SAFER RECRUITMENT POLICY

(This policy relates to the whole College including EYFS)

Responsible person:	Head of HR
Last reviewed:	Sept 2026
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Ratify by Governors:	ESP and Board

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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. St Columba's College (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, agency workers, 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 current edition), Prevent Duty Guidance (DfE) June 2015, Disqualification Under the Children Act 2006 (DUCA), Independent Schools Standards (ISSR), Independent Schools' Inspectorate's (ISI) Commentary on the Regulatory Requirements March 2023 (no longer being produced), Early Years Foundation Stage 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 in line with changes to statutory guidance.

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. It covers the importance of ensuring the correct pre-employment checks are carried out. These checks will help identify whether a person may be unsuitable to work with children (and in some cases is legally prohibited from working with children and/or working as a teacher). These checks should be seen as part of the wider whole College safeguarding culture, which continues following appointment.

3.1 Advertising

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 posts are subject to child protection screening appropriate to the post including checks with past employers and the Disclosure & Barring Service. The College will carry out online searches on shortlisted applicants, including social media accounts.

The safeguarding responsibilities of the post are outlined in the job description.

This post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020.

3.2 Pre -Application Information

For each vacancy, prospective applicants have access through the website to the documents listed below. The College works in partnership with the platform MyNewTerm.

a. Application Form
b. Application pack including job description and person specification
c. Safer Recruitment Policy (this document)
d. Safeguarding Policy
e. Data Protection Privacy Notice (Recruitment)
f. Recruitment of Ex-Offenders Policy

All applicants must complete an application form in full and incomplete application forms will not be accepted. Where there is an electronic signature, the shortlisted candidate will be asked to physically sign a hard copy of the application at the point of interview. 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.

3.3 Short-Listing

Candidates for the post and suited to the job description and person specification following consideration of their applications are short-listed following consultation between the Headmaster or Head of Prep for the Prep School, or the Bursar for support staff and other staff involved in the interview process, including other members of the leadership team and Heads of Department.

Telephone interviews or online virtual interviews may be used in exceptional circumstances 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.

Only shortlisted candidates are required to complete an online self-declaration of their criminal record or information that would make them unsuitable to work with children. The purpose of the self-declaration is so that shortlisted candidates have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

3.4 Interview and Selection

If short-listed, the applicant(s) is invited to attend a formal interview and selection process. which seeks to assess each candidate using a range of selection activities to identify the most suitable person for the role. Those interviewing should agree structured interview questions which should include:

- finding out what attracted the candidate to the post and their motivation for working with children
- exploring their skills and asking for examples of experience of working with children which are relevant to the role
- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this
- any information about past disciplinary action or substantiated allegations should be considered in the circumstances of the individual case
- to explain satisfactorily any anomalies or discrepancies in the information available to the interviewers either through the application form, references or online searches.
- to declare any information that is likely to appear on a DBS (Disclosing and Barring) check

The College will ensure that candidates with a disability or special needs are fully provided for at the interview, provided notification has been made in advance.

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.

3.5 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 Head of HR who may conduct such searches or will 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.

The online searches (via an online search engine) will be undertaken by the Head of HR or by a delegated person who will play no part in the recruitment selection process (including the selection of short-listed candidates) or the appointment decision.

Applicants 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 on a 'Candidate Online Form'. 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. The College reserves the right to ask appointed candidates to lock down or remove what it considers to be inappropriate posts on their social media accounts.

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.

3.6 Interview Documentation

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

a. proof of identity
b. certificates or qualifications referred to in their application form and those which are considered to be essential requirements for 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. birth certificate where it is available
f. self-declaration form of their criminal record or information that would make them unsuitable to work with children and young people

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), and which provide the facts of any substantiated safeguarding concerns/allegations that meet the 'harm' threshold. In the case of teaching staff these will be obtained before interview, wherever possible, so that any discrepancies can be probed during the selection stage. For support staff, at least one reference from a previous employer will be requested prior to interview.

One of the two references must be from the applicant's current or most recent employer and have been completed by a 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 applicant has never worked with children then the reference will be from their current employer. 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 Head of HR or Headmaster 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. 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

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 original, 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 the guidance in the latest version of KCSIE.

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. 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.

