



## Safer Recruitment Policy

(This policy relates to the whole College including EYFS)

Responsible person: Mrs J Metcalfe (HR)

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## **Section 1 Purpose**

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of our children and young people. The College is committed to this and expects all staff and volunteers to share this commitment. It is to be achieved through effective recruitment and retention of competent, motivated staff members who are suited to, and competent in their roles.

The College recognises the value of and seeks to achieve a diverse workforce comprising different backgrounds, skills and abilities. As such it is committed to a recruitment and selection process which is systematic, efficient, effective, and equal. In doing so, it upholds its obligations under law (Equality Act 2010) and national collective agreements to not discriminate against applicants on grounds of age, sex, sexual orientation, marriage and civil partnership, disability, race, religion or belief, gender reassignment and pregnancy and maternity.

This policy sets out the duties and responsibilities of all staff in the College for recruiting and vetting staff, contractors, and volunteers and for providing a safe learning environment. It aims to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department of Education (DfE), Keeping Children Safe in Education (KCSIE September 2023), Prevent Duty Guidance (DfE) June 2015, Disqualification Under the Children Act 2006 (DUCA), Independent Schools Standards, Independent Schools' Inspectorate's (ISI) Commentary on the Regulatory Requirements and any guidance or code of practice published by the Disclosure and Barring Service (DBS). This policy forms part of our portfolio of safeguarding policies.

## **Section 2 Introduction**

The purpose of this policy is to ensure the practice of safe recruitment of staff appointed to the College to meet the highest standards and those determined by Government to:

- a. protect children from maltreatment.
- b. prevent impairment of children's health or development.
- c. ensure that children are growing up in circumstances consistent with the provision of safe and effective care.
- d. take action to enable children in need to have optimum life chances.

It also sets out the minimum requirements to:

- a. attract the best possible applicants to vacancies.
- b. deter prospective applicants unsuitable for work with children.
- c. identify and reject applicants unsuitable for work with children.

This policy does not form part of any member of staff's contract of employment and may be amended from time to time.

## **Section 3 Practices**

Since January 2010 the School Staffing Regulations require that every recruitment panel for a school-based post must include at least one member with safer recruitment training.

Safeguarding Children and Safer Recruitment in Education (DfES 2006) requires that the Headmaster and at least one governor must have completed Safer Recruitment training delivered by accredited trainers. The College follows these statutory requirements and has made a commitment to regularly train members of its College Leadership Team.

The following procedures and practices are in place to ensure the safe recruitment of staff.

#### Stage 1: Advertising and Inviting Applications

Where posts are advertised, advertisements may be internal only or published simultaneously internally and externally. The aim of advertising is to attract a wide range of high-quality candidates from diverse backgrounds. All advertisements for posts whether in newspapers, journals or online, will clearly stipulate the stance adopted by the College by the inclusion of the following statement:

“St Columba’s College is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. All post holders will be required to undergo child protection screening appropriate to the role, including checks with past employers, online background checks, and the Disclosure & Barring Service.”

#### Stage 2: Pre -Application Information

Prospective applicants have access to the following which are available on the College website:

- a. Application Form;
- b. Equality & Diversity Monitoring Form
- c. Job Description, including Person Specification;
- d. Safer Recruitment Policy (this document);
- e. Safeguarding Policy.
- f. Data Protection Privacy Notice (Recruitment)
- g. Overseas Police Checks
- h. Recruitment of Ex-Offenders Policy

All applicants must complete the College’s application form in full and incomplete application forms will not be accepted. A curriculum vitae will not be accepted in place of a completed application form. Any gaps in employment history must be accounted for in the appropriate section of the application form and will be explored at interview.

#### Stage 3: Applicant Selection/Short-Listing

Candidates for the post and suited to the job description and person specification following analysis of their applications are short-listed following consultation

between the Headmaster or Head of Prep for the Prep School, the Bursar for support staff and other staff involved in the interview process.

Telephone interviews or online virtual interviews may be used at the shortlisting stage to establish suitability for interview but will not usually be a substitute for a face-to-face meeting as part of the final selection/interview process.

#### Stage 4: Interview

If short-listed, the applicant(s) is invited to attend a formal interview. The interview process seeks to assess each candidate in terms of fulfilling the requirements of the post. The questions encompass subject knowledge (for teaching roles), skills and competence, and where applicable the ability to fulfil the requirements of the tutor role, and to contribute to the extra and extended curriculum. It also enables the College to deal with any questions the applicant may have about the College and the role applied for.

#### Online internet and social media searches

Only short-listed applicants will be asked to provide details of their online profile, including account names and social media handles to the College HR Manager who may conduct such searches or appoint another suitable senior person. Applicants are not required to provide account passwords or grant the College access to private social media accounts. The College will not carry out any online searches as part of its initial sift of applications.

