

# Recruitment, Selection and Disclosure Policy

ISSR Part 4, Paragraph 18, 19 and 21  
NMS Standard 14 + 15



St Joseph's College

St Joseph's College prides itself on the quality of the teaching and pastoral care provided to each of its pupils, from EYFS across to Sixth Form, including Boarding. *The Governing body has ultimate responsibility for meeting all the College's regulatory requirements, which they delegate to the Principal, supported by the Senior Leadership team. In line with good practice and as part of the Governors' due diligence, the Board of Governors' reviews this policy annually.*

St Joseph's College, as an aware employer, is committed to safeguarding and promoting the well-being of children and young people as its number one priority. Robust recruitment, selection and induction procedures operate throughout the College and extend to organisations and services linked on its behalf. The College operates safe recruitment and adopts recruitment procedures in line with the regulatory requirements and has due regard to relevant guidance issued by the Secretary of State<sup>1,2</sup>.

**Authorisation of Posts - all posts (both new and replacement) must be authorised by the Principal to ensure consistency of employment practice and that the budget requirements are met.**

The Recruitment, Selection and Disclosures Policy and Procedure herewith refers and applies to staff directly recruited and employed by the College. In the Education (Independent Colleges Standards) (England) Regulations 2014, staff are defined as:

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

## **Recruitment, Selection and Disclosure Policy and Procedure**

### **1 Introduction**

St Joseph's College ("the College") is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.

The College aims to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

All queries on the College's Application Form and recruitment process must be directed to HR & Compliance Officer.

An entry will be made on the Single Central Register for all current members of staff at the College, the proprietorial body and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

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<sup>1</sup> ISSR Part 4, Paragraph 19, 2 (e)

<sup>2</sup> NMS, Standard 14, 14.1,



All checks will be made in advance of appointment or as soon as practicable after appointment.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

## **Recruitment and selection procedure**

### **Application Form**

All applicants for employment will be required to complete the College's standard **application form**. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. A curriculum vita will not be accepted in place of the completed application form.

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

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.

As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the College with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the College shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Principal. If candidates would like to discuss this beforehand, they are asked to please telephone in confidence to the Principal for advice.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the College. However, 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. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the position. Additionally, successful applicants should be aware that they are required to notify the College immediately if they are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration.

The statutory guidance "Disqualification under the Childcare Act 2006 (July 2018<sup>3</sup>)" applies to those providing early years childcare or later years' childcare, including before College and after College clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare.

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<sup>3</sup> Part 4, 18 (2) (a)



The College takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the Principal immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.

Staff and/or successful candidates who are disqualified from childcare or registration may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please speak to the Principal for more details.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

The College has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent duty. Colleges are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment more guidance for Colleges from the DfE on this can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/439598/prevent-duty-departmental-advice-v6.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf).

If the candidate is currently working with children, on either a paid or voluntary basis, the College will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

If the candidate is not currently working with children but has done so in the past, the College will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the College will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the College may request character references which may include references from the candidate's College or university.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal by the College if they have been appointed, and a possible referral to the police and/or DBS.

## **Interview**

The College will short list applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

All formal interviews will have a panel of at least two people chaired by a member of the Senior Leadership Team, at least one of whom **will be Safer recruitment and Prevent trained**. The Chair of Governors will be on the panel for the Principal and/or Senior



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

The interview will be conducted in person and the areas which it will explore will include suitability to work with children.

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

The College requests that all candidates invited to interview also bring with them:

1. A current driving licence including a photograph or a passport or a full birth certificate;
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Where appropriate any documentation evidencing a change of name;
4. Where the candidate is not a citizen of a country within the European Economic Area or Switzerland, proof of entitlement to work and reside in the UK.

**Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient.**

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

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

If it is decided to make an offer of employment following the interview, any such offer will be conditional on the following: <sup>4</sup>

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the College's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified); <sup>5</sup> and qualifications including, where appropriate, evidence of the applicant's right to work in the UK; <sup>6</sup>
- the receipt of two references (one of which must be from the applicant's most recent employer) which the College considers to be satisfactory;
- for teaching positions, confirmation from the Secretary of State by way of a check from the teaching Regulatory Agency that the applicant is not subject to a prohibition order

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<sup>4</sup> Part 4, paragraph 18, 2 (a-f)

<sup>5</sup> ISSR Part 4, Paragraph 18 2 (c) (i)

<sup>6</sup> ISSR Part 4, Paragraph 18 2 (f)



within the UK issued by the Secretary of State Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012. This check will include that no such person carries out work, or intends to carry out work, at the College in contravention of a prohibition order or interim prohibition order;<sup>7</sup>

- for teaching positions, confirmation from the Secretary of State by way of a check from the Teaching Regulatory Agency that the applicant is not subject to a prohibition order within the European Economic Area (EEA). This check will include that no such person carries out work, or intends to carry out work, at the College in contravention of a prohibition order or interim prohibition order;
- where the position amounts to a "regulated activity" (see section below) the receipt of an enhanced disclosure from the DBS which the College considers to be satisfactory;
- where the position amounts to "regulated activity" (see section below) confirmation that the applicant is not named on the Children's Barred List administered by the DBS\*;<sup>8</sup>
- confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a College, taking part in the management of an independent College or working in a position which involves regular contact with children;<sup>9</sup>
- confirmation that the applicant is not 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 College;<sup>10</sup> and this check will also apply to staff promoted internally from September 2018.
- Confirmation that the applicant is not barred from regulated activity relating to children in accordance with section 3 (2) of the Safeguarding Vulnerable Groups Act 2006.<sup>11</sup>
- Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999);
- verification of the applicant's medical fitness for the role (see section 3 below); and<sup>12</sup>
- Where a UK disclosure is not considered sufficient further checks which are necessary as a result of the applicant having lived or worked outside of the UK during the last 10 years will be undertaken, having regard to any guidance issued by the Secretary of State; and<sup>13</sup>
- Verification of professional qualifications which the College deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).<sup>14</sup>

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<sup>7</sup> ISSR Part 4, Paragraph 18, 2 (b)

<sup>8</sup> ISSR Part 4, Paragraph 18 2 (a)

<sup>9</sup> ISSR Part 4, Paragraph 18 2 (b0)

<sup>10</sup> ISSR Part 4, Paragraph 18 2 (b)

<sup>11</sup> ISSR Part 4, Paragraph 18 2 (a)

<sup>12</sup> ISSR Part 4, Paragraph 18 2 (c) (ii)

<sup>13</sup> ISSR Part 4, Paragraph 18 2 (e)

<sup>14</sup> ISSR Part 4, Paragraph 18 2 (c) (iv)



- An enhanced DBS check will be required for all persons aged over 16, not on the College roll, who live with a member of staff in the same premises as boarders will undergo an enhanced DBS check as required by National Minimum Standards for Boarding Colleges and the criminal record certificate is obtained before or as soon as practicable after that person's appointment<sup>15</sup>.<sup>16</sup>
- In the case of staff who care for, train, supervise or are in charge of boarders, the College checks that Standard 14 of the National Minimum Standards for boarding is complied with, and in the light of the information the College considers that the person is suitable for the position.<sup>17</sup>
  - Receipt of a signed Staff Suitability Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)";

\*A check of the Children's Barred List is not permitted if an individual will not be undertaking "regulated activity". Whether a position amounts to "regulated activity" must therefore be considered by the College in order to decide which DBS checks are appropriate. It is however likely that in nearly all cases staff will be considered to be in a regulated activity and therefore a Children's Barred List check will be carried out.

It is the College's practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the College in strictest confidence and processed in accordance with the Recruitment Privacy Notice and Data Protection Policy. 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 College.

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

## 4 Pre-employment checks

In accordance with the recommendations set out in the Guidance, KCSIE, DUCA, and the requirements of the Education (Independent College Standards) (England) Regulations and The National Minimum Standards for Boarding Colleges all as amended from time to time the College carries out a number of pre-employment checks in respect of all prospective employees.

### 4.1 Verification of identity and address

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications (where appropriate) as set out in the Recruitment Pack on the College's website.<sup>18</sup>

<sup>15</sup> NMS, Standard 14, 14.2

<sup>16</sup> ISSR Part 4, Paragraph 18 2 (d)

<sup>17</sup> ISSR Part 4, Paragraph 18 2 (f)

<sup>18</sup> Part 4, 18 (2) © (i – iv)



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

## 4.2 References

The College will seek the references for shortlisted candidates (including internal applicants) and may approach previous employers for information to verify particular experience or qualifications, before interview.

