

## Safer Recruitment Policy

including EYFS & Wrap-around Care

A Foundation Safeguarding Policy  
ISI Regulatory Policy

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## **Safer Recruitment Policy**

### **1. Context**

The Foundation is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. This Safer Recruitment Policy applies to all age ranges including Early Years, the Junior Schools and Senior School.

It is essential that we create safe environments in which our pupils can blossom and thrive. To assist in achieving this, the Foundation has adopted this Safer Recruitment Policy which applies to everyone who works in our schools, including unpaid volunteers and adheres to the Foundation's Safeguarding Policy and other relevant policies.

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

### **2. Aims**

The Foundation aims to:

- attract the best possible applicants to vacancies, based on merit, ability and suitability for the position;
- deter, identify and reject applicants who are unsuitable to work with children and young people;
- operate such procedures consistently, fairly and thoroughly to ensure that no applicant is discriminated against;
- ensure compliance with all relevant guidance from the Department for Education (DfE) including 'Keeping Children Safe in Education' (KCSIE) and any relevant code of practice published by the Disclosure and Barring Service (DBS). A list of key relevant guidance is contained in Appendix C to this policy;
- ensure that the necessary pre-employment checks are conducted in line with the commitment to safeguarding and promoting the welfare of children;
- act reasonably when making recruitment decisions of staff and volunteers, based on the evidence available, including DBS checks, barred list checks and prohibition from teaching and management of independent school checks, references and interview information;
- ensure an on-going safe and secure environment for children by ensuring all staff are suitably trained in recognising and responding to signs of abuse.

### **3. Elements of Safer Practice**

Safer practice in recruitment means thinking about and including issues to do with child protection and safeguarding and promoting the welfare of children at every stage of the process. It starts by planning the recruitment exercise and requires a consistent and thorough process of obtaining, collating, analysing and evaluating information from and about applicants.

Employees and trustees involved in the recruitment and selection of staff and volunteers are responsible for reading and complying with this policy.

If a school or college knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity.

#### **4. Main elements of the recruitment process include:**

- ensuring that advertisements, job descriptions and person specifications make reference to the responsibility for safeguarding and promoting the welfare of children. Advertisements should also refer to the need for the successful applicant to undertake the relevant safer recruitment pre-employment checks, as well as the usual details of the post, salary, qualifications required, etc.;
- including a specific reference to suitability to work with children in the person specification;
- obtaining and scrutinising comprehensive information from applicants and taking up and resolving any discrepancies or anomalies;
- obtaining independent professional and character references that answer specific questions to help assess an applicant's suitability to work with children and following up any concerns;
- a face to face interview that explores the candidate's suitability to work with children as well as her/his suitability for the post;
- conducting all pre-employment checks, as required and detailed below.

It is crucial that everyone working at the Foundation is aware of child protection and safeguarding issues and the need to adopt appropriate practice and ways of working. It is important for all members of the school community to feel able to raise concerns about poor or unsafe practice by colleagues and that those concerns are listened to and taken seriously.

#### **5. Application Form**

All applicants need to complete the application form in full to provide:

- a) full identifying details of the applicant including current and former names, date of birth, current address and National Insurance number;
- b) a statement of any academic and/or vocational qualifications the applicant has obtained that are relevant to the position for which she/he is applying with details of the awarding body and date of award; applicants will be asked to bring proof of qualifications to interview.
- c) a full history in chronological order since leaving secondary education, including periods of any post-secondary education/training, part-time and voluntary work as well as full time employment, with start and end dates, explanations for periods not in employment or education/training and reasons for leaving employment;
- d) a declaration of any family or close relationship to existing employees or employers (including trustees);
- e) details of referees (see details below);
- f) a statement of the personal qualities and experience that the applicant believes are relevant to her/his suitability for the post advertised and how she/he meets the person specification.

It should include an explanation that the post is exempt from the Rehabilitation of Offenders Act 1974 and therefore that all convictions, cautions and bind-overs that are not 'protected', , must be declared. It should require a signed statement that the person is not on the Children's Barred List (formally List 99), disqualified from working with children, or subject to sanctions imposed by the Secretary of State or other regulatory body, and either has no convictions, cautions, or bind-overs, or has attached details of their record in a sealed envelope marked confidential.

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account.