Wherever possible online searches will be undertaken by a person who will play no part in the recruitment selection process (including the selection of short-listed candidates) or the appointment decision.

All applicants for a role at the College will be treated consistently with regard to online searches. In carrying out online searches the College is looking for any publicly available information about an applicant.

Any information generated from online searches will be entered in an 'Candidate Online Record'. Where online searches are undertaken on shortlisted applicants any relevant information generated will be provided to the interview panel for discussion with shortlisted applicants at interview. Any relevant information generated will be discussed prior to employment commencing. All offers of employment will be conditional upon the College being satisfied that the successful applicant is suitable to work at the College considering any information generated from online searches.

In evaluating any online information for relevance, the College will use the following criteria:

- whether the information is relevant to the position applied for;
- whether the information is relevant to the applicant's suitability to work at the College or in an education setting;

- whether the information could have an impact on the College's reputation (whether positive or negative);
- whether the information calls into doubt the applicant's willingness or ability to uphold the College's commitment to safeguarding and promoting the welfare of children;
- the length of time since the information became publicly available and whether the applicant's circumstances have changed since the information was published;
- whether the information reveals a pattern of concerning behaviour; and
- the relevant circumstances and the explanation(s) offered by the applicant.

For successful candidates, the College will retain information generated through online searches for the duration of the individual's employment and in accordance with its Retention of Records Policy.

For unsuccessful candidates, the College retains the information generated from online searches for six months from the date on which they are informed their application was unsuccessful, after which it will be securely destroyed.

#### Documentation

On the point of arrival, and prior to embarking on the interview process, the candidates must provide original documentation as evidence of:

- a. proof of identity
- b. actual certificates or qualifications referred to in their application form and those relevant to the role
- c. eligibility to live and work in the UK
- d. where an applicant claims to have changed his/her name by deed poll or any other means (e.g., marriage, adoption, statutory declaration) he/she is required to provide documentary evidence of the change.
- e. self-declaration form of their criminal record or information that would make them unsuitable to work with children and young people.

Significantly in terms of safer recruitment practices, at least one representative involved in the interview process, most likely to be the DSL in the Senior or Prep, will meet personally with each applicant with the specific responsibility of exploring attitudes towards working with children. However, it is likely that other interviewers will probe such issues and also have training in safe recruitment procedures.

Candidates will be asked:

- a. to explain satisfactorily any gaps in employment
- b. to explain satisfactorily any anomalies or discrepancies in the information available to the interviewers either through the application form, references or online searches.
- c. to declare any information that is likely to appear on a DBS (Disclosing and Barring) check

- d. questions relating to the applicant's attitude and motivation to work with children and young people or in an environment where they are present
- e. technical/competency-based questions.
- f. The College will ensure that candidates with a disability or special needs are fully provided for at interview, provided notification has been made in advance.

#### **Section 4     References**

Two written references which make specific reference to candidates' suitability to work with or near children is required (including for internal applicants). In the case of teaching staff this will be obtained before interview, where possible, so that any discrepancies can be probed during the selection stage.

One of the two 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.

Where necessary, previous employers of applicants being invited to interview, who have not been named as referees will be contacted to clarify any anomalies or discrepancies. A detailed written note of such exchanges by the HR Manager or Headmaster and will be retained on the personal file of the individual appointed.

References are sought directly from the referee. The College will not rely on references or testimonials provided by the applicant including 'to whom it may concern' references or testimonials. The College will verify the authenticity of references and if the referee is school or college based, the reference should be confirmed by the Head Teacher/Principal as accurate in respect of any disciplinary investigations. Should a reference be taken over the telephone, a detailed note will be taken, dated, signed and placed in the staff file.

All referees will be asked specific questions about 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 and young people and whether they hold any extreme political views or association with extreme organisations. All referees will be sent a copy of the job description including person specification for the role for which the applicant has applied. If the referee is the current or previous employer, they will also be asked to confirm the following:

- a. The applicant's dates of employment, salary, job title, duties, reason for leaving, performance and disciplinary record;
- b. 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 disciplinary sanction has expired), except where the issues were

- deemed to have resulted from allegations which were found to be false, unsubstantiated, or malicious; and
- c. Whether allegations or concerns have been raised about the applicant that relate to the safety and welfare of children and young people or behaviour towards children and young people, except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated, or malicious
  - d. Whether the applicant could be considered to be involved in “extremism” (see Section 7.4 for the definition of “extremism”)

The College 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 if necessary, the referee) before any appointment is confirmed.

## **Section 5 Pre-Employment Checks**

The College carries out several pre-employment checks in respect of all prospective employees. These are an essential part of our responsibility under the Guidance. In fulfilling its obligations, the College 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.

