



## SAFER RECRUITMENT POLICY (18a) Whole School and EYFS

Reviewed: January 2021-(RMU/TP)  
Governor Review: January 2021 (AG)  
Next Review: September 2021 (RMU)

Authorised and approved on behalf of the Board of Governors by:

Mr A Grime - Chair of Governors

This policy outlines our commitment to safeguarding and promoting the welfare of children who are pupils at the College by ensuring we have implemented procedures designed to prevent unsuitable people working with our pupils.

Safeguarding and promoting the welfare of our pupils 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.

This policy applies to the whole College, including EYFS. These procedures are designed to comply with the guidance given by the DfE as defined in 'Keeping Children Safe in Education September 2020', Guidance for safer working practice for those working with children and young people in education setting May 2019 (Safer Recruitment Consortium) and in conjunction with 'Working Together to Safeguard Children September 2018' and form an element of the College's Safeguarding policy (updated September 2020) to which reference should also be made.

The aims of the College's Safer 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 2020 (KCSIE), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance), Disqualification under the Childcare Act 2006 (DUCA) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the College meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

to ensure that the College does not knowingly employ people to work in childcare or allow them to be directly concerned in its management, if they themselves are directly 'disqualified' from childcare. Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

## ROLES AND RESPONSIBILITIES

It is the responsibility of the Governing Body to:

- Ensure the College has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements.
- Monitor the College's compliance with them.

It is the responsibility of the Head, Director of Finance and Operations, HR & Regulatory Compliance Manager and other managers involved in recruitment to:

- Ensure that the College operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the College.
- Monitor contractors' and agencies' compliance with these safer recruitment procedures.
- Promote the welfare of children and young people at every stage of the recruitment process.

The Governing Body has delegated responsibility to the Head (teaching staff) and Director of Finance and Operations (support staff) to lead in all appointments. Governors may be involved in staff appointments, but the final decision will rest with the Head / Director of Finance and Operations.

## RECRUITMENT AND SELECTION PROCEDURE

### ***Advertising***

To ensure equality of opportunity, the College will advertise all vacant posts to encourage as wide a field of applicant as possible; normally this entails an external advertisement.

Any advertisement will make clear the College's commitment to safeguarding and promoting the welfare of children.

Any advertisement will make clear the requirement for any pre-employment checks that may include an enhanced DBS check and children's barred check particularly for those roles that include regulated activity.

All documentation relating to applicants will be treated confidentially in accordance with GDPR.

The Safer Recruitment Policy can be accessed on the College website.

### ***Job Descriptions and Person Specifications***

A job description is a key document in the recruitment process and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role.

The person specification is of equal importance and informs the selection decision. It details the skills, experience, qualifications, abilities and expertise that are required to do the job.

### ***Application Forms and the Rehabilitation of Offenders Act 1974 (as amended)***

The College uses its own application form and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history).

The application form will include the applicant's declaration regarding convictions and working with children. It will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974 (as amended in 2013 and 2020) since it involves working with, or having access to children, and so you are required to declare:

- All unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974
- All spent adult cautions (simple or conditional) or spent convictions that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)

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

CV's will not be accepted.

All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and possible referral to the police and other professional regulatory bodies (e.g., the Teaching Regulation Authority).

### **Shortlisting**

Shortlisting will be undertaken by at least two people from the recruitment panel. Candidates will be assessed against the person specification.

### **References**

References for short listed applicants may be sent for prior to interview unless the applicant has expressly indicated on their application form that they do not wish their current employer to be contacted at that stage. In any event, references will be taken up before any offer of employment is confirmed.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the College. 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 if possible. References will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions. Where there is no current employer, verification of the most recent employment and reasons for leaving will be obtained (this recognises that, in effect, that not all employers will provide a substantive reference).

Any electronic references (for example received via email) will be verified to ensure that they have been sent from a legitimate source.

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".

No questions will be asked about health or medical fitness prior to any offer of employment being made.