Where there is no current employer, verification of the most recent period of employment and reasons for leaving will be obtained.

One of the references must be from the applicant's current or most recent employer. References must be received by a senior person with appropriate authority.

Any information provided directly by the candidate will be verified, along with all electronic references to ensure they originate from a legitimate source.

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. If a reference is taken over the telephone, detailed notes will be taken, dated and signed.

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.

Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism" (see definition of "extremism" at section 7 below).

The College 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 College will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed. References not received in good time before the appointment will be chased by telephone and alternative referees approached if needed.

### **Criminals Records Check**

The College will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education' and any amended version in carrying out the necessary required Enhanced DBS checks.

The College complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here:

<https://www.gov.uk/government/publications/dbs-code-of-practice>.



There are limited circumstances where the College will accept a check from another educational institution which are as follows:

This is where the new member of staff ("M") has worked in: –

- (a) A College or a maintained College in England in a position which brought M regularly into contact with children or young persons;
- (b) A maintained College in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
- (c) An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

during a period, which ended not more than three months before M's appointment.

In these circumstances the College may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.<sup>19</sup>

### **DBS Update Service**

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the College to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required.

### **If disclosure is delayed**

A short period of work is allowed under controlled conditions, at the Principal's discretion. However, if an 'enhanced disclosure' is delayed, a Principal may allow the member of staff to commence work:

- Without confirming the appointment;
- After a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
- Provided that the DBS application has been made in advance;
- With appropriate safeguards taken (for example, loose supervision);
- Safeguards reviewed at least every two weeks by the Principal and member of staff;
- The person in question is informed what these safeguards are; and
- It is recommended, but not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

### **Retention, Security of Records and Data Protection Obligations**

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<sup>19</sup> Part 4, Paragraph 4 (a-c)



- The College will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months.
- The College will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Recruitment Privacy Notice and the Data Protection Policy.

### **National Minimum Boarding Standards**

In addition to the above checks, staff not in a regulated activity and moving to a regulated activity will undergo an enhanced Disclosure and Barring Check relevant to the regulated activity they will be carrying out.

Checks will be carried out on all adults aged over 16 who live with a member of boarding staff in boarding College accommodation and include an enhanced DBS and List 99 check. This also applies to family members who visit regularly and stay overnight regularly or on occasion. Details of these checks will be held on file as opposed to the Single Central Register<sup>20</sup>.

For family members over the age of 16, not employed but members of family living with staff on the same premises as boarders, a contract must be signed stating the terms of their accommodation, guidance on contact with boarders, their responsibilities to supervise their visitors and notice that accommodation may cease to be provided if there is evidence that they are unsuitable to have regular contact with children. They are required to notify an unrelated, designated, senior member of staff if they are charged with, or convicted of a criminal offence. <sup>21</sup>

All persons visiting boarding accommodation (e.g. visitors, outside delivery and maintenance personnel) are kept under sufficient staff supervision to prevent them gaining substantial unsupervised access to boarders or their accommodation.<sup>22</sup>

### **Host/Home stay families**

Host/Home Stay families will have unsupervised contact with children under the age of 18. With this in mind the College carries out the same standard of checks for all staff working in the College and the extended provision even if they are not employed directly by the College. The names of students who are living with host families for 28 or more consecutive days and who are under the age of 16 must be forwarded to the relevant LA fostering officer.

### **Guardians**

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<sup>20</sup> NMS Standard 14, 14.2

<sup>21</sup> NMS Standard 14, 14.3

<sup>22</sup> NMS Standard 14, 14.4



The College regularly monitors the suitability of any arrangements it makes for the appointment of guardians. Any guardians appointed by the College are subject to the same recruitment checks as staff and their care of pupils is monitored.<sup>23</sup>

## **Contractors and agency staff**

Contractors engaged by the College must complete the same checks for their employees that the College is required to complete for its staff. The College requires confirmation that these checks have been completed before employees of the Contractor can commence work at the College.

Agencies who supply staff to the College must also complete the pre-employment checks which the College would otherwise complete for its staff. Again, the College requires confirmation that these checks have been completed before an individual can commence work at the College. The College will then confirm if we consider the person suitable for the work for which the person is supplied.<sup>24</sup>

Upon commencement or prior to commencement, the College will independently verify the identity of staff supplied by contractors or an agency<sup>25, 26</sup>.