In addition to the checks set out below, the College 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 College. This may include internet search engines, websites and social media platforms, at the short-listed stage in accordance with KCSIE paragraph 220.

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

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

- a. The agreement of a mutually acceptable start date and the signing of a contract incorporating the College’s standard terms and conditions of employment
- b. Receipt of at least two satisfactory references
- c. Being satisfied that any information generated through online searches does not make the applicant unsuitable to work at the College
- d. Verification of the candidate’s identity in line with the list of valid identity documents which comply with the DBS identify checking guidelines



- e. Receipt of a satisfactory enhanced disclosure from the DBS, with barred list information where the candidate is to work in a regulated activity
- f. Receipt of a separate check of the Children’s Barred List (via TRA’s Employer Access online service) if an individual will start work in regulated activity before the DBS certificate is available
- g. If the candidate has lived or worked outside the UK, any further checks the College considers 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.
- h. Verification of the candidate’s medical fitness for the role (via a confidential health questionnaire or medical declaration dependent upon post)
- i. Verification of qualifications which the College deems a requirement for the post, or which the applicant otherwise cites in support of their application
- j. Verification of professional status where required e.g. GTC registration, QTS status (unless properly exempted)
- k. The production of evidence of the right to work in the UK
- l. For positions which involve “teaching work”, information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (TRA) formerly the National College for Teaching & Leadership (NCTL) which renders them unable or unsuitable to work at the College
- m. 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 College
- n. 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 College (see paragraph 5.1D below)
- o. For management positions, information about whether the applicant has ever been referred to the DfE, 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 College (see paragraph 5.1C below)
- p. If applicable, confirmation that the applicant is not disqualified from working in connection with early or later years provision (see Childcare Disqualification Regulations below)
- q. If applicable, confirmation that the applicant is not disqualified from acting as a trustee / governor or senior manager of a charity under the Charities Act 2011.

## 5.1 Prohibition

Any offer of employment will not be confirmed until the College is satisfied that the individual is not prohibited from teaching and/or management.

#### A. *Prohibition from teaching orders*

Prohibition orders prevent a person from carrying out teaching work in schools and other settings. Where an individual is prohibited, their details will appear on the Prohibited List (Teaching). The College will check the Prohibited List (Teaching) before confirming an applicant's employment. Prohibition orders are further described in the Teaching Regulation Agency's (TRA) publication *Teacher misconduct: the prohibition of teachers*. This check will apply to those supervising a setting and could apply to others if they are carrying out teaching work.

The College uses the TRA Secure Access 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 TRA.

In addition, we ask all applicants for roles (whether a teaching or non-teaching role) to declare in the application form whether they:

- have ever been the subject of a *sanction*, restriction or prohibition issued by the *TRA*, or any predecessor or successor body; and
- have ever been the subject of any *proceedings* before a *professional conduct panel*, or equivalent body in the UK, or an equivalent body in any other country.

The College recognises that a prohibition from teaching order does not necessarily last indefinitely. The College also notes that professional conduct panels do not always impose sanctions on the subject of the hearing. However, in order to fully assess the suitability of an applicant the College considers it important that all such information is made available during the recruitment process. Where an applicant is not currently prohibited from teaching but has been the subject of a professional conduct hearing that did not result in the imposition of a sanction, or where a sanction has lapsed or been lifted, the College will consider whether the facts of the case render the applicant unsuitable to work at the College. The existence of any relevant information is not a bar to employment with the College.

The College 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 Headmaster. 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, the College may, from time to time, carry out the check for non-teaching positions in order to prevent any

applicant gaining access to our students who may have omitted to disclose prior work in teaching.

***B. Prohibition from Teaching in Other Countries***

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff. This includes obtaining an enhanced DBS certificate including children's barred list information for those who will be engaging in regulated activity even if the individual has never been to the UK. Following the UK's exit from the EU, the College will apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

The College will undertake further checks thought appropriate so that any relevant events that occurred outside the UK can be considered. These checks could include, where available:

- a. Criminal records checks for overseas applicants in line with Home Office Guidance.
- b. Obtaining a letter via the applicant from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and/or that they are aware of any reason why they may be unsuitable to teach.
- c. Where available, such evidence can be considered together with the information obtained through other pre-appointment checks to help assess suitability;
- d. Where this information is not available, the College will seek alternative methods of checking suitability and/or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment

***C. Prohibition from Management Directions (section 128 Directions)***

The College is required to check for the existence of directions made by the Secretary of State under s.128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts an individual from being involved in the management of an independent school (a section 128 direction).