All guidance and criteria on the filtering of these cautions and convictions can be found in the DBS filtering collection - <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

It should record that:

- a) where appropriate, the successful applicant will be required to provide an Enhanced Disclosure from the DBS;
- b) where appropriate, prohibition from teaching and prohibition from management checks will be conducted by the Foundation;
- c) the Foundation will seek references on short-listed candidates and may approach previous employers for information to verify particular experience or qualifications, before interview;
- d) if the applicant is currently working with children, on either a paid or voluntary basis, her/his current employer will be asked about disciplinary offences relating to children, including any in which the penalty is "time expired" (that is where a warning could no longer be taken into account in any new disciplinary hearing for example) and whether the applicant has been the subject of any child protection concerns and if so, the outcome of any enquiry or disciplinary procedure. If the applicant is not currently working with children but has done so in the past, that previous employer will be asked about those issues;
- e) providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected and possible referral to the police.

Applicants for teaching posts should also be asked:

- to provide their DfE reference number;
- whether she/he has Qualified Teacher Status (QTS).

## **6. Information Pack to Candidates**

The pack will include a copy of:

- the Application Form;
- the Job Description and Person Specification;
- information about the school, its ethos and the relevant department;
- a Child Protection statement;
- copies of the following policies: Equal Opportunities; Recruitment of ex-offenders (at Appendix A to this policy); and Safeguarding policy.

## **7. Job Description**

This will clearly state:

- the main duties and responsibilities of the post;
- the individual's responsibility for promoting and safeguarding the welfare of children she/he is responsible for, or comes into contact with.

## **8. Person Specification**

This will:

- include the qualifications and experience and any other requirements needed to perform the role in relation to working with children;
- include the competencies and qualities that the successful candidate should be able to demonstrate;  
and, where appropriate
- explain how these requirements will be tested and assessed during the selection process. Candidates will be advised of this in the invitation to interview.

## **9. Scrutinising and Short-listing**

All applications will be considered by appropriate senior members of staff to ensure that they are fully and properly completed; that the information provided is consistent, does not contain any discrepancies and to identify any gaps in employment. Incomplete applications will not be accepted and will be returned for completion.

As well as reasons for gaps in employment, the reasons for a history of repeated changes of employment without any clear career or salary progression, or a mid-career move from a permanent post to supply teaching or temporary work, will also be noted and will need to be explored and verified during the later stages of the process.

All candidates will be assessed equally against the criteria contained in the person specification and a short-list will be drawn up.

Applications that are considered fraudulent or to contain false information will be reported to the Secretary of State via the DfE and may also be reported to the police.

## **10. References**

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. At least 2 references will be sought directly from referees for all short-listed candidates, including internal candidates.

Wherever possible, these will be obtained before interview so that any issues of concern can be explored further with the referee and taken up with the candidate at interview.

One referee should be the applicant's current or most recent employer. If the applicant has previously worked or volunteered with children, one reference must be from the most recent employer or organisation.

References should always be requested directly from the referee and preferably from a senior person with appropriate authority, not just a colleague.

For appointments with a key responsibility for the Catholic ethos of the school, a reference from the candidates' Parish Priest will be required.

It is up to the person conducting the recruitment process to decide whether to accede to a candidate's request to approach her/his current employer only if she/he is the preferred candidate after the interview, but it is not recommended as good practice.

A copy of the job description and person specification for the post for which the person is applying should be included with all requests for a reference and should enquire about:

- a) the referee's relationship with the candidate, e.g. did they have a working relationship and if so what and how long has the referee known the candidate and in what capacity;
- b) whether the referee is satisfied that the person has the ability and is suitable to undertake the job in question and for specific comments about the applicant's suitability for the post and how she/he has demonstrated that she/he meets the person specification;
- c) whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, for specific details of the referee's concerns and the reasons why the referee believes the person might be unsuitable.

The referee should be asked to provide a reference that is relevant, accurate and factual, without any material misstatement or omission. Reference requests should state that references may be discussed with the applicant and that the referee may be contacted to clarify any aspect of the reference.

In addition to the above, requests addressed to a candidate's current employer, or a previous employer in work with children, should also seek:

- a) confirmation of details of the applicant's current post and salary;
- b) specific verifiable comments about the applicant's performance history and conduct;
- c) details of any disciplinary procedures the applicant has been subject to in which the disciplinary sanction is current;
- d) details of any disciplinary procedures the applicant has been subject to involving issues related to the safety and welfare of children or young people, including any in which the disciplinary sanction has expired and the outcome of those; and,
- e) details of any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of children or behaviour towards children and the outcome of those concerns e.g. whether the allegations or concern was investigated, the conclusion reached and how the matter was resolved.

