqualification Information	18
7.7.7	Continuing Duty to Disclose Change in Circumstances	18

7.8	Medical Fitness	18
8	Contractors and Agency Staff	18
9	Volunteers.....	19
10	Visiting Speakers and the Prevent Duty	19
11	Policy on Recruitment of Ex-Offenders	20
11.1	Background	20
11.2	Assessment Criteria	20
11.3	Assessment Procedure.....	21
11.4	Retention and Security of Disclosure Information.....	21
12	Referrals to the DBS and Teaching Regulation Agency.....	21
13	Queries	21
	Appendix A.....	23
	List of valid identity documents.....	23

1 Related Information

1.1 Regulatory Guidance

This regulatory policy has been reviewed in accordance with the following guidance:

ISSRs Part 4, paragraphs 18 – 21: ISSR 18 (Staff), ISSR 19 (Supply staff), ISSR 20 (Proprietors), ISSR 21 (Single central register of appointments); and JCQ General Guidelines 5.4 (Access arrangements and reasonable adjustments), KCSIE 2023 Part 3

1.2 Supporting Documents

The following related information is referred to in this policy:

Charities Act 2011
Childcare Act 2006
Childcare (Disqualification) Regulations 2009
Data Protection Policy
Disqualification under the Childcare Act 2006
Education Act 2002
Education and Skills Act 2008
Education (Independent School Standards) Regulations 2014
Equality Act 2010
Keeping children safe in education (September 2023)
Rehabilitation of Offenders Act 1974
Safeguarding Policy
Safeguarding Vulnerable Groups Act 2006
Staff Privacy Notice
Teachers' Disciplinary (England) Regulations 2012
The Prevent Duty Guidance for England and Wales 2023

2 Introduction

Francis Holland Schools Trust (the **Trust**) including Francis Holland Regent's Park and Francis Holland Sloane Square and The Hampshire School 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 to 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.

The aims of the Trust's 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;
- that all job applicants are considered equally and consistently;
- that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, gender reassignment, disability or age;

- compliance with all relevant legislation, recommendations and guidance including the Education (Independent Trust Standards) Regulations 2014 (**ISSRs**), the statutory guidance published by the Department for Education (**DfE**), *Keeping Children Safe in Education (KCSIE September 2023)* Disqualification under the Childcare Act 2006 (**DUCA**), the Prevent Duty Guidance for England and Wales 2023 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**);
- 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 and will be given appropriate training to ensure these aims are met. Training for Bursary staff is the responsibility of the Chief Operating Officer and for staff in the schools is responsibility of the Heads. Training for contracted Catering and Cleaning staff is the responsibility of the Agency and confirmed by the Chief Operating Officer.

3 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 us to enable appropriate checks to be carried out. 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. 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.

4 Overview

The responsibility for authorising the recruitment of any new member of staff will rest with the appropriate Head (for vacancies at each of the Schools) and with the Chief Operating Officer for vacancies in the Bursary team and their direct reports. The Heads and the Chief Operating Officer will be responsible for ensuring that the job description and person specification are accurate, that the role cannot be covered by current staff or by any other alternative resource and that any recruitment or restructuring is within budget before authorising the recruitment of new or replacement staff. No staff member of either school or member of the Bursary staff should commence the recruitment of a role without specific authorisation from the Head or Chief Operating Officer as appropriate. Where a replacement member of staff will require a salary significantly above the previous incumbent or where an additional member of staff outside budget is required, authorisation will be sought from the Head or Chief Operating Officer in consultation with Human Resources.

The Trust may decide to advertise roles internally only, on occasions, though has the freedom to advertise for external candidates too. Staff may apply for internal vacancies provided they do not have a live sanction following a disciplinary hearing and there are no concerns about their performance in their current role.

It is also recognised that there may be occasions when it would be inappropriate to advertise a vacancy such, but not limited to, where there is a need to redeploy staff, provide roles for staff returning from maternity leave or where a temporary individual has successfully filled the position for a significant period of time.

5 Scope

This Policy and Procedure herewith refers and applies to staff directly recruited and employed by the Trust. In the Education (Independent Schools Standards) (England) Regulations 2014, staff are defined as:

Any person working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer.