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

Section 128 directions are applicable to appointments made to the following positions, made on or after 12 August 2015: the governing body; headmaster; any teaching positions on the senior leadership team; any teaching positions which carry a departmental headship; for non-teaching staff, management positions, such as those as part of the senior leadership team; and the College 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.

All staff employed by the College are regarded as being in 'regulated activity' for the purposes of this check.

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

In addition, the College asks all applicants for roles (whether a teaching or non-teaching role) to declare in the application form whether they:

- have ever been the subject of a *section 128 direction* or any other sanction which prohibits, disqualifies or restricts them from being involved in the *management* of an independent school; and
- have ever been the subject of a *referral to, or proceedings before*, the Department for Education or other appropriate authority where *consideration was given* to imposing a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the *management* of an independent school.

It is the College's position that in order to fully assess the suitability of an applicant 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) that did not result 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 College will consider whether the facts of the case render the applicant unsuitable to work at the College.

The existence of any relevant information is not a bar to employment with the College.

#### **D. Section 142**

Under section 142 of the Education Act 2002, the Secretary of State has powers to bar people from taking part in the management of an independent school (since 01/09/2003). These powers have been strengthened by the section 128 direction, above. The new section 128 power replaced the existing power under section 142, which related to misconduct, but the College still asks applicants within its application form:

*Are you or have you ever been, the subject of a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts you from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children?*

The basis of this question is that it enables the College to take a 'whole view' approach on the suitability of a particular applicant.

## 5.2 Right to Work

No contract of employment will be issued until the successful candidate (if external) has provided proof of their right to work in the UK. As per the interview process in Section 3 above, all applicants who are invited to interview will be required to bring with them original documentation as evidence of identity, right to work in the UK, original proof of address and qualifications.

The College complies with the DBS identity checking guidelines currently in force.

## 5.3 Medical Fitness

The College is required to verify the medical fitness of anyone to be appointed to a post at the College, after an offer of employment has been made but before the appointment can be confirmed. It is the College's practice that all applicants to whom an offer of employment is made must complete a Medical Declaration.

The College will arrange for the information contained in the Medical Declaration to be forwarded to the College Nurse, in the event of a disclosure.

The Medical Declaration 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 (such as proposed timetable, extra-curricular activities and layout of the College). If the College has any doubts about an applicant's fitness the College will consider reasonable adjustments in consultation with the applicant. The College may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

The College 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.

## 5.4 Criminal Record Checks

### ***A Disclosure and Barring Service (DBS)***

To ensure that the College meets its commitment to safeguarding and promoting the welfare of children and young people all successful candidates will be required to complete an application for a DBS certificate unless they have subscribed to the DBS Update Service. The College will accept a pre-existing DBS check under the 'three-month rule' having carried out a separate barred list check and having satisfied itself that the original check was at the appropriate level for the role being undertaken. A satisfactory certificate in line with current child protection legislation must be received before the successful candidate is allowed to take up the post.

The level of DBS check required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in the College. The DBS is responsible for administering three types of checks:

- a. **Standard:** a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings;
- b. **Enhanced:** a check of the PNC records as above, plus other information held by the police that is considered relevant by the police; and
- c. **Enhanced with barred list information:** for people working in regulated activity with children. This adds checks of the DBS Children's Barred List to the enhanced check.

The College actively promotes equality of opportunity for all with the right mix of talent, skills and potential and accepts applications from a wide range of candidates, including those with criminal records. Disclosure of a criminal record will not automatically debar an applicant from appointment as the College shall consider the nature of the offence, the relevance of it to the position, how long ago and at what age it was committed, any pattern of offending behaviour, the circumstances surrounding the offence and any other relevant factors.

The College encourages all applicants called for interview to provide details of their criminal record at an early stage in the application process, by completing the 'Declaration' section of the College's application form (available online in the 'Work with Us' section of the College website). We request that any information is sent under separate confidential cover as it is only seen by those who need to see it as part of the recruitment process.

At interview, or in a separate discussion, we ensure that any offences or other matter that might be relevant to the position are discussed. Failure to disclose a previous conviction (which should be declared) may lead to an application being rejected, an offer being withdrawn 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.

The College 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 College 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, via TRA Employer Access system.

Any position undertaken at, or on behalf of, the College (whether paid or unpaid), 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.

This definition will cover nearly all posts at the College. Limited exceptions could include an administrative post undertaken on a temporary basis in the College office outside of term time. It is for the College to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances.

If the post involves regular contact with children, it is the College'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 College'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 College's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

All positions within the College 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. The filtering rules in respect of criminal record disclosures are further explained at Appendix 2 of this policy.

All staff are expected to notify the Headmaster of any cautions or convictions accrued whilst in the employment of the College. An annual reminder is sent to all staff of their duty to report any changes which might affect their ongoing suitability to work with children and young people.

