



## RECRUITMENT POLICY 2023

This is a whole School policy and applies to all members of Cophthorne Preparatory School including EYFS.

Version:	One
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### 1 Introduction

Cophthorne Prep School (**School**) is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The School is also committed to providing a supportive and flexible working environment to all its members of staff. The School recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

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

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position
- to ensure that all job applicants are considered equally and consistently
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**), *Keeping children safe in education* (September 2022) (**KCSIE**), *Disqualification under the Childcare Act 2006* (**DUCA**), the Prevent Duty Guidance for England and Wales 2015 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

### 2. Data protection

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

### 3. The Recruitment Personnel



Cophthorne Prep School recognises that its staff are its single most important resource. Therefore, recruitment and selection of all levels of staff are activities of major importance. Recruitment is not an isolated task but rather the beginning of the employment relationship. All Staff involved in any level of recruitment or any stage of the process should ensure that:

- They act in accordance with the School's Safer Recruitment Policy;
- All appointments are made on merit, against objective criteria which are applied consistently across all candidates;
- Confidentiality is maintained at all times regarding candidates' details;
- The highest quality of teaching and support is provided to all children and young people;
- A favourable and positive image of the School is promoted through its Safer Recruitment and Selection activities.

Cophthorne Prep School prioritises the safeguarding and promotion of the welfare of children and young people. We expect all staff to share this commitment and to undergo appropriate checks including enhanced DBS checks. This commitment is embedded in all our procedures and pre-employment checks.

At least one person who is responsible for interviewing applicants must have completed the Safer Recruitment training. In addition, at least one member of the Governing Board must have Safer Recruitment Training, as they will be required to be involved in the recruitment of SLT members. This means a recruitment panel must have at least one member who has completed the training. In addition, the person responsible for the school's recruitment processes must have completed this training. The Head has the final say on all appointments, except those specifically identified by the Governing Body. The Head may delegate responsibility for finding the right candidate; however, they will normally meet the candidates when they attend for interview.

## 4. The Recruitment Process

### 4.1 Application form

All applicants for employment will be required to complete an **application form** containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, person specifications, this policy and the School's Child Protection/Safeguarding Policy are available to download from the School's website or in hard copy format to applicants, on request.

### 4.2 Shortlisting

The School will then conduct a shortlisting exercise by reviewing all application forms received in order to determine which applicants will be invited for interview. The shortlisting exercise will usually be conducted by two members of staff who will ideally also be involved in the interview process.

All shortlisted applicants will be required to complete a self-declaration form prior to interview in which they will be asked to provide information about their criminal records history and other factors relevant to their suitability to work with children. This information will be considered and discussed with applicants at interview. Pupils are involved in the recruitment process in a meaningful way. Shortlisted candidates are appropriately supervised and observed interacting with pupils as part of the selection process.

### 4.3 Interview

Shortlisted applicants may then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children and at least one person who has completed Safer Recruitment training will be on the panel.

Verification of the applicant's identity and right to work is carried out at this stage.

## 4.4 Conditional offer

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

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment
- verification of the applicant's identity and right to work (where that has not previously been verified)
- verification of qualifications, whether professional or otherwise, which the School takes into account in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not
- verification of the applicant's employment history
- the receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory
- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency which renders them unable or unsuitable to work at the School
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School
- where the position amounts to "regulated activity" (see section below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory
- where the position amounts to "regulated activity" (see section below) confirmation that the applicant is not named on the Children's Barred List\*
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School
- confirmation that the applicant is not disqualified from acting as a trustee/governor or senior manager of a charity under the Charities Act 2011 (if applicable, see relevant section below)
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see below)
- verification of the applicant's medical fitness for the role (see section below)
- verification of the applicant's right to work in the UK; and
- any further checks which the School decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references.

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

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

## **4.5 Pre-employment checks**

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the ISSRs, the School carries out a number of pre-employment checks in respect of all prospective staff.

In fulfilling its obligations to carry out pre-employment checks, the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex, sexual orientation, marital or civil partnership status, gender reassignment, disability or age.

### **4.5.1 Online searches**

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

In accordance with paragraph 221 of KCSIE, this will include online searches (online searches) at the shortlisting stage. The School will not carry out online searches as part of its initial sift of applications.

The online searches the School undertakes may include searches of internet search engines, websites and social media platforms. Prior to interview, shortlisted candidates will be asked to provide details of their online profile, including account names and social media handles. This information will be used to carry out online searches. Applicants are not required to provide account passwords or to grant the School access to private social media accounts.

The School will determine how it approaches online searches on a case by case basis. However, all applicants for a role at the School will be treated consistently with regard to online searches. Wherever possible online searches will be undertaken by a person who will play no other part in the recruitment process (including the shortlisting exercise) or the appointment decision. In carrying out online searches the School is looking for any publicly available information about an applicant that:

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

Any information generated from online searches will be entered in an 'Online search results record'. Where online searches are undertaken on shortlisted applicants any relevant information generated will be provided to the interview panel for discussion with shortlisted applicants at interview. Where online searches are undertaken on the successful applicant only any relevant information generated will be discussed prior to employment commencing.