If the applicant has worked with children previously, the most recent employer (or organisation if the role was in a voluntary capacity) should be contacted to establish the reasons for leaving. If the applicant has previously worked in an Education setting, the Foundation will also check with the school or college at which the applicant was most recently employed to confirm the details of their role and reasons for leaving. This will be done as part of or in addition to the references being sought. The Foundation will not accept open references or references from friends or relatives.

Upon receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. Verbal contact is to be made with the referee who is the current or most recent employer to confirm that their reference is authentic and to clarify any points in the reference that are vague or unspecific. Where there are vague or unspecific points in other references then these should also be verbally checked. In the case of volunteers then a verbal check should be made with at least one referee.

In relation to support staff roles, references will be sought prior to interview, where possible.

All information should be compared with the application form to ensure that the information provided about the candidate and her/his previous employment by the referee is consistent with the information provided by the applicant on the form. Any discrepancy in the information should be taken up with the applicant.

Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.



Where there is a good reason and an appointment needs to be made with speed then references may be taken by telephone. In such cases, which should be rare and only for the benefit of the pupils, rather than for the Foundation, any appointment must be conditional and telephone references must be followed up in writing as soon as practicable thereafter. Appropriate documentary evidence should be retained, usually on the member of staff's personnel file. If a reference is taken over the telephone, detailed notes should be taken, dated and signed.

### **11. Other Checks before Interview**

If a short-listed applicant claims to have some specific qualification or previous experience that is particularly relevant to the post for which she/he is applying that will not be verified by a reference, it is good practice to verify the facts before interview so that any discrepancy can be explored at interview. The qualification or experience can usually be verified quickly by telephoning the relevant previous employer and asking for written confirmation of the facts.

### **12. Involving Pupils**

Observing short-listed candidates' interaction with pupils is part of the interviewing process for teaching posts and procedures will vary according to the vacancy. Wherever possible, short-listed candidates for a teaching post will be observed teaching a lesson and will be shown round the school by two Sixth Form pupils at Princethorpe. At Crackley Hall, pupils conducting a tour will be accompanied by a member of staff or trustee.

### **13. Invitation to Interview**

The invitation will inform candidates about how the interview will be conducted and the areas it will explore, including suitability to work with children.

Candidates will also be reminded that the successful candidate will need to satisfy a series of pre-employment checks, as listed in paragraph 16 below.

Consequently, all candidates should be instructed to bring with them documentary evidence of their identity that will satisfy DBS requirements, for example: either a current driving licence or passport including a photograph, or a full birth certificate, plus a document such as a utility bill or financial statement which has been issued within the last three months that shows the candidate's current name and address and where appropriate, change of name documentation.

Please note that originals of the above are necessary. Photocopies or certified copies will not be accepted.

Candidates will also be asked to bring documents confirming any educational and professional qualifications that are necessary or relevant for the post. If the successful candidate cannot produce original documents or certified copies, written confirmation of her/his relevant qualifications must be obtained from the awarding body. A copy of the documents used to verify the successful candidate's identity and qualifications will be kept for the personnel file.

Candidates with a disability who are invited to interview should be requested to inform the School of any reasonable adjustments to assist them in attending the interview.

## **14. Interview Panel**

A panel of at least two people allows one member to observe and assess the candidate and make notes, while the candidate is talking to the other. At least one member of the panel must have received accredited training in Safer Recruitment process.

## **15. Interviews**

The interview process will assess the merits of each candidate against the job description and person specification. All interviewers should receive copies of the full application form, letter of application and any available written references for each candidate prior to interview.

A list of questions and matters to explore at interview should be created for each candidate prior to interview. This list will not be exhaustive. Assessment sheets may be used and questions relating to child protection will be asked.

In addition, the interview panel should also explore:

- a) the candidate's attitude toward children;
- b) her/his ability to support the school's ethos which naturally encompasses safeguarding and promoting the welfare of children;
- c) gaps in the candidate's employment history;
- d) concerns or discrepancies arising from the information provided by the candidate and/or a referee; and,
- e) if the candidate wishes to declare anything in light of the requirement for a DBS check.

If references are not obtained before the interview, the candidate should be asked at interview if there is anything she/he wishes to declare/discuss in light of the questions that have been (or will be) put to her/his referees.

A meeting will be held post interview to discuss the candidate's suitability for the role.

All interview records will be held securely and six months' post interview, all information for unsuccessful candidates will be confidentially disposed of.