More information is available on the [DBS website](#).

### ***B Overseas Criminal Record Check***

If the College does not consider the DBS certificate alone as sufficient (because it would not cover offences committed abroad), the College will require whatever evidence of checking is available from the person's country of origin (or any other countries in which he or she has lived) before the appointment is confirmed. This may include: an overseas criminal records check, certificate of good conduct or professional references. The College will request extra references from countries

that do not provide criminal record checks, or should the overseas criminal record check be delayed.

The College requests early disclosure of whether an applicant has lived or worked abroad (in the 'Overseas Police Checks' form, at application stage).

The College takes into account the guidance issued by the NSPCC when deciding whether to request further 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 College recognises that Education (Independent School Standards) Regulations 2014 do not specify that a minimum period of overseas residence is required. The College therefore assesses each applicant's situation on its individual facts.

The Home Office has published updated guides on checks available from different countries. A UK national returning after working in a foreign country is required to obtain a certificate of good conduct or equivalent from the country in question.

### ***C Risk Assessment & Issued DBS Certificate***

No employee will be able to work alone and will be subject to a risk assessment (incorporating the appropriate level of supervision) until a suitable DBS disclosure certificate is received by the College. The risk assessment will be reviewed every two weeks by the Headmaster until the DBS certificate arrives. All appointments are subject to the continued declaration of any criminal record and failure to disclose this could lead to the termination of employment.

The DBS disclosure certificate is sent directly to the subject of the check only, rather than to the College. It is a condition of employment with the College that the original disclosure certificate is provided to the College when received by the applicant. Original certificates should not be sent by post. Applicants must instead bring the original certificate into the College. A convenient time and date for doing so should be arranged with the HR Department as soon as the certificate is received. Applicants who are unable to attend the College to provide the certificate are required to send in a certified copy by post or email. Certified copies must be sent to HR. Where a certified copy is sent, the original disclosure certificate must still be provided before the first working day. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the College.

If there is a delay in receiving a DBS disclosure the Headmaster has discretion to allow an individual to begin work pending receipt of the disclosure. This will only be allowed if all other pre-employment checks (see Section 5), including a clear check of the Children's Barred List (via TRA Employer Access system, where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place.



DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction/s, a certificate of good conduct and/or references from any employment held (refer to 'Overseas criminal record check' paragraph above).

## 5.5 Disqualification

### **A *Childcare Disqualification***

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

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

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

Roles which are 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 College.

Cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

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

The criteria for 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;
- having been prohibited, restricted or disqualified from private fostering;
- any offence involving death or injury to a child.

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 College 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 College in any relevant role will be conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified. The College cannot permit any person who is currently disqualified to start work in a relevant role. The College also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the College, any information disclosed in the Self-Declaration Form renders that person unsuitable to work at the College.

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

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

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 'Employment Declaration' form).

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

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 College 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 College will withdraw the conditional offer of employment.

After making this declaration, staff in a relevant role are under an on-going duty to inform the College 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.

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

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.

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 College the disqualification rules will be applicable to all governors, the Headmaster and Bursar and potentially other senior staff who report directly to the governors.

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 College'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 College 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.

To ensure that it has accurate and up to date information the College 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. the register of persons who have been removed as a charity trustee.

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

## **Section 6      Regulated Activity**

Those engaging in contact with the students in the College are likely to fall under the following categories:

### *Regulated Activity*

The majority of appointments will be of staff who undertake what is termed “Regulated Activity”. This is defined as a person, who if as a result of his or her work, will regularly come into contact with children (defined as those under 18 years of age) and will be responsible, on a regular basis, in any setting for their care or supervision.

It will also apply to those who will regularly work in the College at times when children are on the premises (where the person’s work requires interaction with children, whether or not the work is paid.)

It is also applied to any person who is directly employed or employed by a contractor.

In each of these cases the activities undertaken are unsupervised and which involve the teaching, training, instructing, caring for or supervising students or providing advice/guidance on wellbeing.

It will include the provision of personal care e.g. washing, dressing or health care even if this activity is carried out only once.

It also includes those who drive a vehicle only for children.

In each of these cases it must be that the activity is undertaken regularly.

*Regular Activity* is defined as where a regulated activity (see definition above) is undertaken by the same individual as follows: -

- a. once a week or more
- b. on four or more days in a 30-day period
- c. or undertaken at least once, or overnight and with the opportunity for face-to-face contact with children.

## Section 7 Other Personnel

### 7.1 Volunteers

There will be people who offer their services to the College and are regarded as volunteers.

