St Mary's School
CAMBRIDGE

Recruitment, Selection and Disclosure Policy and Procedure

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Introduction

St Mary's School, Cambridge (**School**) recognises that its employees are fundamental to its success and therefore needs to attract and retain staff of the highest calibre. We aim to provide the best education and learning environment for our students and, to achieve this, our whole School community must commit to safeguard and promote the welfare of children and young people. Therefore our staff must share this commitment along with the values and ethos of the School.

The School also aims to provide a supportive and flexible working environment to all its members of staff. The School values diversity and will seek to attract applicants from a wide range of individuals and, follow a rigorous but fair selection process to ensure we appoint the best candidates for all roles.

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

- To ensure that the best possible staff are recruited based on their merits, abilities, and suitability for the position.
- To ensure that all job applicants are considered fairly and consistently.
- To ensure that no job applicant is treated unfairly on any grounds including disability, race, sex, gender reassignment, religion or beliefs, age, marriage or civil partnership, pregnancy and/or maternity leave, sexual orientation.
- To ensure compliance with all relevant legislation, recommendations and guidance including the Education (Independent School Standards) Regulations 2014 (**ISSRs**), the statutory guidance published by the Department for Education (**DfE**), *Keeping children safe in education* (September 2025) (**KCSIE**), National Minimum Standards for boarding schools 2022, Early Years foundation stage (EYFS) statutory framework September 2025; *Disqualification under the Childcare Act 2006* (**DUCA**), the Prevent Duty Guidance for England and Wales 2023 (updated 2024) (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- To ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.
  Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with, and complying with the provisions of this policy.

Data Protection

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

Recruitment and Selection Procedure

All applicants for employment will be required to complete the School's **application form** containing questions about their academic and employment history and their suitability for the role. Applicants will also be asked to provide details of their online profile, including all account names, so that online searches can be carried out on shortlisted candidates (see section 4 for more information). This information must be provided by the applicant for the application to be accepted.

Incomplete application forms will be returned to the applicant where the application deadline has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae (CV) will not be accepted in place of the completed application form.

Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, person specifications, this policy and the School's Safeguarding and Child Protection Policy and procedures are available to download from the School's website and can be printed and forwarded to applicants on request.

The School will undertake a shortlisting exercise by reviewing all application forms received in order to determine which applicants will be invited for interview. The shortlisting exercise will usually be conducted by a minimum of two members of staff who will ideally also be involved in the interview process. At least one member of the interview panel will have undertaken safer recruitment training.

Shortlisted applicants will be invited to attend a **formal interview process** at which their skills and experience will be discussed in more detail. All shortlisted applicants will be interviewed and tested about their suitability to work with children.

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

If the School decides to make an offer of employment following the **formal interview**, any such offer will be conditional on the following:

- The agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment.
- Verification of the applicant's identity (where that has not previously been verified).
- Verification of qualifications, whether professional or otherwise, which the School considers in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not.
- Verification of the applicant's employment history and all gaps in employment satisfactorily explained.
- The School being satisfied that any information generated through online searches does not make the applicant unsuitable to work at the School.
- The receipt of two references (one of which must be from the applicant's most recent employer), which the School considers to be satisfactory.
- For positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (TRA) which renders them unable or unsuitable to work at the School.

- For applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School.
- Where the position amounts to "regulated activity" (see * below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory.
- Where the position amounts to "regulated activity" (see * below) confirmation that the applicant is not named on the Children's Barred List*.
- Information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School.
- For management positions (including where there is an internal promotion to a management role), information about whether the applicant has ever been referred to the Department for Education or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School.
- Confirmation that the applicant is not disqualified from acting as a trustee/governor or senior manager of a charity under the Charities Act 2011 (if applicable, see section 4.6 below).
- Confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 4.7 below).
- Verification of the applicant's medical fitness for the role (see section 4.8 below).
- Verification of the applicant's right to work in the UK.
- Any further checks which the School decides are necessary because of the applicant having lived or worked outside of the UK in the last 10 years which may include an overseas criminal records check, certificate of good conduct, certificate of no criminal conviction or professional references.

***The School is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff, supply staff, volunteers, contractors and governors who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e., roles which would amount to regulated activity if carried out more frequently.**

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

Pre-employment Checks

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the ISSRs and the *National minimum standards for boarding schools (September 2022)*, Early Years foundation stage (EYFS) statutory framework November 2024, the School carries out several pre-employment checks in respect of all prospective employees.

In fulfilling its obligations to carry out pre-employment checks, the School does not discriminate on the grounds of disability, race, sex, gender reassignment, religion or beliefs, age, marriage or civil partnership, pregnancy and/or maternity leave, sexual orientation.