Any discrepancies or anomalies will be followed up. Direct contact by phone may be undertaken with referees to verify the reference.

The College does not accept open references, testimonials or references from relatives. Any information provided directly by the candidate will be verified. The references will also be from a senior person with appropriate authority (in a position to be aware of issues) and not just a work colleague.

For internal appointments, suitability references may be sought. Internal references may be permissible where appropriate from senior members of staff who are able to confirm whether they have any suitability concerns. Internal references will be sought particularly where colleagues from former employers are un-contactable due to passage of time for example.

### **Interviews**

There will always be a face-to-face interview except in extreme circumstances (for example recruitment of a teacher from overseas), and wherever possible, a minimum of two interviewers will see the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the College to explore any anomalies or gaps have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

Due to COVID19 interviews may be conducted via Zoom instead of face to face to ensure that the Government COVID19 health and safety guidance is adhered to.

Applicants will be specifically asked if, prior to a DBS check being carried, there is anything they wish to notify the recruiting panel of in advance of the checks being made.

At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable. Details of those trained in Safer Recruitment can be found in the College Safeguarding Policy.

Notes of the interviews will be made by the recruiting panel.

## **PRE-EMPLOYMENT CHECKS**

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations 2014 the College carries out a number of pre-employment checks in respect of all prospective employees.

In addition to the checks set out below, the College reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the College. This may include internet and social media searches.

In fulfilling its 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.

### **Verification of identity, address and qualifications**

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 as set out below and in the list of valid identity documents at [Appendix E](#) (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: and
- original documents confirming any educational and professional qualifications referred to in their application form.

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.

The College asks for the date of birth of all applicants to assist with the vetting of the applicants. 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.

The College asks for this information at interview to ensure that the person attending interview is who they claim to be, to ensure that they are permitted to work for the College if appointed and that they hold the qualifications that have been requested (if any).

Unsuccessful applicants' documents will be destroyed 12 months after the recruitment process is concluded. Due to COVID19 documents may be scanned in for the HR Manager to view at the interview stage and then arrangements made to see the original documents at the earliest opportunity and before the candidate starts in the role at the College.

## **OFFER OF APPOINTMENT AND NEW EMPLOYEE PROCESS**

In accordance with the recommendations set out in KCSIE and the requirements of the Education (Independent School Standards) Regulations 2014 the College carries out a number of pre-employment checks in respect of all prospective employees.

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 College's standard terms and conditions of employment.
- verification of the applicant's identity (where that has not previously been verified).
- the receipt of two references (one of which must be from the applicant's most recent employer) which the College considers to be satisfactory.
- verification of the applicant's employment history
- for positions which involve "teaching work":
  - i. the College being satisfied that the applicant is not and has never been referred to or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency which, renders the applicant unsuitable to work at the College; and
  - ii. the College being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working at the College or which, in the College's opinion, renders the applicant unsuitable to work at the College.
- "Regulated activity" will require the receipt of an enhanced disclosure from the DBS which the College considers to be satisfactory.
- where the position amounts to "regulated activity" 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 render them unable or unsuitable to work at the College ;
- 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 school.
- verification of the applicant's medical fitness for the role.
- verification of the applicant's right to work in the UK.
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK; and
- 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).

For internal promotions to management positions, the College will check whether the individual is subject to a section 128 direction. The College deems management positions to be the Headteacher, all staff on the senior leadership team (teaching and non-teaching staff), teaching positions with departmental headship, Governors.

From 5 January 2015, prior to appointment it is also a requirement that all staff who will be employed in and/or provide early years childcare or education (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) or those directly concerned with its management, will need to self-certify whether or not they as individuals are disqualified from working with children including whether:

- They have been cautioned for, convicted of or charged with certain violent and sexual criminal offences against children and adults, at home or abroad.
- Other orders have been made against them relating to their care of children.
- They have had their registration cancelled in relation to childcare or children's homes or have been disqualified from private fostering.

The self-certification form is attached to this policy as [Appendix B](#).