#### **Supervised Volunteers**

Those people who as volunteers assist the school as **supervised** volunteers may regularly look after children but they are not considered to fall into the category of someone who is in regulated activity, precisely because they are not unsupervised. In such situations where individuals are acting as supervised volunteers, the College will ensure

- a. supervision is conducted by a person who is in regulated activity
- b. supervision is regular (on-going) and day to day
- c. the supervision is “reasonable in all the circumstances to ensure the protection of children”.

#### *Reasonableness*

The decision relating to what is “reasonable” will be determined by the line manager and will consider the following:

- a. the age of the children concerned;
- b. the number of children that you are working with;
- c. whether or not there are other carers/adults around;
- d. the nature of your work or contact with children;
- e. the vulnerability of the children;
- a. the experience of, and the checks that have been carried out;
- f. the number of volunteers being supervised.

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Volunteers in regulated activity who will regularly teach or look after children on an unsupervised basis or provide personal care on a one-off basis, the College will obtain an enhanced DBS certificate with children’s barred list check.

For volunteers not in regulated activity an enhanced DBS certificate will be required.

The College 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
- Identity check
- References
- A Childcare Disqualification Self-Declaration (for the Prep School)

## 7.2 Governors

In the case of Governor's appointment, an enhanced DBS check with barred list check should only be required if the governor will be engaged in regulated activity. The Governing body/ proprietors can request an enhanced DBS check without a barred list check on an individual as part of the appointment process for governors. Proof of right to work in the UK and an identity check will also be required along with an Overseas Check if the Governor is involved in teaching.

## 7.3 Proprietors of Independent Schools

Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school, the Secretary of State will:

- a. carry out an enhanced DBS check;
- b. confirm the individual's identity; and
- c. if the individual lives or has lived outside of the UK, making an enhanced check insufficient, such other checks as the Secretary of State considers appropriate.

Where the proprietor is a body of people, the chair must ensure that enhanced DBS certificates are obtained for the other members of the body and that identity checks are completed before, or as soon as practicable after, any individual takes up their position. Further checks as the chair considers appropriate should be undertaken where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS check is not sufficient to establish his or her suitability to work in a school.

## 7.4 Visiting Speakers

The Prevent Duty Guidance requires the College to have clear protocols for ensuring that any visiting speakers are suitable and appropriately supervised.

All College staff are aware that any visiting speakers, whether invited by staff or pupils, must be checked for suitability and must be supervised. This requirement falls within the scope of the *Prevent* duty which is further explained within the College's *Safeguarding Policy*.

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

The College will obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to ensure that any visiting speakers are suitable. In doing so the College will always have regard to the Prevent Duty Guidance and the definitions of extremism and radicalisation set out in *Keeping Children Safe in Education (KCSIE) September 2019* which states:

*“Extremism is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces. Radicalisation refers to the process by which a person comes to support terrorism and extremist ideologies associated with terrorist groups.”*

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

The College reserves the right to obtain such information on any other person appointed to work for or at the College.

#### 7.5 Host Families

The College may make arrangements for students to have learning experiences where, for short periods, the individual may be provided with care and accommodation by a host family to which they are not related. This might happen, for example, but not only, as part of a foreign exchange visit or sports tour. Such arrangements could amount to “private fostering” under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, or both. If the College is responsible for making the arrangement, and has the power to terminate the arrangement, then it could be the regulated activity provider. If the arrangement is made by a third party, such as a language school or sport tour operator, and that third party has the power to terminate the arrangement, then the third party is the regulated activity provider. However, where the parents make the arrangements themselves, this will be a private matter between the child’s parents and the host parents and in these circumstances the school or college will not be the regulated activity provider.

A regulated activity provider in the case of host families whether the school or by an agent will be committing an offence if it knowingly allows a person to carry out a regulated activity whilst barred. To avoid this situation if the College is the regulated activity provider, it would request a DBS Certificate with barred list check status. If the College has not been involved in making the arrangement but a member of staff or volunteer becomes aware that a student may be in a *private* fostering arrangement, where a child under the age of 16 (or 18 if disabled) is provided with care and accommodation by someone in that person’s home to whom they are not related, this is to be raised in the first instance with the designated senior person for child protection. The College should notify the local authority of the circumstances, and the local authority will check that the arrangement is suitable and safe for the child.

When the College arranges for students to stay with families it will take into consideration that the DBS cannot access criminal records held overseas. Because host families in other countries, therefore, cannot be checked in the same way by local authorities in this country, the College will work with these partner schools abroad to ensure that similar assurances are undertaken prior to a visit. The relevant foreign embassy or High Commission of the country in question can be contacted in these cases to find out if similar checks can be done in that country.