## **16. Conditional Offer of Appointment: Pre-Appointment Checks**

An offer of appointment to the successful candidate will be conditional upon the satisfactory completion of pre-employment checks, including:

- a) the receipt of at least two satisfactory references;
- b) verification of the candidate's identity (preferably photographic ID such as a passport or photo driving licence and proof of address);
- c) a certificate for an enhanced DBS check with barred list information where a person will be engaging in a regulated activity (defined below);
- d) a separate barred list check if the candidate is to start work in a regulated activity before the full DBS check is available;
- e) checking that a candidate applying for a teaching post is not subject to a prohibition order issued by the Secretary of State, or any direction, disqualification or restriction (using the Teacher Services' system), including the date on which such check was completed. The Foundation reserves the right to conduct this check for candidates applying for the role of teaching assistant, sports coach and other relevant posts, at its discretion;

- f) checking that a candidate applying for a management position is not subject to a section 128 direction prohibiting them from managing an independent school;
- g) checking that a candidate applying for a teaching position is not subject to a teaching restriction, prohibition or sanction within the European Economic Area (EEA);
- h) verification of the candidate's medical (mental and physical) fitness to fulfil the role. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role. Each candidate will be asked to complete a medical questionnaire. The information contained in the questionnaire will then be held by the Foundation in strictest confidence. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, layout of the School. External, professional medical advice may be sought if the Foundation considers it necessary in the circumstances. The Foundation is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the candidate, considering medical evidence and considering reasonable adjustments;
- i) verification of professional qualifications;
- j) verification of the right to work in the UK;
- k) if the candidate has lived or worked outside the UK, consideration and completion of additional checks, as required (see below).

Candidates will also be asked to confirm: their National Insurance Number; verification of professional status and successful completion of any statutory induction period.

### **17. Section 128 direction: prohibition from leadership and management of an independent school**

Further to para 16(f) above, management position is taken to include: Heads, all staff on the senior leadership team (including non-teaching staff), teaching positions with departmental headship.

If an existing member of staff is promoted internally to a management position they will need to be checked to see whether they are subject to a section 128 direction.

A check for a section 128 direction can be carried out using the Teacher Services' system. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

### **18. DBS Checks and the Update Service**

As a general rule, the Foundation will obtain the relevant DBS check for a new member of staff no more than 3 months before their agreed start date. The Foundation reserves the right to apply for a new DBS check regardless of whether a valid check is already in place for the applicant. If the candidate has subscribed to the electronic DBS Update Service and has given permission, the employer may undertake an online check.

Once the relevant DBS checks are complete, the DBS will send the DBS certificate to the candidate. The candidate must show the original DBS certificate to the Foundation before they take up the post or as soon as practicable afterwards.

Where the Foundation allows an individual to start work in a regulated activity before the DBS certificate is available, the Foundation will ensure that the individual is supervised and that all other checks, including a barred list check, have been completed.

## **19. The Single Central Register (SCR)**

In addition to the various staff records kept in each school and in individual personnel files, a Single Central Register of recruitment and vetting checks is maintained. The SCR will register the information referred to in paragraph 16(a) – (k) above. This is kept up to date and retained by:

- the Recruitment Co-ordinator at Princethorpe;
- the School Secretary at Crackley Hall;
- Clare Robinson at The Crescent School.

The SCR will also be updated with the relevant information, including:

- a) all staff who are employed to work at the school (including supply staff and teacher trainees on salaried routes);
- b) trustees;
- c) all others who have been chosen by the school to work in regular contact with children. This will cover volunteers, trustees who also work as volunteers within the school, and people brought into the school to provide additional teaching or instruction for pupils but who are not staff members, e.g. a specialist sports coach.

The Foundation does not have to keep copies of DBS certificates in order to fulfil the duty of maintaining this record. Where the Foundation does retain a copy it will not be retained for longer than six months and will then be confidentially disposed of.

A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications will be kept on the personnel file.

All checks should be:

- d) made by checking original or certified copies only. Photocopies are not acceptable;
- e) confirmed in writing;
- f) documented and retained on the personnel file.

Instances in which an enhanced DBS check may not be required include, if the candidate has in the last 3 months prior to their appointment:

- g) worked in a school in England in a post which brought them into regular contact with children or in a post since 12 May 2006; or
- h) worked in a college in England in a position which involved the provision of education and regular caring for, training, supervision or being in sole charge of children or young people under the age of 18.