A personal file checklist will be used to track, and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

Appendix D provides a recruitment checklist which will be used for recruitment of roles from January 2021.

All appointments are subject to a probationary period during which time a reduced notice period may apply enabling termination of the employment for whatever reason, by either the employee or the College in a shorter time frame than would normally apply under the standard terms of their contract. The College's

disciplinary and capability procedures do not apply during this probationary period. The College also reserves the right to extend this probationary period should it deem this necessary.

### ***DBS (Disclosure and Barring Service) Certificate (formerly known as CRB Disclosure)***

The College applies for an enhanced disclosure from the DBS and a check of the Children's Barred List 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.

It is the College's policy that the DBS disclosure **must be** obtained, or DBS application submitted before the commencement of employment of **any** new employee, as it assumed that all staff could have the opportunity to be in regulated activity, regardless of their role.

### ***Portability of DBS Certificates Checks***

Staff are informed of the opportunity to join the DBS Update Service if they are likely to require another check in the future, but it is their own responsibility to do so.

### ***Copies of DBS Checks***

The DBS no longer issue Disclosure Certificates to employers, therefore all new employees must bring the original certificate into the College for verification on or before their first day of employment, before any regulated activity commences.

If employment commences before the DBS certificate is verified, this may take place provided all other recruitment checks have been satisfactorily completed, and the new employee is **kept under supervision** at all times whilst on site. This situation may occur if the DBS process is delayed to such an extent that, in the opinion of the Head, further delay to the start date of the new employee would be to the serious detriment of the College. A stand-alone check of the Children's barred list is undertaken before they start employment (if working in regulated activity).

### ***Dealing with convictions***

The College operates a formal procedure if a DBS Certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- the nature, seriousness and relevance of the offence.
- how long ago the offence occurred.
- one-off or history of offences.
- changes in circumstances,
- decriminalisation and remorse.

A formal meeting will take place face-to-face to establish the facts with the Head. A decision will be made following this meeting. 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 Head will evaluate all of the risk factors above before a position is offered or confirmed.

In the event that a disclosure is obtained relating to a potential Governor, the matter will be referred to the Chair of Governors.

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 College 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.

### ***Medical Fitness***

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

All applicants are requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required. 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.

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

### ***Overseas checks***

The College, in accordance with the UK Visas and Immigration (UKVI) will, if applicable, sponsor new foreign nationals.

In addition, applicants who have lived/travelled abroad for more than 3 months in the previous 5 years, will need to obtain a criminal record check from the relevant country. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the College. From September 2018, where a member of staff has worked in a school in the UK since moving from overseas, without going back overseas, the College will not be required to repeat the overseas checks for subsequent appointments.

From 5 September 2016, in accordance with KCSIE 2016, 'further' overseas checks will include The College conducting a check for information about any teacher sanction or restriction that has been imposed by a professional regarding authority in the European Economic Area (EEA). This check is relevant to applicants for teaching posts in England who have taught in the EEA. It is applicable to both foreign nationals and UK nationals who have taught in the EEA. This check is carried out by The College using the NCTL Teacher Services system and can be checked up until 31 December 2020. Only restrictions imposed on or after 18 January 2016 will be displayed on the Teacher Services system.

Changes to checks for EU sanctions on EEA teachers from 1 January 2021 requires Teachers to provide proof of their past conduct as a teacher. This should be a letter of professional standing issued by the professional regulating authority in the country in which they worked. Such evidence will be considered alongside other information obtained through the pre-employment checks to help assess their suitability. For clarity this applied to EEA teachers only and not generally to those who are recruited from overseas.

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

The College 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 College will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country. If a satisfactory reference is obtained the College may allow the applicant to commence work pending receipt of the formal check if the applicant is considered suitable on the basis of the information the School has obtained. All suitability assessments must be documented and retained on file. Continued employment will remain conditional upon the College being provided with the outcome of the formal check and it being considered satisfactory by the College.