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. Where available, this will also include a check of the name on the birth certificate
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 the DfE's web page - Check the children's barred list (education.gov.uk)) if an individual will start work in regulated activity before the DBS certificate is available
g. Verification of the candidate's medical fitness (mental and physical) to carry out their work responsibilities. This will be via a medical self-declaration and dependent upon the specific role, an additional confidential online health questionnaire.
h. Verification of qualifications which the College deems a requirement for the post, or which the applicant otherwise cites in support of their application
i. Verification of professional status where required e.g. GTC registration, QTS status (unless properly exempted) via the DfE's web page – Check a teacher's record (education.gov.uk)
j. The production of evidence of the right to work in the UK
k. For positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (TRA) which renders them unable or unsuitable to work at the College
l. 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. The College may carry out any further checks it considers

necessary which may include overseas criminal records check, certificate of good conduct or additional professional references

m. 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 via the DfE's web page - Individuals prohibited from managing or governing schools - GOV.UK (www.gov.uk) (see Prohibition from Management below)

n. If applicable, confirmation that the applicant is not disqualified from working in connection with early or later years provision (see Childcare Disqualification Regulations 2018 below)

o. 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.

p. Obtain an enhanced DBS check including children's barred list for any volunteer who will be working in regulated activity,

5.1 **Prohibition**

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

Prohibition from teaching orders

Teacher prohibition and interim 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 DfE's web page Check a teacher's record (education.gov.uk) 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 (whether a teaching or non-teaching role) to declare in the online Disclosure 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.

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 applies the same approach for 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 such as a 3rd reference and/or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment

Prohibition from Management Directions (section 128 direction)

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 section 128 power replaced the previous power under section 142, which related to misconduct.

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

Section 128 directions are applicable to appointments made to the following positions, made on or after 12th 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.

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 the DfE's web page -check-the-childrens-barred-list.education.gov.uk/. 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 online Disclosure 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.

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.

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 Self-Declaration.

The College will arrange for the information contained in the Medical Self-Declaration to be forwarded to the Lead 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**

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 also accept a pre-existing DBS check under the 'three-month rule' having carried out a separate children's 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. A decision not to appoint a candidate because of their conviction(s) will be clearly documented and will be in line with the College's policy on the recruitment of ex-offenders. If the applicant is applying for a teaching post, the College will consider the incident in the context of the Teachers' standards and Teacher misconduct guidance.

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 of 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 (Exceptions) Order 1975 (as amended 2013 and 2020). 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 1 of this policy.

All staff and volunteers are expected to notify the Headmaster of any cautions or convictions accrued whilst in the employment of the College. Annually in

September, a 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.

Where the College allows an individual to start work in regulated activity before the DBS certificate is available, it will ensure that the individual is appropriately supervised at all times, that there is a risk assessment in place and that all other checks, including a separate children's barred list check have been undertaken. See the Risk Assessment section below.

Separate barred list checks will only be carried out in the following circumstances:

- For newly appointed staff or volunteers who are engaging in regulated activity, pending the receipt of an Enhanced Certificate with Barred List information from the DBS (and where all other relevant checks as per section 3.6 have been carried out), or
- Where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the College (and where all other relevant checks as per section 3.6 have been carried out).

DBS Update Service
Individuals can join the DBS Update Service at the point that an application for a new DBS check is made, or within 30 calendar days of the issue date on the subscription. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

More information is available on GOV.UK

Applicant moving from a previous post
There is no requirement for the College to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person's appointment, the applicant has worked, in a school in England, in a post:

- Which brought the person regulary into contact with children, or
- To which the person was appointed on or after 12th May 2026 and which did not bring the person regularly into contact with children or young persons, or
- In another institution within the further education sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

Whilst there is no requirement to carry out an enhanced DBS check in the circumstances above, the College will consider whether it would be appropriate to request one to ensure it has up to date information. All other pre-appointment checks including a separate children's barred list check where the individual is engaging in regulated activity will have been received.

Overseas Criminal Record Check

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges, regardless of whether or not it was in an EEA country or the rest of the world. This includes obtaining (via the applicant) an enhanced DBS certificate (including children's barred list information, for those engaging in regulated activity) even if the individual has never been to the UK. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

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, a letter from the professional regulating authority in the country (or countries) in which the applicant has worked, 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 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 provides guidance on criminal records checks for overseas applicants which can be found on GOV.UK

Risk Assessment

The DBS disclosure certificate is sent directly to the subject of the check only, rather than to the College. It is a condition of appointment that the original disclosure certificate is provided to the College when received by the applicant. The original certificate must be brought into the College before the first working day which may be different to the contractual start date. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the College.