The Foundation reserves the right to request a DBS check in these circumstances if there is any cause for concern.

## **20. Regulated Activity**

The majority of appointments will be of staff who undertake what is referred to as "regulated activity".

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly. See further paragraph 22. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. 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, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
  - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

## **21. Regular Activity**

The activity will be regular if the activity is undertaken by the same individual or if the period condition is satisfied. The period condition is satisfied if the individual carrying out the activity does so as follows:

- a) once a week or more; or
- b) on four or more days in a 30-day period; and
- c) for the purposes of the work referred to at a) in paragraph 21, apart from driving a vehicle for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

## **22. Volunteers**

There will be people who offer their services to the Foundation and regarded as volunteers. The term "volunteer" is defined in the Police Act 1997 (Criminal Records) Regulations 2002, as 'any individual engaged in an activity which involves spending time, unpaid (except for travel and other approved out of pocket expenses), doing something which aims to benefit some third party and not a close relative'.

A volunteer cannot therefore:

- a) receive payment (except for travel or other approved out of pocket expenses); or
- b) be on a work placement; or
- c) be on a course that requires them to do this job role.

All new appointments of volunteers will require the following checks:

1. enhanced DBS with Barred List check if they are to be engaged in regulated activity;
2. ID check;
3. overseas check (as appropriate);
4. proof of the right to work in the UK.

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

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

For existing volunteers not in regulated activity there is no requirement to request an enhanced DBS check. However, the Foundation may choose to request one as they judge necessary but may not request a check of the barred list, as the DBS cannot provide barred list information on any person who is not in or seeking to enter in regulated activity.

If a volunteer is not engaging in regulated activity, the Foundation will undertake a risk assessment and use its professional judgement and experience when deciding whether to seek an enhanced DBS check.

Volunteers are required to complete an application form and will be interviewed by a senior member of staff who has received safer recruitment training during the recruitment process. References will usually be taken up, however, this remains at the discretion of the Foundation and will depend on the voluntary vacancy available and whether the volunteer is known to the school (for example, a parent for many years).

### **23. Supervised Volunteers**

Those people who as volunteers assist the school as supervised volunteers may regularly teach or look after children but they are not considered to fall into the category of someone who is in regulated activity, precisely because they are not unsupervised.

A DBS check is therefore not required and in such situations where individuals are acting as supervised volunteers, the Foundation will ensure:

- a) supervision is conducted by a person who is in regulated activity and has been through the full recruitment and checking process themselves;
- b) supervision is regular (on-going) and day to day; and
- c) the supervision is “reasonable in all the circumstances to ensure the protection of children”.

### **24. Reasonableness**

The decision relating to what is “reasonable” will be determined by the Head or Foundation Bursar or Designated Safeguarding Lead and will consider the following:

- a) the age of the children concerned;
- b) the number of children that he/she will be working with;
- c) whether or not there are other carers/adults helping to look after the children;
- d) the nature of his/her work or contact with children;
- e) the vulnerability of the child/ren;
- f) the experience of the person, and the checks that have been carried out;
- g) the number of volunteers being supervised.

### **25. Supply Staff**

The Foundation operates the same procedures and practices for the engagement of supply staff as listed above. However, written notification will be sought from agencies or third party organisations engaged by the Foundation to confirm that the relevant pre-employment checks have been conducted on an individual who will be working at the school.

Access to the check is usually only required where there is information contained in the DBS check. The Foundation reserves the right to have sight of a copy of the enhanced criminal

record certificate before the person commences work at the school. Information disclosed as part of a DBS check will be treated as confidential.

The Foundation will conduct an ID check to confirm that the person presenting themselves for work is the same person on whom the checks have been made. The decision about suitability to appoint ultimately rests with The Foundation and a written agreement may be obtained from the agency that a disclosure must be shared with The Foundation in order for that decision to be made.

(Please see the *Safeguarding Policy & Procedures – Contractors & Agency Staff* policy for further details.)

## **26. Peripatetic Staff**

The Foundation operates the same procedures and practices for the engagement of peripatetic staff as listed above for employees of the Foundation. However, for the purposes of creating the record of checks for peripatetic staff (for music, sports etc.) the Foundation will carry out all necessary checks and ensure that the DBS requirements are fulfilled.

## **27. Contractors**

The Foundation has arrangements in place with contractors to make sure that the contractor, or any employee of the contractor, working at the Foundation has been subject to the appropriate level of checks including DBS check, if any such check is required.