In the case of agency or contract workers, the Trust must set out the safeguarding requirements in the contract between the organisation and the Trust and must obtain written confirmation from the agency or company that it has carried out the same checks as the Trust would otherwise perform on any individual working at the Trust (or who will be providing education on the Trust's behalf, including through online delivery). The Trust conducts identity checks on agency and contract workers on arrival and, in the case of agency workers which includes supply staff, the Trust has carried out its own identity checks and viewed a copy.

The Trust will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure – renewed every 3 years, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus, those checks set out in KCSIE as 'pre-employment' checks). The Single Central Register shows record that these checks have been performed, the Trust carries out its own identity check and views a copy of the disclosure (whether or not it discloses any information).

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in a School. The Trust will determine the appropriate level of supervision depending on the circumstances.

Any staff who TUPE transfer into the Trust's staff will be required to undertake the statutory requirements with regard to safer recruitment checks.

If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

6 Recruitment and Selection Procedure

6.1 Application Process

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. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae (CV) will not be accepted in place of the completed application form.

On occasions, the Trust may invite expressions of interest for a role through the submission of a CV, though candidates wishing to be formally considered will be required to complete an application form prior to being considered more formally. Where this is the case, only members of the HR team will be permitted to receive the CV, to ensure personal information is redacted ahead of being considered.

The Trust will make candidates aware that all posts in the Trust involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts will receive a Job Description and Person Specification for

the role applied for. The School's Safeguarding Policy are available to download from the School's website.

All applications should be received ahead of the stated closing date, though the Trust has the discretion to close advertised roles early, or accept applications past the deadline, following discussion with the Director of Human Resources.

6.2 Longlisting and Shortlisting

The Trust will review applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. At least two people will carry out the exercise, consider any inconsistencies, look for gaps in employment and reasons given for them and explore all potential concerns.

Applications will be redacted of personal information with the aim of removing any potential bias during the longlisting/shortlisting process.

6.3 Interview Process

Generally, those deemed potentially suitable for the role applied for will be invited to an initial virtual interview at which their relevant skills and experience will be discussed, normally involving two people, one of which will be the recruiting line manager. The Trust has discretion to move to a more formal in person interview where it feels fit.

All shortlisted applicants will be required to complete a self-declaration form prior to interview in which they will be asked to provide information about their criminal records history and other factors relevant to their suitability to work with children. This information will be considered and discussed with applicants at interview.

All shortlisted applicants will be tested at each stage, following application, about their suitability to work with children.

The Trust will also carry out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online. When conducting an online search the Trust will consider the responsibilities of the post and in particular the level of responsibility for and access to children, it will be conducted in respect of all shortlisted applicants for the post in question.

Applicants will be made aware of an online search prior to submitting an application and offered the opportunity to address any relevant issues which are discovered through the online search at interview.

Online searches will be aimed at assessing a candidate's suitability for a role and will be managed in line with discrimination and data protection regulations.

The Trust will, where possible, obtain references for teaching staff prior to interview, refer to Section 7.2. References for non-teaching staff should be taken up as soon as possible once a conditional offer of employment is made. This allows any concerns raised to be explored further with the referee and can be taken up with the shortlisted candidate at interview.

All formal in person interviews will have a panel of at least two people chaired by the Head / Chief Operating Officer, or another designated senior member of staff. At least one person involved in the appointment panel will have undertaken safer recruitment training. The Chair of Governors should chair

the panel for the Chief Operating Officer's / Head's appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post; the original or certified copy of certificates or diplomas must be provided. Where originals or certified copies are not available, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

The Trust will advise all candidates invited to an in person interview of any other required documents they should bring with them.

Candidates with a disability who are invited to interview should inform the Trust of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

6.4 Conditional 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 School'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 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 which renders them unable or unsuitable to work at the School
- For applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School
- Where the successful candidate has worked or been resident overseas: Such further checks and confirmations as the Trust may consider appropriate so that any relevant events that occurred outside the UK can be considered
- Where the position amounts to "regulated activity" (see below), the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory
- Where the position amounts to "regulated activity" (see below), confirmation that the applicant is not named on the Children's Barred List¹

¹ 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, supply staff and governors who will be engaging in "regulated activity". However, the School can also carry out an enhanced DBS check on a person who would be carrying out

- Information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School
- For management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School
- Confirmation that the applicant is not disqualified from acting as a trustee/governor or senior manager of a charity under the Charities Act 2011 (if applicable, see below)
- Confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see below)
- Verification of the applicant's medical fitness for the role (see below)
- Verification of the applicant's right to work in the UK 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.