If the formal check is delayed and references are not available, the applicant's proposed start date may be delayed until the formal check is received.

If no information is available from a particular country the College will carry out an assessment of whether the applicant is suitable to work at the College on the basis of all other suitability information that has been obtained. The College will take proportionate risk-based decisions on a person's suitability in such circumstances. All suitability assessments must be documented and retained on file.

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

The College is required to check whether staff who carry out "teaching work" are prohibited from doing so. The College 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.

In addition, the College asks all applicants for roles which involve "teaching work" (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or other equivalent body in the UK. It is the College'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 College will consider whether the facts of the case render the applicant unsuitable to work at the college.

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

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

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

### **Prohibition from management check**

The College 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 College will carry out checks for such directions when appointing applicants into management positions from both outside the College 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 College 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 College will use either, or both, methods to obtain this information.

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

It is the College'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 College will consider whether the facts of the case render the applicant unsuitable to work at the College.

## **Disqualification from acting as a charity trustee or senior manager.**

### **Background**

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 / Director of Finance and Operations and potentially other senior staff who report directly to the governors.

### **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. See [Appendix F](#).

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

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

### **Checks by the College**

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

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

### **Equal Opportunities Form**

Applicants are sent an Equal Opportunities questionnaire to complete once they have been offered the position at the College. The form is not used in any decision making and it is optional to complete. The form enables the College to monitor the effectiveness of the Equal Opportunities Policy. See [Appendix C](#) for the Equal Opportunities form.

### **Induction Programme**

All new employees will be given an induction programme which will clearly identify the College policies and procedures, including (at a minimum):

- Safeguarding Policy (including the identity and role of DSL and DDSL)
- Staff Code of Conduct
- Employee Handbook
- Behaviour Policy (Pupils)
- Missing Child Policy
- Bullying (anti bullying) Policy
- Whistleblowing Policy
- Acceptable use of technologies policy (AUP) - within Data Management Handbook
- E-Safety Policy (within Data Management Handbook)
- Employee Handbook
- Privacy Notice
- Part One of KCSIE (update September 2020) including Annex A for those that work with children.
- Fire Policy and Procedures
- Fire Evacuation Procedures
- Fire Risk Assessment
- Health and Safety Manual
- Health and Safety Handbook
- Health and Safety Manual – Science (where applicable)
- School Journey – Educational Visits policy
- (For Teacher) Teachers Induction Procedures

The Induction will make clear the expectations which will govern how staff carry out their roles and responsibilities.

### **Single Centralised Register (SCR) of Members of Staff**

In addition to the various staff records kept in College and on individual personnel files, a single centralised record of recruitment and vetting checks (known as the “SCR”) is kept in accordance with the Education (Independent School Standards) Regulations 2014 requirements. This is kept up-to-date and retained by the HR & Regulatory Compliance Manager. From September 2018, any leavers from the College will be removed from the SCR at the end of the academic year. The data will then be archived and retained until the next ISI inspection. The SCR will contain details of the following: -

- all employees who are employed to work at the College.
- all employees who are employed as supply staff to the College.
- all staff of contractors who are in College on a frequent basis (catering contract staff)
- all peripatetic music teachers working at the College.
- coaches (such as sports coaches and DofE mountain leaders) brought in by the College to work with pupils.
- volunteers who may be in regulated activity and for whom therefore checks have been completed.
- all Governors of the College

A designated Governor, Director of Finance and Operations or Head will be responsible for auditing the SCR and reporting his/her findings to the Safeguarding Committee termly.

### **Record Retention / Data Protection**

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

This documentation will be retained by the College for the duration of the successful applicant's employment with the College. All information retained on employees is kept centrally in the HR Office in a locked and secure cabinet.

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

In accordance with the Data Protection Act 2018, the College will retain the recruitment documentation on all unsuccessful applicants for a period of 12 months, after which time the notes will be confidentially destroyed.