Contractors and contractors' employees for whom an appropriate DBS check has not been undertaken should be supervised if they will have contact with children.

(Please see the *Safeguarding Policy & Procedures – Contractors & Agency Staff* policy for further details.)

## **28. Visiting Professionals**

Visiting professionals, such as psychologists, nurses, dentists and other public sector staff should have been checked by their employing organisation. It is not necessary for the Foundation to see the DBS check, but the Foundation will need to obtain written confirmation that it and any other appropriate checks have been performed.

The Foundation will need to check the identity when the individual arrives.

The same rules apply to CCF instructors, sports referees and equivalent professionals supplied by a central body.

## **29. Visiting speakers**

The Foundation has a duty to ensure that any visiting speakers whether invited by staff or by pupils to present to the School(s) are suitable speakers and are appropriately supervised.

Any requests for visiting speakers should be made to the Head of the School or Foundation Bursar and will be approved after appropriate consideration of the educational value of the content proposed and any relevant safeguards that may be necessary in the circumstances to ensure the safety and welfare of pupils.

If speakers are invited to deliver a one-off presentation, they will be treated as visitors to the school and the usual procedure for visitors will apply: they should sign in at Reception and be appropriately accompanied during their visit.

If speakers are invited to appear on a more frequent basis, in each case, the Foundation will consider whether they will fall into the category of either: volunteer; supervised volunteer or contractor (please see the above requirements) and the appropriate safer recruitment checks will be undertaken.

### **30. Foundation Trustees**

Trustees of the Foundation who are volunteers should be treated on the same basis as other volunteers and the above listed checks apply, where appropriate.

An enhanced DBS check is always required. In addition, a barred list check should be requested if the Trustee will be engaged in regulated activity.

If a newly appointed Trustee will not be engaged in regulated activity, a barred list check may not be obtained via the DBS and instead, a prohibition from leadership and management of independent schools check should be conducted via the Teacher Services' system to confirm the suitability of appointment.

### **31. 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) ensure that the individual is not barred from regulated activity relating to children and will carry out an enhanced DBS check;
- b) confirm that the individual is not prohibited, disqualified or restricted from working with children;
- c) confirm the individual's identity; and
- d) 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. The proprietor must be satisfied that the person is not barred from regulated activity relating to children and that the person is not prohibited, disqualified or restricted from working with children. The right to work in the UK must also be confirmed.

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.

### **32. Work Experience Students**

Appropriate arrangements will be made when organising work experience placements to ensure that policies and procedures are in place to protect children from harm.

Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. The Foundation will consider the specific circumstances of the work experience, in particular the nature of the supervision and



the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child will be:

- unsupervised; and
- providing the teaching/training/instruction frequently (more than three days in a 30-day period, or overnight).

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. If so, the Foundation can ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

The Foundation is not able to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience.

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases, and where the child is 16 years of age or over, the Foundation will consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

### **33. Host Families**

The Foundation may make arrangements for children to have learning experiences where, for short periods, the child may be provided with care and accommodation off-site by a host family to which they are not related. This might happen, for example, as part of a foreign exchange visit or sports tour. Such arrangements can have the potential to amount to "private fostering" under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, or both.

Where the Foundation or third party has made the private fostering arrangement and has the power to terminate the arrangement, it is the regulated activity provider. Where the Foundation or third party is the regulated activity provider, it must request a DBS enhanced check (which will include barred list information) to help determine their suitability for the arrangement. However, where the parents make the arrangements themselves, this will be a private matter between the child's parents and the host parents and in these circumstances the Foundation or third party will not be the regulated activity provider.

When the Foundation arranges for pupils to stay with host families overseas, it will work with partner schools abroad to ensure that similar assurances are undertaken prior to a visit. The DBS cannot access criminal records held overseas and the Foundation will contact the foreign embassy or High Commission of the country in question to find out if similar checks can be undertaken in that country, if it is deemed necessary to do so.

### **34. Children's Barred List (formally List 99/Poca List) and DBS Checks On Overseas Staff**

The above checks will be conducted for all staff and volunteers engaged in a regulated activity within the Foundation. In addition, the Foundation may make any further relevant checks on staff and volunteers from overseas so that events that occurred outside the UK can be considered.

These further checks could include a check for information about any teacher sanction or restriction that an EEA professional regulating body has imposed.