7 Pre-Employment Checks

In accordance with the recommendations set out in KCSIE (September 2023), Disqualification Under Childcare Act (DUCA) and the requirements of the Independent School Standards Regulations (ISSR's, the Trust carries out a number of pre-employment checks in respect of all prospective staff.

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 with 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.

7.1 Verification of Identity, right to work in the UK, Address and Qualifications

Identity and address: all applicants must bring with them to interview, original documents which evidence their identity and address as set out below and in the list of valid identity documents in [Appendix A](#) (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

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

"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.

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

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

Right to work in the UK: all applicants must also bring to interview a valid form of evidence which confirms their right to work in the UK. Valid forms of evidence can be found in the Home Office 'Right to Work Checklist': (Right to work checklist (publishing.service.gov.uk)).

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

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

7.2 References

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

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 and completed by senior person with appropriate authority. 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. If the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect of any disciplinary investigations.

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

Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, 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 unsubstantiated, unfounded or false
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young

people, except where the allegation or concerns were found to be unsubstantiated, unfounded or false

- whether the applicant could be considered to be involved in "extremism"

The Trust 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.

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.

If it has not been possible to obtain a reference prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the 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.

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

The Trust treats all references given or received as confidential which means that the applicant will not usually be provided with a copy. All internal candidates who apply for a new role at the Trust will have their application assessed in accordance with this procedure. References may be taken up on internal candidates as part of the application process but can be provided by colleagues as the School will be the most recent employer and will previously have taken up references from past employers.

7.3 Criminal Records Checks

7.3.1 DBS Filtering Rules

Since 29 May 2013, with updates in 2020 and 2023, the DBS commenced the filtering 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:
 - 11 years have elapsed since the date of conviction
 - it is the person's only offence and
 - it did not result in a custodial sentence
- The conviction 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 6 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:
 - 5½ years have elapsed since the date of conviction
 - it is the person's only offence and
 - it did not result in a custodial sentence
- 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 2 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>.

7.3.2 "Regulated Activity"

The School 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 School 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 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 and 6.00 am or
- Satisfies the "period condition", meaning four times or more in a 30-day period and
- Provides the opportunity for contact with children.

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 School to decide whether a role amounts to "regulated activity", taking into account all the 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.

7.3.3 The DBS Disclosure Certificate

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the original disclosure certificate is provided to the School within 2 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 HR Department as soon as it has been received.

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

7.3.4 Starting Work Pending Receipt of the DBS Disclosure

If there is a delay in receiving a DBS disclosure the Head or Chief Operating Officer has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks (with the exception of overseas checks, which must have been applied for ahead of starting) 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.

7.3.5 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 residence. The School will take into account the "DBS unusual addresses guide" in such circumstances.

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

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

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

In addition, where an applicant for a teaching position has worked as a teacher outside of the UK, the Trust will ask the applicant to obtain from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher, evidence which confirms that they have not imposed any sanctions or restrictions on the applicant and that they are not aware of any reason why the applicant may be unsuitable to work as a teacher. The Trust will also ask shortlisted applicants (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work.

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

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

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

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

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

7.4 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 shortlisted applicants to declare whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or other equivalent body in the UK.

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

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 Students
- Delivering lessons to Students
- Assessing the development, progress and attainment of Students and
- Reporting on the development, progress and attainment of Students.

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

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 School 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.

7.5 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 school (a section 128 direction).

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

- The Head
- Teaching posts on the senior leadership team
- Teaching posts which carry a departmental head role
- Support staff posts on the senior leadership team
- Appointments to the governing body.
- The School will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support staff roles which carry additional responsibilities.

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

In addition, the School asks all shortlisted applicants to declare whether they have ever been the subject of a referral to the Department for Education or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.

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

7.6 Disqualification from Acting as a Charity Trustee or Senior Manager

7.6.1 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.