Until a suitable DBS disclosure certificate is received by the College, the Headmaster has discretion to allow an individual to begin work pending receipt of the disclosure and with a risk assessment in place. This will only be allowed if all other pre-employment checks (see Section 5), including a clear check of the Children's Barred List (https://check-the-childrens-barred-list.education.gov.uk/ where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place. Risk assessments will be reviewed every two weeks by the Headmaster until the DBS certificate is seen. The only exception to this is for those working in EYFS where the DBS certificate must be

seen before the individual can start to work at the College.

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**

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 1st September after the child's 5th 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 childminding 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.

Employment with the College in any relevant role will be conditional upon completion of the online Criminal Convictions Disclosure 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 Criminal Convictions Disclosure Form makes 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 guide (www.gov.uk).

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 and volunteers 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.

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:

c. the Insolvency Register;
d. the register of disqualified directors maintained by Companies House; and
e. 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

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012 and The Crime and Policing Act 2026.

Regulated activity includes:

a) Paid and unpaid work that involves teaching, training, instructing, caring or supervising children, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
b) Any other type of paid work for a limited range of establishments (known as 'specified places' which include schools and colleges), with the opportunity for contact with children.

Work under a) or b) is regulated activity only if done frequently, on more than 3 days in a 30-day period or overnight. Some activities are always regulated activities, regardless of frequency. This includes:

c) Relevant personal care, or health care provided by or provided under the supervision of a health care professional:
    - Personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability;
    - Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Regulated activity will not be:

- Paid work in specified places which is occasional and temporary and does not involve any of the activities in a) above.

Most staff at the College are considered to be working with children and will be engaging in regulated activity relating to children, so an enhanced DBS check which includes children's barred list information, will be required.

Barred list information must not be requested on any person who is not engaging in or seeking to engage in regulated activity.

Where a DBS certificate is required, it must be obtained from the candidate before, or as soon as practicable after, the person's appointment, including when using the DBS update service.

Once the checks are complete, the DBS will send a DBS certificate to the applicant who must show the original paper DBS certificate to the school before taking up the post or as soon as practicable afterwards. Any information disclosed on the certificate must be compared with any information shared by the applicant during the recruitment process.

SECTION 7 OTHER PERSONNEL

7.1 Volunteers

Regular or overnight volunteers
The Crime and Policing Act 2026 made changes to regulated activity, meaning that any person volunteering in a school in a role that involves teaching, training, instructing or supervising children frequently or on more than 3 days in a 30-day period or overnight is now in regulated activity. Where this applies, the College will obtain an enhanced DBS check with children's barred list information.

Where an individual meets the frequency condition (more than 3 days in a 30-day period) by volunteering at multiple settings, the school should work with the other settings to decide who should apply for the enhanced DBS check with barred list information, and that information should then be supplied by the individual to each setting. Volunteers may choose to join the DBS Update Service at the point that a DBS check is applied for.

Existing volunteers in regulated activity
Existing volunteers will now be in regulated activity from 1st September 2026 because of the changes brought in by the Crime and Policing Act 2026, so a check must be undertaken of their children's barred list status. This will be done by obtaining an enhanced DBS check with children's barred list information. A standalone barred list check can be obtained where either:

- The school wishes to allow the volunteer to undertake regulated activity prior to obtaining the enhanced DBS check certificate; or
- The school has recently obtained an ehanced DBS check without children's barred list information, and there has been no break in service since that certificate was issued.

Volunteers not in regulated activity
Under no circumstances will a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies, so schools should undertake a

written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required. The only exception to this is for those working in EYFS where the DBS certificate must be seen before the individual can start to work at the College.

The risk assessment which should be recorded should consider:

- The nature of any work with children;
- What the school knows about the volunteer, including formal or information offered by staff, parents and other volunteers;
- Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability; and
- Where the role is not regulated activity, whether another level of DBS check might be appropriate, such as:

    - An enhanced DBS check without barred list information, for volunteers who would be in regulated activity but do not volunteer frequently, or
    - A basic DBS check for any other volunteer who may have access to children

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 (either including or not including children's barred list information as appropriate);
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.

The chair must also ensure that other members are not subject to a section 128 direction that would prevent them from taking part in the management of an independent school.

7.4 **Visitors**

Schools receive a range of visitors including professionals such as educational psychologists, social workers, and other education-related practitioners, as well as educational visitors like guest speakers or performers. They may also host individuals connected to the site, including contractors working on the buildings or grounds, children's family members, or others attending school events such as sports days.