#### 7.6 Contractors and Agency Staff

Where the employees of contractors, such as builders, will have access to areas where *unsupervised* contact with children is possible, the College has arrangements in place to ensure that DBS checks are undertaken by the contractor, together with other checks the College considers suitable. No contractor will be permitted to carry out work until the College receives confirmation from the company that the required checks have been undertaken. Alternatively, if not carried out by the company, the College will complete the same, together with other checks as the College considers suitable, before work is carried out by the contractor.

Under no circumstances will unchecked contractors be allowed to work at the College unsupervised, where opportunity for contact with children is possible.

Agencies who supply staff to the College must complete the pre-employment checks which the College would otherwise complete for its staff. The College requires written confirmation that these checks have been completed before an individual can commence work at the College. The relevant agency must complete the College's 'Contractor Register' form and respond to the College's queries in advance of the agency staff member working at the College.

The College will independently verify the identity of staff supplied by contractors or an agency. The College is not required to see the DBS certificate for employees of contractors and third parties, with the exception of those from supply agencies.

#### 7.7 Peripatetic Staff

The College operates the same procedures and practices as for the engagement of supply staff as listed above. However, for the purposes of creating the record of checks for peripatetic staff (for music, external sports coaches, invigilators etc.) the College will require all necessary checks and DBS requirements to be fulfilled. External coaches, invigilators and peripatetic teachers are provided with basic training on safeguarding procedures.

### **Section 8      Staff Induction**

All staff who are new to the College are required to undertake induction training that will include the school's safeguarding policies and specific induction in Safeguarding, Behaviour, Staff Code of Safe Conduct, KCSIE, Whistleblowing, ICT Acceptable Use, Children Missing Education, Online Safety and the DSL role and identity. The online safety



training includes expectations, roles and responsibilities in relation to filtering and monitoring.

Permanent, temporary, voluntary and supply staff will be made aware of the safeguarding arrangements and procedures in place within the College through induction which may take the form of:

- a. an individual (or group) presentation by one of the DSLs or the Deputy DSL on the Safeguarding Seminar (usually a PowerPoint presentation);
- b. a copy of the College Safeguarding Policy (indicating the names of the DSLs)
- c. a copy of the Staff Code of Safe Conduct
- d. a copy of College Safeguarding flow chart (indicating the names of the DSLs)
- e. a copy of part one of KCSIE (September 2023)

With all teaching staff regular meetings will be held during the first twelve months of employment between the new staff and their appropriate line manager(s). When deemed necessary, the ongoing St Columba's College Performance Management system can also offer the opportunity to reflect on safe working practices.

## **Section 9 Central Record**

In addition to the various staff records kept in College and in individual personnel files, a single central record / register of recruitment and vetting checks is maintained. This is kept up to date and retained by the HR Manager. The Headmaster is responsible for overseeing that the register of appointments is properly completed and is supported in this by two Governors who will audit the single central register twice a year.

This record contains details of checks:

1. All staff who are employed to work at the College;
2. All staff who are employed as supply staff whether employed directly by the College or through an agency;
3. All others who have been chosen to work in regular contact with children. This will cover volunteers, governors who also work as volunteers within the College, and people brought into the school to provide additional teaching or instruction for pupils but who are not staff members, e.g. a specialist sports coach.

## **Section 10 Referrals**

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

- has applied for a position at the College despite being barred from working with children; or
- has been removed by the College 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 is a teacher, the College may also decide to make a referral to the Teaching Regulation Agency (TRA).

Additionally, it is a criminal offence for any person who is barred from working with children to apply for a position at the College. The College 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.

In such cases where an allegation of safeguarding misconduct against a current member of staff is substantiated and the person is dismissed or the College ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO will be contacted by the Headmaster to discuss whether or not the College will need to make a referral to the DBS for consideration of inclusion on the barred lists is required; and in the case of a member of teaching staff whether to refer the matter to the Teaching Regulation Agency to consider prohibiting the individual from teaching.

The College will ensure its legal requirement as an employer to make a referral to the DBS if it believes that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. This will be undertaken by the Head of the College. It will follow KCSIE 2023 guidance in making every effort to reach a conclusion regarding any allegations and referring to the DBS where appropriate, even if the staff member involved resigns.

## **Section 11      Data & Retention of Records**

The College 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 College to enable us to carry out the checks that are applicable to their role. The College 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 College not being able to meet its employment, safeguarding or legal obligations. The College will process personal information in accordance with its 'Data Protection Privacy Notice (Recruitment)' and Data Protection Policy, available on the College's website.