The Foundation will make further checks in cases where an applicant has worked or been resident overseas normally for a period of 6 months or more in the last 10 years. If the Foundation considers it necessary, a period of 3 months or more outside the UK may trigger the same checks, to include the applicant's criminal record from the relevant authority in both their country of origin and the country in which they have most recently been resident. Not all countries provide that service, but the Home Office provides Overseas Applicant Guidance, which will be the starting point in these cases:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Where a member of staff has travelled outside the United Kingdom for 6 months or more and/ or has visited a number of countries, for example on an extended holiday or gap year, then the Foundation will determine whether overseas police checks are required.

Where a member of staff has been employed in a school in the United Kingdom since working abroad and the school confirms in writing that appropriate overseas checks were carried out by that organisation, the Foundation is not required to make further overseas checks, but may still do so if considered appropriate.

It may be difficult in some countries or where some time has elapsed to obtain police checks despite every effort being made. The Foundation will also obtain references on candidates from the schools based overseas where they have been employed.

The DBS does not have any involvement in applications to overseas authorities. Employers should also be aware that they may have to arrange for information returned from overseas authorities to be translated into English. In cases where a DBS check is not possible, particular care should be taken with the other required checks, including identity, qualifications and satisfactory references. It may also be appropriate to conduct a risk assessment and/ or arrange for the appropriate supervision of the successful candidate until the checks are available.

### **35. Post Appointment Induction**

Candidates are required to confirm acceptance of their post in writing and commence work for an initial probationary period. A contract of employment should be signed within the first few weeks of employment, if not before.

There is an induction programme for all staff and volunteers newly appointed at The Foundation, regardless of previous experience.

The purpose of induction is to:

- a) provide training and information about The Foundation's ethos, policies and procedures;
- b) support individuals in a way that is appropriate for the role for which they have been engaged;
- c) confirm the conduct expected of staff within the school;
- d) provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities; and,
- e) enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately.

The content and nature of the induction process may vary according to the role. The programme will include safeguarding and child protection training at the appropriate level and should include information and training regarding:

- policies and procedures, including: Safeguarding and Child Protection, Behaviour Policy/ Code of Conduct for Staff, photographic images, Anti-bullying, Equal Opportunities, Physical intervention/restraint, Intimate care and Use of ICT;
- safe practice and the standards of conduct and behaviour expected of staff and pupils in the establishment;
- how and with whom any concerns about those issues should be raised; and,
- other relevant personnel procedures, including: disciplinary, capability and whistle blowing.

If a pre-employment check or disclosure is delayed, it is at the Head's discretion as to whether a short period of work is allowed under controlled conditions. A satisfactory check of the barred list is required as a minimum and appropriate supervision arrangements should be put in place and reviewed every two weeks. A note should be kept of the measures put in place, the staff member informed and a note made in the Single Central Record that interim arrangements are in place.

### **36. Maintaining a Safer Culture**

It is important that all staff and volunteers at the Foundation have appropriate training and induction so that they understand their roles and responsibilities and are confident about carrying them out. Staff, pupils and parents should feel confident that they can raise issues or concerns about the safety or welfare of children and that they will be listened to and taken seriously. That can be achieved by maintaining an ethos of safeguarding and promoting the welfare of children and young people and protecting staff which is supported by:

- a clear written statement of the standards of behaviour and the boundaries of appropriate behaviour expected of staff and pupils that is understood and endorsed by all;
- appropriate induction and training;
- regular briefing and discussion of relevant issues.

### **37. Further checks and considerations**

Where applicants for initial teacher training are salaried by the Foundation, the Foundation must ensure that all necessary checks are carried out. As trainee teachers can undertake regulated activity, sometimes unsupervised, an enhanced DBS certificate and barred list check must be obtained. Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks.

If the Foundation has concerns about an existing staff member's suitability to work with children, all relevant checks should be carried out, as if the person were a new member of staff. Similarly, if a person working at The Foundation moves from a post that was not regulated activity, into work which is regulated activity, the relevant checks for the regulated activity must be carried out.

### **38. EYFS**

The Foundation caters for children under the age of 3 at Little Crackers Nursery and must therefore obtain an enhanced DBS check for every person over 16 who:

- a) works directly with children;
- b) lives on the premises on which the childcare is provided;
- c) works on the premises on which the childcare is provided (unless that work is not in the part of the premises where the childcare takes place, or it is not at times when the children are present).

The Foundation must not allow people whose suitability has not been checked to have any unsupervised contact with children being cared for. If a new member of staff starts work before the disclosure is available, the school must ensure that appropriate supervision is in place at all times and that all other checks (including barred list check) have been completed satisfactorily.