## **Boarding**

Any person employed or volunteering in a position working with boarders has a job description reflecting their duties, receives induction training in boarding when newly appointed, and receives regular reviews of their boarding practice, with opportunities for training and continual professional development in boarding.<sup>27</sup>

## **Transfer of employees under TUPE**

If there is continuous employment under TUPE (transfer of undertakings protection of employment) arrangements, there is a requirement for information to be passed to the new owner.

If the details are fully in order, then the College will enter them on its own central register, including the number and date of the DBS checks, and adds a note to the register that the details have been accepted under TUPE arrangements. There must have been no three-month break in employment. However, if the information is incomplete, it may be necessary to undertake a new DBS check and to include all the other necessary checks.

## **Volunteers [Regulated Activity]**

The College 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 College (the definition of regulated activity set out above will be applied to all volunteers).

The College 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

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<sup>23</sup> NMS Standard 14, 14.5 + 14.6

<sup>24</sup> Part 4, Paragraph 19 (2) (b)

<sup>25</sup> Part 4, Paragraph 19 (2) c)

<sup>26</sup> Part 4, Paragraph 19 (1) (2) (a) (i – ii)

<sup>27</sup> NMS, Standard 15.1



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 College has deemed appropriate to supervise and ensure the safety of those pupils in their care.

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

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

- formal or informal information provided by staff, parents and other volunteers;
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

### **Appointment of those falling outside the definitions of staff, supply staff and proprietors**

#### **Visiting speakers and the Prevent Duty**

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

The College 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 College or perform any other regular duties for or on behalf of the College.

All visiting speakers will be subject to the College's Access, Security and Visitors Policy. This will include signing in and out at Reception, the wearing of a visitor's badge at all times and being escorted by a fully vetted member of staff between appointments.

The College 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 College. In doing so the College will always have regard to the Access, Security and Visitors 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 College does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.



## **Volunteers**

There is no set formula for the vetting of volunteers, unless they are in regulated activity. The arrangements for volunteers will vary by individual and activity. The College will, therefore, assess whether the individual will be in regulated activity.

- When volunteers are supervised, they do not fall within the definition of regulated activity, and so barred list checks would not be available or required. This is so no matter how frequently or regularly an individual volunteer. The exception would be for volunteers doing personal care; personal care is always regulated activity.
- An unsupervised volunteer, whose presence is frequent and regular, is in regulated activity, and the College must obtain an enhanced DBS certificate with barred list information.

## **Contractors and employees of third-parties (other than supply agencies)**

The College can only run direct vetting checks on their own employees. Each employer is, therefore, responsible for the vetting of their own staff. Where there is interaction between the College and the employees of another organisation or person, the College should ensure that relevant checks (see below) have been carried out, through obtaining written confirmation from the employer. This should be retained for inspection purposes.

The College will not include contractors and employees of third parties of other organisations (other than supply agencies) on our SCR.

The relevant minimum checks always include:

- barred list check for those in regulated activity;
- appropriate level of DBS check;
- identity check on arrival;
- any other role specific checks, where applicable e.g. disqualification from childcare.

## **Employees of contractors**

Where the employees of shorter-term contractors such as builders will have access to areas where unsupervised contact with children is possible, the College will obtain receive written confirmation from the company that the required DBS checks have been undertaken and check photographic identification on arrival at the College.

## **Self-employed contractors**

Self-employed contractors should generally be checked by their professional associations. This is because it is not possible for self-employed people to obtain checks directly on their own account (except at the basic level), but professional associations usually assist with checks to enable their members to access work. If it cannot be confirmed in writing that the person has been checked by another organisation, the College will consider obtaining the DBS check itself.

## **Occasional/temporary contractors**

Occasional and temporary contractors who are not involved in teaching/training etc. or personal care are not in regulated activity and cannot be checked against the barred list.