If an applicant is appointed, the College will retain any relevant information provided on his / her application form (together with any attachments) on his / her personnel file. If the

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

## **Section 12 Recruitment of Ex-Offenders**

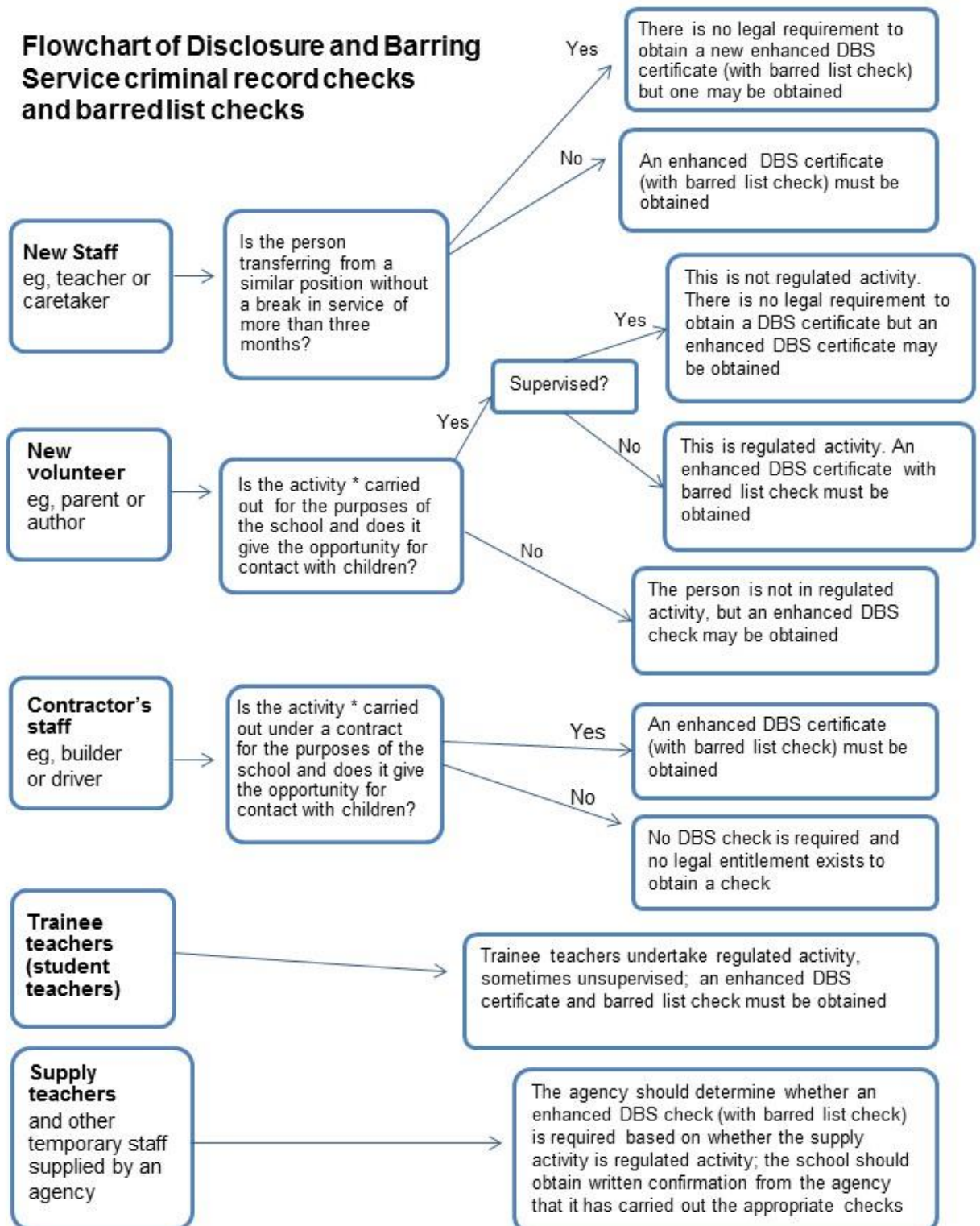
The College has a separate policy related to the recruitment of ex-offenders and disclosures of convictions by current employees which is available on the College website.

## **Section 13 College Responsibilities**

The College will:

- a. maintain a central record of recruitment and vetting checks, in line with the DFE requirements.
- b. require staff who are convicted or cautioned for any offence during their employment with the College School to notify the Headmaster in writing of the offence and penalty.
- c. ensure that the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this procedure. The school will monitor the compliance with these measures.
- d. respond to changes in legislation required to ensure the safeguarding of children and review policy and practice in the light of developments
- e. carry out an annual review of this policy irrespective of legislation.

## Flowchart of Disclosure and Barring Service criminal record checks and barred list checks



\* Activities listed under the guidance's definition of regulated activity and which are carried out 'frequently'

f.

## **Appendix 2 - Filtering rules (DBS)**

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 College.

As of 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 will be removed from a DBS disclosure if:

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

It will not be removed under any circumstances if it appears on a list of "specified offences" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over 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 will be removed from a DBS disclosure if:

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

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

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