7.6.2 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 school the trustees will typically be the governors of the school.

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

7.6.3 *Self-Declaration*

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

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

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

7.6.4 *Waiver*

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

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

7.7 Childcare Disqualification

The Childcare Act 2006 (Act) and the Childcare (Disqualification) Regulations 2009 (Regulations) state that it is an offence for the Trust to employ anyone in connection with the 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.

7.7.1 *Definitions*

- EYP includes usual school activities and any other supervised activity for a child up to 1 September after the child's fifth birthday, which takes place on the School premises during or outside of the normal School day
- LYP includes provision for children not in EYP and under the age of eight which takes place on School premises outside of the normal School day, including, for example breakfast clubs, after School clubs and holiday clubs. It does not include extended School hours for co-curricular activities such as sports activities
- DUCA states that only those individuals who are employed directly to provide childcare are covered by the Regulations. "Childcare" means any form of care for a child, which includes education and any other supervised activity for a child who is aged five or under. "Childcare" in LYP does not include education during School hours but does cover before and after school clubs.

7.7.2 *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 Head and may also include other members of the leadership team, as well as those involved in the day to day management of EYP or LYP at the School.

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

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

7.7.3 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:

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

7.7.4 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 School will decide whether a role is relevant and within the scope of EYP or LYP by having regard to the guidance in DUCA. Employment with the School in any relevant role will be conditional upon completion of the self-declaration form and upon the applicant not being disqualified.

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

Applicants who have any criminal records information to disclose about themselves, or anyone in their household, must also provide the following information:

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

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 above).

Applicants must not ask for information about spent convictions from any member of their household.

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

7.7.5 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 School may withdraw an offer of employment at its absolute discretion and is under no obligation to await the outcome of an Ofsted waiver application. If a waiver application is rejected, the School will withdraw the conditional offer of employment.

7.7.6 Retention of Disqualification Information

The School will securely destroy any information which is provided by an applicant which is not relevant to the childcare disqualification requirements as soon as it is established that it is not relevant. Where a person appointed to a role at the School is found to be disqualified, the School will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the School, after which it will be securely destroyed.

7.7.7 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 School if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information now, or of a future change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

7.8 Medical Fitness

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

It is the School's practice that all applicants to whom an offer of employment is made must complete a health questionnaire. The School will seek advice from the School's medical advisor if appropriate. If the School's medical advisor has any doubts about an applicant's fitness, the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

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.

8 Contractors and Agency Staff

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

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

The School will independently verify the identity of individuals supplied by contractors or an agency in accordance with the above and requires the provision of the DBS disclosure certificate before those individuals can commence work at the School.

9 Volunteers

The Trust will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking "regulated activity" with Students at or on behalf of the Trust (the definition of "regulated activity" set out above will be applied to all volunteers).

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 Students in their care.

Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with Students. A DBS is only required for unsupervised activity, regulated or otherwise.

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

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

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

10 Visiting Speakers and the Prevent Duty

The Prevent Duty Guidance requires the Trust to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by Students, 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 School or perform any other regular duties for or on behalf of the School.

All visiting speakers will be subject to the School's usual visitors' protocol. This will include signing in and out at Reception, the wearing of a visitor's 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 School. In doing so, the School will always have regard to the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE (September 2023) which states:

"Extremism" is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.

Terrorist groups very often draw on extremist ideas developed by extremist organisations."

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

11 Policy on Recruitment of Ex-Offenders

11.1 Background

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

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent", except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see 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 School 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 School. The School will make a report to the police and/or the DBS if:

- It receives an application from a barred person
- It is provided with false information in, or in support of, an applicant's application or
- It has serious concerns about an applicant's suitability to work with children.

11.2 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 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 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 School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last 10 years.

11.3 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 School will carry out a risk assessment by reference to the criteria set out above before a position is offered or confirmed, which must be signed by the Head or Chief Operating Officer.

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

11.4 Retention and Security of Disclosure Information

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

12 Referrals to the DBS and Teaching Regulation Agency

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

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

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

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

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

13 Queries

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

Appendix A

List of valid identity documents

Group 1: primary identity documents

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

Group 2a: trusted government documents

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

All driving licences must be valid.