*KCSIE* advises that in the absence of statutory definitions for 'occasional' and 'temporary', it is for schools to determine when contractors are occasional or temporary, and therefore whether or not they are working in regulated activity. If the College decides the workers are not in regulated activity, they will not be eligible for a barred list check but if their work gives them opportunity for regular contact with children, *KCSIE* stipulates that an enhanced DBS check without barred list information will be required. Where workers are not frequent or regular, the College should risk assess whether a DBS check is necessary and proceed accordingly

### **Supervision of contractors**

It is recognised that it is not practicable for the College to provide supervision of contractors making emergency repairs by a qualified person at the same level as for volunteers under Annex F of *KCSIE*. *KCSIE* clarifies that while unchecked contractors should under no circumstances be allowed to work unsupervised, the College is responsible for determining the appropriate level of supervision depending on the circumstances.

### **Staff Single Central Register "SCR"**

In addition to the various staff records kept by the College and on individual personnel files, a Single Central Register of Appointments for all staff, is kept by the Principal. The information recorded in the SCR is kept in electronic form, but is capable of being reproduced in legible form.<sup>28</sup>

The record will contain details of checks on the following people:

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

For the purposes of creating the record of checks for supply staff provided through a supply agency the College will request written confirmation from the supply agency that it has satisfactorily completed all relevant checks. Identity checks will be carried out by the College to confirm that the individual arriving at the School is the individual that the agency intends to refer to them.<sup>2930</sup>

Information disclosed as part of a DBS disclosure will be treated as confidential.

The central record will indicate whether or not the following have been completed, along with the dates these checks were made and who made these checks, for all staff including Supply Staff and volunteers:

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<sup>28</sup> Part 4, Paragraph 21 (2)

<sup>29</sup> Part 4, Paragraph 19 (2)

<sup>30</sup> Part 4, Paragraph 21 (5)



- Application Form;
- Interview Notes;
- Two References received;
- Identity checks;
- Qualification checks for any qualifications legally required for the job e.g. those posts where a person must have QTS, NPQH, PGCE, Cert Ed. Additionally, for those applying for teaching posts, registration checks with the GTC where appropriate;
- Right to work in the United Kingdom
- If applicable oversea checks
- Children's Barred List check (List99);
- DBS enhanced disclosure;
- DBS enhanced disclosure certificate seen;<sup>31</sup>
- Medical Fitness;
- Further overseas criminal records checks where appropriate;
- Prohibition from teaching check (under section 128 of the 2008 Act or Section 142 of the 2002 Act);
- Prohibition from management check where applicable;
- Prohibition from EEA check;
- Disqualification from childcare;
- Where the College provides services or activities directly under the supervision or management of College's staff, the College's arrangements for staff appointments will apply<sup>32,33, 34</sup>.

### **Those who do not require vetting checks**

It is not necessary to undertake vetting checks on: visitors to the Principal/other staff or those who have only brief contact with children in the presence of a teacher); visitors carrying out repairs or servicing equipment; pupils aged under 16 on work experience or similar; supervised volunteers (including pupils aged 16 and over on work experience in other schools) unless they undertake personal care; those on the school site when pupils are not present; and students (pupils) aged 18 or over studying as pupils. Individuals returning from maternity leave, sabbaticals or similar, where continuity of employment is maintained, do not need to be checked as new employees. Similarly, staff with 'zero-hours' contracts that have continuity of service between periods of work do not need to be re-checked on each occasion

### **Assessment procedure**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the College will carry out a risk assessment by reference to the criteria set out above. The assessment form must be approved by the Principal before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he / she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a

<sup>31</sup> ISSR Part 4, Paragraph 21 (4)

<sup>32</sup> ISSR Part 4, Paragraph 21, 3 (a) (i-viii)

<sup>33</sup> ISSR Part 4, Paragraph 21, 5 (a – c)

<sup>34</sup> ISSR Part 4, Paragraph 21, 1-4



position were it not for the disputed information, the College will, where practicable and at its discretion, defer a final decision about the appointment until the

### **Referrals to the DBS and National College for Teaching and Leadership (NCTL)**

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

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

If the individual referred to the DBS is a teacher, the College may also decide to make a referral to the NCTL.

### **Queries**

If an applicant has any queries on how to complete the application form or any other matter he / she should contact the HR Officer.



## **Policy on recruitment of ex-offenders**

### **Policy on the Recruitment of Ex-Offenders**

The College will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The College makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the College. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

Under the relevant legislation, it is unlawful for the College to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the College to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the College to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)".

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the College. The College will report the matter to the Police and/or the DBS if:

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

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the College 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;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.



If the post involves regular contact with children, it is the College's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

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

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