All offers of employment will be conditional upon the School being satisfied that the successful applicant is suitable to work at the School in light of any information generated from online searches. In evaluating any online information for relevance, the School will use the following criteria:

- whether the information is relevant to the position applied for;
- whether the information is relevant to the applicant's suitability to work at the School or in an education setting;
- whether the information could have an impact on the School's reputation (whether positive or negative);



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

For successful candidates, the School will retain information generated through online searches for the duration of the individual's employment and in accordance with its Retention of Records Policy after employment ends. For unsuccessful candidates, the School retains the information generated from online searches for six months from the date on which they are informed their application was unsuccessful, after which it will be securely destroyed.

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

All applicants who are invited to an interview will be required to bring with them evidence of their identity, right to work in the UK, address and qualifications. This must include at least one form of photographic ID such as a current valid passport or driving licence.

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

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

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

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

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

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

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

The School will check this evidence in accordance with the Home Office 'Code of Practice on preventing illegal working: Civil penalty scheme for employers: 1 July 2021' ([Code of practice on preventing illegal working \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)).

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

#### **4.5.3 References**

References will be taken up on shortlisted applicants prior to interview where possible.

Please note that the School will not ask referees questions about a candidate's health or medical fitness prior to any offer of employment being made. The School may ask a job applicant relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role (see Medical Fitness section below).



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

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

- the applicant's dates of employment, salary, job title/duties, reason for leaving, performance, sickness\* and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired) except where the issues were deemed to have resulted from allegations which were found to be unsubstantiated, unfounded, false or malicious;
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people except where the issues were deemed to have resulted from allegations which were found to be unsubstantiated, unfounded, false or malicious;
- whether the applicant could be considered to be involved with "extremism" (see the definition of "extremism" below). (\*questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.)

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

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

All references are always verified that they originate from a legitimate source.

If a candidate withholds permission without a valid reason, the invite to interview is withdrawn and a further candidate will be invited to attend the shortlist process.

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

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

The School may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

Verbal references will be taken using the verbal reference form, if required.

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





#### 4.5.4 Criminal records checks

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

##### **DBS filtering rules**

With effect from 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The filtering rules developed by the DBS and the Home Office designate certain spent convictions and cautions as "protected". "Protected" convictions and cautions are not included in a DBS certificate and job applicants are not required to disclose them during the recruitment process. It is unlawful for an employer to take into account a conviction or caution that should not have been disclosed. If a protected conviction or caution is inadvertently disclosed to the School during the recruitment process it must be disregarded when making a recruitment decision.

A conviction will always be disclosable if it was imposed for a "specified offence" committed at any age. A caution issued for a "specified offence" committed over the age of 18 will always be disclosable. However, a caution issued for a "specified offence" committed under the age of 18 is never disclosable. "Specified offences" are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults. The list of "specified offences" can be found at: <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

The filtering rules have recently been updated and work as follows:

##### **For those aged 18 or over at the time of an offence**

A spent criminal conviction for an offence committed in the United Kingdom when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by the job applicant) if:

- eleven years have elapsed since the date of the conviction;
- it did not result in a custodial sentence; and
- it was not imposed for a "specified offence".

A spent caution for an offence committed when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- six years have elapsed since the date it was issued; and
- it was not imposed for a "specified offence". For those aged under 18 at the time of an offence

A spent conviction for an offence committed when a person was under the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- five and a half years have elapsed since the date of the conviction;
- it did not result in a custodial sentence; and
- it was not imposed for a "specified offence".

A caution issued for an offence committed when a person was under the age of 18 will never be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant).

##### **Regulated Activity**

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

Any position undertaken at, or on behalf of the School will amount to "regulated activity" if it is carried out:

- a) frequently, meaning once a week or more; or
- b) overnight, meaning between 2.00 am and 6.00 am, or



- c) satisfies the "period condition", meaning four times or more in a 30-day period; and
- d) provides the opportunities for contact with children.

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

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

## **The DBS disclosure certificate**

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School as soon as is possible after it has been received by the applicant. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the School should be arranged with HR as soon as it has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email as soon as the original disclosure certificate has been received. Certified copies must be sent to HR or the DSL. Where a certified copy is sent, the original disclosure certificate must still be provided no later than the first working day.

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

## **Starting work pending receipt of the DBS disclosure**

If there is a delay in receiving a DBS disclosure the Head has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place. A Risk Assessment will be completed and placed on file along with a supervision agreement that is reviewed every two weeks until the DBS certificate has been seen.

## **4.5.5 Applicants with periods of overseas residence**

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

For applicants who are living overseas, or who have lived overseas previously, obtaining a DBS certificate may be insufficient to establish their suitability to work at the School. In such cases the applicant will be required to provide additional information about their suitability from the country (or countries) in which they have lived. The School's policy is to request such information from each overseas country in which the applicant has lived for a period of three months or more within the last five years from date of application.