The College should not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a sports day. The Headmaster will use his professional judgement about the need to escort or supervise such visitors.

For visitors who visit in a professional capacity, the College will check ID and be assured that the visitor has had the appropriate DBS check depending on the activity they are there to carry out (or that the visitor's employers have confirmed that their staff have appropriate checks, and in these circumstances, the College will not ask to see the certificate). Where a visitor will have no contact with children, it is unlikely that a DBS check will be required.

External organisations can provide a varied and useful range of information, resources and speakers that can help schools and colleges enrich children's education, but careful consideration should be given to the suitability of any external organisations.

Safeguarding policies should set out the arrangements for individuals coming onto the premises, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.

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)* 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 (homestay) and exchange visits**

Where the College arranges for pupils to stay with host families as part of an exchange visit or similar activity (sometimes called homestays), it applies the same safeguarding standards as apply on its own premises. Specific risk assessments will be undertaken prior to trips involving hosting. The College makes appropriate checks on the host family members with whom pupils are placed, gives pupils the contact details of a member of staff they can reach if they have a concern, and ensures that any concern arising during a placement is reported to and managed by the DSL.

7.6 **Contractors**

The College will ensure that any contractor (such as builders or sports coaches), or any employee of the contractor, who is to work at the school, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity relating to children will require an enhanced DBS with children's barred list information. Under no circumstances will unchecked contractors be allowed to work at the College unsupervised or engage in regulated activity relating to children, where opportunity for contact with children is possible.

For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children (regardless of whether the contractor works on a single site or across several), an enhanced DBS check (not including children's barred list information) will be required. In cases where the contractor does not have opportunity for regular contact with children, the College will decide on whether a basic DBS check would be appropriate.

Where the employees of contractors, such as builders or sports coaches, 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, or the contractor is self-employed, the College will either obtain the DBS check, or request to see the certificate if the self-employed person has obtained their own check and ensure that the DBS check is at the level required, together with other checks as the College considers suitable, before work is carried out by the contractor.

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 Agency and third-party staff (supply staff)

Agencies or third party organisations 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. In respect of the enhanced DBS check, the College must ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

Where the agency or organization has obtained an enhanced DBS certificate before the person is due to begin work at the College, which has disclosed any matter or information, or any information was provided to the employment business, the College must obtain a copy of the certificate.

Where the position requires a barred list check, this must be obtained by the agency or third party by obtaining an enhanced DBS certificate with children's barred list information, prior to appointing the individual.

The College will check that the person presenting themselves for work is the same person on whom the checks have been made.

7.8 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 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.

7.9 Trainee/student teachers

Where applicants for initial teacher training are on the payroll, the College will ensure that all necessary checks are carried out including an enhanced DBS check (with children's barred list information).

Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The College will obtain written confirmation from the provider that is has carried out all pre-appointment checks that the school would otherwise require to be carried out, and that the trainee has been judged by the provider to be suitable to work with children.

There is no requirement for the College to record details of the fee-funded trainees on the single central register.

7.10 Adults who supervise children on work experience

When the College organizes work experience placements, it will ensure that the placement provider has policies and procedures in place to protect from harm.

If the person providing the teaching, training, instruction or care or supervision for the child on a work experience placement or activity will be doing so frequently or for more than three days in a 30-day period, or overnight, this is a regulated activity. The College will not allow someone on the barred list to take part in regulated activity.

Other individuals in the workplace who are not involved in teaching, training, instructing or caring for or supervising the child on a work experience placement or activity are not in regulated activity.

The College is not able to request that a work experience provider obtains an enhanced DBS check with children's barred list information for staff supervising children aged 16 to 17 on work experience.

Activity undertaken by a student aged 16 plus on work experience which takes place in a 'specified place' such as a school or sixth form college, and gives the opportunity for contact with children, may be considered to be regulated activity relating to children. In these cases, the work experience provider should consider whether a DBS enhanced check should be requested for the student in question.

DBS checks are not to be requested for children under the age of 16.

7.11 Alternative Provision

Where the College places a student with an alternative provision provider, it will continue to be responsible for the safeguarding of that student.

The College will obtain written confirmation from the alternative provision provider that appropriate safeguarding checks have been carried out on individuals working at the setting i.e. those checks that the College would otherwise perform on our own staff. This includes confirmation that the alternative provider will inform the College of any arrangements that may put the student at risk (i.e. staff changes), so that the College can assure itself that appropriate safeguarding checks have been carried out on new staff

7.12 Private fostering

Private fostering occurs when a child under the age of 16 (under 18 for children with a disability) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home.