### **39. Rehabilitation of Offenders**

All posts within The Princethorpe Foundation are exempt from the Rehabilitation of Offenders Act 1974. Applicants will be required to declare spent and unspent convictions, cautions and bind-overs that are not 'protected', and have an Enhanced DBS check. Such disclosures will be considered as part of the short-listing process. If shortlisted the disclosures will become part of the interview process in order to allow the candidate the opportunity to discuss the matter. Such information will not necessarily bar a candidate from employment. If the candidate is not successful, then the information will not be retained and will be destroyed after six months.

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account.

All guidance and criteria on the filtering of these cautions and convictions can be found in the DBS filtering collection - <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

The Disclosure and Barring Service has published a Code of Practice with accompanying explanatory guide for information. The Foundation is committed to ensuring that it meets the requirements in relation to the processing, handling and security of Disclosure information.

### **40. Monitoring and Reporting**

Monitoring of both the recruitment process and induction arrangements will allow for future recruitment practices to be better informed. It should cover: staff turnover and reasons for leaving; and attendance of new recruits at child protection training.

In cases where an allegation of misconduct is substantiated and the person is dismissed or the Foundation ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, or otherwise meets the DBS referral criteria the Head will decide if the circumstances require a referral to the DBS for consideration of inclusion on the barred lists; and in the case of a member of teaching staff whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

The Foundation is aware of its legal duty as an employer to make a referral to the DBS if: it believes that an individual has engaged in conduct that has harmed or poses a risk of harm to a child; or if there is reason to believe the member of staff has committed one of a number of listed offences; or a member of staff has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the

resignation or removal of the individual. This referral will be made by the Head of the relevant school.

The Foundation will, through the Head of the relevant school, inform the ISI Safeguarding division of the same circumstances.

The Foundation acknowledges its duty to consider making a referral to the Teaching Regulation Agency (TRA) where a teacher has been dismissed (or would have been dismissed had he/she not resigned) and a prohibition order may be appropriate.

## **Appendix A - Recruitment of Ex-Offenders Policy**

This policy reflects the ethos and values contained in the Foundation's Equal Opportunities policy.

A copy of this policy can be given to DBS applicants at the outset of the recruitment process. As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Princethorpe Foundation complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

The Foundation is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience. If an applicant has a criminal record, this will not automatically bar him/ her from employment with the school. Each case will be decided on its merits and in the event that information is disclosed by the applicant or revealed during the pre-employment checks process, a risk assessment will be undertaken in accordance with objective assessment criteria. Any risk assessment will be reviewed and signed by the Bursar and the Headmaster before an offer of employment is made.

The objective assessment criteria may include, for example: whether the conviction is relevant to the position applied for; the seriousness of the matter revealed; the length of time since the offence occurred; whether the applicant has a pattern of offending behaviour; whether the circumstances have changed since the offending behaviour; the circumstances surrounding the offence and the explanation(s) offered by the applicant; any other relevant matter.

Under the Safeguarding Vulnerable Groups Act 2006 (SVGA 2006) employers engaged in Regulated Activities must not employ individuals who are barred from carrying out regulated activity by the Disclosure and Barring Service (DBS). Regulated Activities are certain specified activities which involve contact with children or vulnerable adults including teaching, training, care, supervision, advice or transport.

All application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position and we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to The Foundation Bursar and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

It is unlawful for a school to employ anyone who is included on the lists maintained by the DBS or anyone who is the subject of a direction, disqualification, restriction or prohibition order.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the Foundation. If the Foundation receives an application from a disqualified person or is provided with false information, or in support of an applicant's application or the school has serious concerns about an applicant's suitability to work with children, it will report the matter to the police and/ or DBS, as appropriate.

We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment. If the post involves regular contact with children, it is the Foundation's normal policy to consider it a high risk to employ anyone who has been convicted of any of the following offences: murder; manslaughter; rape; other serious sexual offences; grievous bodily harm; or other serious acts of violence; serious class A drug related offences; robbery; burglary; theft; deception or fraud.

It is the Foundation's policy to observe the guidance issued or supported by the DBS on the use of disclosure information, although it is under no obligation to do so. The School understands its duty to comply with the DBS Code of Practice and a copy will be made available on request: <https://www.gov.uk/government/publications/dbs-code-of-practice>

## **Appendix B - Key guidance**

Keeping Children Safe In Education (KCSIE) 2019

## Appendix C – Flowchart of DBS & Barred List Checks