Online searches

In addition to the checks set out below, the school reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the school.

Online searches may be carried out at the short-listing stage.

The School will determine how it approaches online searches on a case-by-case basis. However, all applicants for a role at the School will be treated consistently regarding online searches. Online searches will include, but are not limited to social media, general internet, photograph and video sharing platforms and discussion forum.

Wherever possible online searches will be undertaken by a person who will play no part in the short-listing exercise or the appointment decision. In carrying out online searches the School is looking for any publicly available information about an applicant that:

- May be relevant to their suitability to carry out the role for which they have applied.
- May be relevant to their suitability to work at the School or in an education setting.
- Is of a safeguarding nature.
- May have an impact on the School's reputation (whether positive or negative).

Any information generated from online searches will be entered in an 'online search result 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. Where online searches are undertaken on the successful applicant only any relevant information generated will be discussed prior to employment commencing. All offers of employment will be conditional upon the School being satisfied that the successful applicant is suitable to work at the school in light of any information generated from online searches. In evaluating any online information for relevance, the School 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 School or in an education setting.
- Whether the information could have an impact on the School's reputation (whether positive or negative).
- Whether the information calls into doubt the applicant's willingness or ability to uphold the School'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. The relevant circumstances and the explanation(s) offered by the applicant.

For successful candidates, the School will retain information generated through online searches for the duration of the individual's employment and in accordance with its retention and deletion of records guidance after employment ends.

For unsuccessful candidates the School 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.

Verification of identity, address, right to work in the UK and qualifications

All applicants who are invited to an interview will be required to bring with them evidence of their identity, right to work in the UK, address, and qualifications.

The School asks for this information once an individual is shortlisted for the interview stage to ensure that the person attending the interview is who they claim to be, that they are permitted to work for the School if appointed and that they hold appropriate qualifications.

Identity and address: all applicants must bring with them to interview, original documents which evidence their identity and address as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

- One document from Group 1*.
- Two further documents from either of Group 1*, Group 2a or Group 2b, one of which must verify the applicant's current address.

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

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

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

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

The School will check this evidence in accordance with the Home Office 'Code of Practice on preventing illegal working: Civil penalty scheme for employers: 13 February 2024' (Code of practice on preventing illegal working (publishing-service.gov.uk)).

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

References

References will be taken up on short-listed applicants prior to interview where possible.

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

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

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

- The applicant's dates of employment, salary, job title / duties, reason for leaving, performance, sickness* and disciplinary record.
- Whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be unsubstantiated, unfounded, false, or malicious.
- Whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be unsubstantiated, unfounded, false, or malicious.
- Whether the applicant could be involved in "extremism" (see definition of extremism at section 7 below).

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

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

The School will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

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

If factual references are received i.e. those which contain limited information such as job title and dates of employment, this will not necessarily disadvantage an applicant although additional references may be sought before an appointment can be confirmed.

The School will make telephone contact with any referee to verify the details of the written reference provided.

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

Our aim is to ensure that all employment references received from a school will be countersigned by the Head of that school or Deputy Head.

All internal candidates who apply for a new role at the School will have their application assessed in accordance with this procedure. References may be taken up on internal candidates as part of the application process and can be provided by colleagues as the School will be the most recent employer and will previously have taken up references from past employers.

Criminal records checks

Prior to 29 May 2013 an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands, warnings and sentencing held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at the School.

DBS filtering rules

With effect from 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 filtering rules developed by the DBS and the Home Office designate certain spent convictions and cautions as "protected". "Protected" convictions and cautions are not included in a DBS certificate and job applicants are not required to disclose them during the recruitment process. It is unlawful for an employer to take into account a conviction or caution that should not have been disclosed. If a protected conviction or caution is inadvertently disclosed to the School during the recruitment process it must be disregarded when making a recruitment decision.

A conviction will always be disclosable if it was imposed for a "specified offence" committed at any age. A caution issued for a "specified offence" committed over the age of 18 will always be disclosable. However, a caution issued for a "specified offence" committed under the age of 18 is never disclosable. "Specified offences" are usually of a serious violent or sexual nature or are relevant for safeguarding children and vulnerable adults. The list of "specified offences" can be found at:

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

The filtering rules have recently been updated and can be found at https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide

Regulated activity

The School applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the School which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. Any position undertaken at, or on behalf of the School will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or,
- overnight, meaning between 2.00 am and 6.00 am or,
- satisfies the "period condition", meaning four times or more in a 30-day period; and

- provides the opportunity for contact with children.

Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

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

The DBS disclosure certificate

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the original disclosure certificate is provided to the School within two weeks of it being received by the applicant. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the School should be arranged with HR as soon as it has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to HR. Where a certified copy is sent, the original disclosure certificate must still be provided prior to or on the first day of work.

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

Starting work pending receipt of the DBS disclosure

If there is a delay in receiving a DBS disclosure the Head has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), and the receipt of references have been completed and once appropriate supervision has been put in place. A Risk Assessment will be required and this must be signed off by the Bursar or Head.

Applicants with periods of overseas residence

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

For applicants who are living overseas, or who have lived overseas previously, obtaining a DBS certificate may be insufficient to establish their suitability to work at the School. In such cases the applicant will be required to provide additional information about their suitability from the country (or countries) in which they have lived. The School's policy is to request such information from each overseas country in which the applicant has lived for a period of three months or more in the previous 10 years (NSPCC safer recruitment guidance states 'If a candidate has been resident outside the UK for three months or more over the past five years, you should check the candidate's criminal record in that country' - Sept 2024) .

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

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

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

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

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

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

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

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

Prohibition from teaching check

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

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

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

The School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012, which states that the following activities amount to "teaching work":

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

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

Prohibition from management check

The School is required to check whether any external or internal applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies, or restricts them from being involved in the management of an independent school (a section 128 direction).

The School will carry out checks for section 128 directions when appointing applicants into management positions from both outside the School and by internal promotion.

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

- Head.
- Teaching posts on the senior leadership team.
- Teaching posts which carry a departmental head role.
- Support staff posts on the senior leadership team.

The School will assess on a case-by-case basis whether the check should be carried out when appointments are made to teaching and support roles which carry additional responsibilities.

All individuals who are appointed to the governing body will be subject to a section 128 direction check.

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

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

It is the School's position that to fully assess the suitability of an applicant for a management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

Disqualification from acting as a charity trustee or senior manager.

Background

Under the Charities Act 2011 it is a charity 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.

Who does this apply to?

A person is a charity trustee if they (alongside others) 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 employees who report directly to the charity trustees or have responsibility for the overall management and control of the charity's finances. At the School, the disqualification rules will be applicable to all governors, the Head, Bursar and potentially other senior staff who report directly to the governors.

There is no single list or register that covers all the disqualification criteria and the School therefore adopts a pragmatic approach to checking whether a person is disqualified. This is achieved using a self-declaration form and the checking of relevant publicly accessible registers.

Self-declaration

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

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

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

Checks by the School

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

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

Waiver

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

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

Childcare disqualification

The Childcare Act 2006 (Act) and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (Regulations) state that it is an offence for the School to employ anyone in connection with our early years provision (EYP) or later years provision (LYP) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP.

Definitions

EYP includes usual school activities and any other supervised activity for a child up to 1 September after the child's 5th birthday, which takes place on the School's premises during or outside of the normal school day.

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.

The statutory guidance issued by the Department for Education, Disqualification under the Childcare Act 2006 ('DUCA'), states that only those individuals who are employed directly to provide childcare are covered by the Regulations. "Childcare" means any form of care for a child, which includes education and any other supervised activity for a child who is aged 5 or under. "Childcare" in LYP does not include education during school hours but does cover before and after school clubs.

Relevant roles

Roles which will be covered by the Regulations are teaching and teaching assistant positions in EYP, and those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Head and may also include other members of the leadership team as well as those involved in the day-to-day management of EYP or LYP at the School.

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

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

Grounds for disqualification

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

- Having been cautioned (after 6 April 2007) for, or subject to a court order, bound over, received a reprimand or warning 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.

Self-Declaration Form

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

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

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

Applicants who have any criminal records information to disclose about themselves 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 section 4.3.1 above).

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

Waiver of a disqualification

A person who discloses information which appears to disqualify them from working in a relevant role may apply to Ofsted for a waiver of the disqualification. The School may withdraw an offer of employment at its absolute discretion and is under no obligation to await the outcome of an Ofsted waiver application. If a waiver application is rejected the School will withdraw the conditional offer of employment.

Retention of disqualification information

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

Continuing duty to disclose change in circumstances.

After making this declaration staff in a relevant role are under an on-going duty to inform the School if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information now, or of a future change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

Medical fitness

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

It is the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. Where necessary, the School will arrange for the information contained in the Health Questionnaire to be reviewed by the School's medical advisor. This information will be reviewed against the Job Description and the Person Specification for the role, together with details of any other physical or mental requirements of the role i.e., proposed timetable, extra- curricular activities, layout of the School etc. If the School's medical advisor has any doubts about an applicant's fitness the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. If an applicant prefers to discuss this with the School instead, or to

attend an occupational health assessment to consider their fitness for the role, they should contact the HR department so that appropriate arrangements can be made.