Where arrangements for private fostering come to the attention of the College (and it is not involved in the arrangements), it will notify the local authority to allow the

local authority to check the arrangement is suitable and safe for our student. If the College is involved (whether or not directly) in arranging for a student to be fostered privately, it must notify local authorities of the arrangement as soon as possible after the arrangement has been made.

SECTION 8 STAFF INDUCTION

All staff who are new to the College are required to undertake induction training that will include the school's policies and specific induction in Safeguarding, Staff Code of Safe Conduct, KCSIE, Whistleblowing, E-Safety & Acceptable Use, and the DSL role and identity. In addition, for teachers it will include Behaviour and Children Missing Education. The E-Safety & Acceptable Use policy 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. at the start of each academic year, an individual (or group) presentation by one of the DSLs or the Deputy DSLs;
b. new joiners during the academic year will complete an In-Year Safeguarding Briefing using the VWV platform, followed by a meeting with one of the DSLs or the Deputy DSLs;
c. a copy of the College Safeguarding Policy including the Safeguarding Flow Chart (indicating the names of the DSLs)
d. a copy of the Staff Code of Safe Conduct
e. a copy of part one of KCSIE (most recent edition)

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 EXISTING STAFF AND VOLUNTEERS

There are limited circumstances where the College will need to carry out new checks on existing staff or volunteers. These are when:

- An individual working or volunteering at the school moves from a post that was not regulated activity with children into work which is considered to be regulated activity with children. In such circumstances, the relevant checks for that regulated activity must be carried out
- There has been a break in service of 12 weeks or more, or
- There are concerns about an individual's suitability to work with children

SECTION 10 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 Head of HR. The Headmaster is responsible for overseeing that the register of appointments is properly completed and is supported in this by a Governor who will audit the single central register on a termly basis. This single central record must contain details of checks covering the following:

1. All staff who are employed to work at the College including teacher trainees on salaried routes;
2. All staff who are employed as supply staff whether employed directly by the College or through an agency or third-party even if they work for one day. This includes 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 and Visiting Music Teachers;
3. All members of the proprietor body i.e. Governors

The minimum information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is set out below. For agency and third-party supply staff, the College must include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff

The single central register must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained:

- An identity check (following guidelines on GOV.UK website)
- A standalone children's barred list
- An enhanced DBS check (with children's barred list check) requested/certificate provided
- A prohibition from teaching check (where appropriate to the role)
- Further checks on people who have lived or worked outside the UK
- A check of professional qualifications, where required
- A check to establish the person's right to work in the UK
- Details of the section 128 checks undertaken for those in management positions

The single central register can be kept in paper or electronic form. The details of an individual should be removed from the single central register once they no longer work at the school.

SECTION 11 REFERRALS

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken by the College prior to employment being confirmed.

Duty to refer to the Disclosure & Barring Service
There is a legal requirement for the College to make a referral to the DBS when it has removed an individual from regulated activity (or would have removed an individual had they not left), and it believes the individual has:

- Engaged in relevant conduct in relation to children and/or adults, and/or
- Satisfied the harm test in relation to children and/or vulnerable adults, and/or
- Been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

This duty applies equally to paid staff and volunteers where they were engaged in regulated activity.

Referrals should be made as soon as possible when an individual is removed from regulated activity. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned (or for a volunteer, ceased to volunteer at the school).

Duty to consider referral to the Teaching Regulation Agency (TRA)
Where the College or a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. Employers should continue to have regard to their duties under the PSED. The Secretary of State may investigate the case, and if there is a case to answer, must then decide whether to make a prohibition order in respect of the teacher.

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 Headmaster and will follow the most recent version of KCSIE 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 12 DATA & RETENTION OF RECORDS

The College is legally required to carry out the pre-appointment checks detailed in this policy. Staff and prospective staff will be required to provide certain information to the College to enable it 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. Copies of DBS certificates and records of criminal information disclosed by a candidate are covered by UK_GDPR/DPA_2018_Article_10.

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 13 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 14 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.

APPENDIX 1 – 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:

<u>For those aged 18 or over at the time of an offence</u>

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".

<u>For those aged under 18 at the time of an offence</u>

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".

<u>The list of "specified offences" which must always be disclosed</u>

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.