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

Any costs associated with applying for the relevant overseas checks will be the responsibility of the candidate.

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

In addition, where an applicant has carried out teaching work outside of the UK, the School will ask the applicant to provide proof of their past conduct as a teacher by obtaining a letter of professional standing from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher. The School will also ask the applicant (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work.





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

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

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

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

#### **4.5.6 Prohibition from teaching check**

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

It is the School's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves "teaching work". Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the Teaching Regulation Agency (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

The School carries out this check, and requires associated information, for roles which involve "teaching work". In doing so the School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012 which states that the following activities amount to "teaching work":

- planning and preparing lessons and courses for pupils
- delivering lessons to pupils
- assessing the development, progress and attainment of pupils; and
- reporting on the development, progress and attainment of pupils.

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

#### **4.5.7 Prohibition from management check**

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

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

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

- Head
- teaching posts on the senior leadership team



- teaching posts which carry a departmental head role;
- support staff posts on the senior leadership team; and
- the School will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support roles which carry additional responsibilities.

It also applies to appointments to the governing body.

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

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

**Disqualification from acting as a charity trustee or senior manager** Under the Charities Act 2011 it is a criminal offence for a person to act as a trustee or senior manager of a charity when disqualified from doing so. The Charities Act 2011 sets out the grounds on which a person can be disqualified from acting as a trustee or senior manager. These include various spent and unspent criminal offences and other sanctions.

#### **Who is covered**

A person is considered to be a charity trustee if they are one of the people who have general control and management of the administration of the charity. In an independent school the trustees will typically be the governors of the school.

Senior managers include those employees who report directly to the charity trustees or have responsibility for the overall management and control of the charity's finances. At the School the disqualification rules will be applicable to all governors, the Head / Principal, Bursar and potentially other senior staff who report directly to the governors.

There is no single list or register that covers all of the disqualification criteria and the School therefore adopts a pragmatic approach to checking whether a person is disqualified. This is achieved by the use of a self-declaration form and the checking of relevant publicly accessible registers. Self-declaration All those who are covered by the disqualification rules are required to complete a self-declaration form to confirm whether, to the best of their knowledge, they are subject to any of the disqualification criteria.

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

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

#### **Checks by the School**

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

- a) the Bankruptcy and Insolvency Register;
- b) the register of disqualified directors maintained by Companies House; and
- c) and the register of persons who have been removed as a charity trustee.

#### **Waiver**



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

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

#### **4.5.8 Disqualification under the Childcare Act (DUCA) check**

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

#### **Definitions**

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

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

#### **Relevant roles**

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

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

Some roles at the School may involve the provision of childcare in EYP or LYP on an occasional basis.

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

#### **Grounds for disqualification**

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

- a) having been cautioned (after 6 April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;
- b) various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- c) having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;
- d) having been refused an application for registration of a children's home or having had any such registration cancelled; or
- e) having been prohibited, restricted or disqualified from private fostering.



## **Self-declaration form**

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

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

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

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

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

Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see above).

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

## **Waiver of a disqualification**

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

## **Retention of disqualification information**

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

## **Continuing duty to disclose change in circumstances**

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

## **4.5.9 Medical fitness**

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

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons on the grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. If the applicant prefers to discuss this with the School instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the HR Manager so that appropriate arrangements can be made.



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

## **5. Contractors and agency staff**

The School must complete the same checks for contractors (and their employees) undertaking regulated activity at the School as it does for its own employees. The School requires written confirmation from the contractor that it has completed these checks on all of those individuals whom it intends will work at the School before any such individual can commence work at the School.

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

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

## **6. Volunteers**

The School will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the School (the definition of regulated activity set out in section 4.3.2 above will be applied to all volunteers).

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

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

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

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

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

## **7. Speaking visitors and the Prevent Duty**

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

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

All visiting speakers will be subject to the School's Visitor Protocol Policy. This will include signing in and out at Reception, the wearing of a black visitors lanyard at all times and being escorted by a fully vetted member of staff between appointments.



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

*"Extremism is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces" ."*

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

## **8. Policy on recruiting ex-offenders**

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

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

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

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

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

### **Assessment criteria**

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 School will consider the following factors before reaching a recruitment decision:

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

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

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





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

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years. Assessment procedure. 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 School will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Head before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information. Retention and security of disclosure information The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

## **9. Whistleblowing and exit interviews**

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

## **10. Single Central Register**

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

## **11. Retention of Records**

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

Copies of DBS certificates will not be retained for longer than 6 months.

The School's policies on Data Protection and Personal Data Retention ensure that recruitment and employment records are kept securely, are retained for an appropriate period of time and destroyed securely when necessary.

## **12. Induction**

All staff, including volunteers, undergo a comprehensive programme which includes safeguarding training.

## **13. Queries**

If an applicant has any queries on how to apply for a post at the School, they should contact the Human Resources [hr@cophorneprep.co.uk](mailto:hr@cophorneprep.co.uk)