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

Contractors and agency staff

The School must complete the same checks for contractors (and their employees or associates) undertaking regulated activity at the School as it does for its own employees. The School requires written confirmation from the contractor that it has completed these checks on all those individuals whom it intends will work at the School before any such individual can commence work at the School. This includes confirmation that the individual is not disqualified from working in connection with early or later years provision (if relevant).

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

The School will independently verify the identity of individuals supplied by contractors or an agency in accordance with section 4.1 above and requires the provision of the DBS disclosure certificate before those individuals can commence work at the School.

Volunteers

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

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

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

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

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

- formal or informal information provided by staff, parents and other volunteers.
- character references from the volunteer's place of work or any other relevant source; and
- an safer recruitment interview and/or child protection induction; and
- confirmation that the volunteers is not disqualified from working in connection with the early or later years provision (if relevant).

Visiting speakers and Prevent Duty

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

The School is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the School or perform any other regular duties for or on behalf of the School.

All visiting speakers will be subject to the School's Visitors Policy. This will include signing in and out at Reception, the wearing of a visitors' badge always and being escorted by a fully vetted member of staff between appointments.

The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and / or permit a speaker to attend the School. In doing so the School will always have regard to the Visitor Policy, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

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

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

Policy on Recruitment of Ex-offenders

Background

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

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3.1 above).

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the School to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the School. The School will make a report to the Police and / or the DBS if:

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

Assessment criteria

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

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

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:

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

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

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

Assessment procedure

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

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

Retention and security of disclosure information

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

In particular, the School will:

- Store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the School's senior management team and the HR department.
- Not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. The School will keep a record of the date of a disclosure, the name of

the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken.

- Ensure that any disclosure information is destroyed by suitably secure means such as shredding.

Retention of records

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

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

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

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

Whistleblowing and Exit Interviews

All staff are made aware that they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during their employment in accordance with the School's polices (including the Whistleblowing Policy, the Safeguarding and Child Protection Policy and the Staff Behaviour Policy). All staff are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the School's polices (including the Whistleblowing Policy, the Safeguarding Policy and the Staff Code of Conduct). All staff receive training so that they understand the School's expectations. Safeguarding children is at the centre of the School's culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at an exit interview which is held with all leavers.

Referrals to the DBS and Teacher Regulation Agency (TRA)

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the School also has a legal duty to fulfil when employment comes to an end. In particular, the School has a legal duty to make a referral to the DBS in circumstances where an individual:

has applied for a position at the School despite being barred from working with children; and/or

has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

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

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

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

Queries

If an applicant has any queries on how to apply for a post at the School, they should contact the HR department.

Appendix 1

List of valid identity documents

Group 1: primary identity documents

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

Group 2a: trusted government documents

- current valid driving licence photocard – full or provisional (all countries outside the UK excluding Isle of Man and Channel Islands)
- current valid driving licence paper version if issued before March 2000 - full or provisional (UK/ Isle of Man and Channel Islands)
- birth certificate (UK, Isle of Man and Channel Islands; issued at any time after the date of birth by the General Registrar Office/relevant authority i.e. Registrars)
- immigration document, visa or work permit (issued by a country outside the UK. Valid only for roles where the applicant is living and working outside of the UK. Visa / permit must relate to the non-UK country in which the role is based).
- marriage / civil partnership certificate (UK and Channel Islands)
- HM Forces ID card (UK)
- firearms licence (UK, Channel Islands and Isle of Man)

Group 2b: Financial and social history documents

- mortgage statement (UK)**
- bank / building society statement (UK and Channel Islands)*
- bank / building society statement (countries outside the UK)*
- bank / building society account opening confirmation letter (UK)*
- credit card statement (UK)*
- financial statement - e.g. pension or endowment (UK)**
- P45 / P60 statement (UK and Channel Islands)**
- council tax statement (UK and Channel Islands)**
- letter of sponsorship from future employment provider (non UK only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)
- utility bill (UK; not mobile telephone bill)*
- benefit statement - e.g. child benefit, pension (UK)*
- a document from central or local government/ government agency / local council giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs (UK and Channel Islands)*
- EEA national ID card (must be valid at time of application)
- Irish passport card (cannot be used with an Irish passport; must be valid at time of application)
- cards carrying the PASS accreditation logo (UK, Isle of Man and Channel Islands; must be valid at time of application)
- letter from Head or College Principal (UK; for 16-19 year olds in full-time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application).

Note

If a document in the list of valid identity documents is:

denoted with * - it should be less than three months old

denoted with ** - it should be less than 12 months old