### ***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 will confirm 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 will confirm that these checks have been completed before an individual can commence work at the College. The College will not accept an un-particularised ascertain from a contractor that they will 'check all staff'. The Contractor will need to specify details including names of their employees, checks and dates.

The College will independently verify the identity of staff supplied by contractors or an agency on their first day of working at the College.

Contractors who come on site only to carry out emergency repairs or service equipment and who are not expected to be left unsupervised on the College's premises do not need a DBS Disclosure.

### ***Visiting Speakers***

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 does not obtain a 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 usual visitors signing in protocol. This will include signing in and out at Reception, the wearing of a visitors' 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 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.

### **Governor - Safer recruitment checks**

The HR Manager at the College will obtain the following from the new potential governor before their appointment is confirmed:

1. an enhanced DBS certificate.
2. if the Governor will be undertaking a regulated activity, a barred list check.
3. evidence of their entitlement to work in the UK, where relevant.

4. confirmation that they are not disqualified from acting as a Charity Trustee or Company Director, for example by virtue of an undischarged bankruptcy; (See form in [appendix F](#))
5. evidence that the Governor has not been prohibited from participating in the management of independent schools.
6. a declaration that they are not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)”;
7. if the new Governor is also to be appointed as a Company Director, a completed Form AP01 (downloadable from <https://www.gov.uk/government/publications/appoint-a-director-ap01>) will be sent to Companies House to register the appointment.

All the paperwork is handled by the HR Manager except for the AP01 which is completed by the Finance Manager or Director of Finance and Operations.

### **Checks regarding the Proprietor and Chair of Governors**

If the Proprietor or Chairman of Governors, is to change, the College will ensure that the DfE obtains an enhanced criminal records check and checks both the individual’s identity and right to work in the UK before he or she takes up the appointment. Further overseas checks are required if the person lives or has lived outside the UK. The Chairman’s disclosure application has to be made by the DfE; the college cannot handle it as they would for all other Governors. So, even if a Governor, whom the school has already checked, becomes Chairman, the DfE has to make yet another check.

### **Data Protection**

The College will comply with its obligations under the relevant data protection legislation. Governors’ attention should be drawn to the College Privacy Notices and Data Protection Policy which sets out details of how the College will process Governors’ personal data.

### **Volunteers**

The College will request the following checks on all volunteers who are involved on a regular basis, undertaking regulated activity or accompanying children on an overnight trip:-

- Identity checks
- Enhanced DBS Disclosure
- Barred List check
- Qualifications, if applicable
- References
- An informal interview and confirmation of no contrary indications from the College community (where appropriate).

Appropriate Risk Assessments and/or additional supervision will be planned to ensure safety as necessary. The College will ensure that the details of these risk assessments for volunteers are recorded.

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

It is the College’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 College for three consecutive months or more. If the volunteer has signed up to the DBS Update Service, the College will obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates if the three-month period has elapsed.

Volunteers will be asked to complete a declaration that they are not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)”;

Volunteers or parents who accompany staff on one-off outings or trips and do not have unsupervised access to children will not need to be vetted.

### ***Peripatetic Music Teachers***

Peripatetic music teachers are not 'employees' of the College but they provide a service (music lessons) to some of the pupils of the College. These peripatetic teachers engaged by the College must complete the same checks that the College is required to complete for its staff. The College will confirm that these checks have been completed before peripatetic teachers commence work at the College.

### ***Host Families***

Host families may be used by the College to accommodate pupils on sports or language exchanges. When the arrangements are made directly between two families which accept responsibility, this will be considered a personal arrangement and is outside the scope of regulated activity. However, if a family is paid by the College, the arrangement to accommodate a child is not made by the pupil's family, or the College has the power to terminate the arrangement, it could constitute regulated activity. In this instance, a DBS check including a barred check will be obtained in respect of the responsible adult(s) and suitable records kept by the College. The College may conduct additional vetting checks as deemed appropriate. The College may also obtain enhanced DBS certificates for anyone aged 16 and over in the household where the pupil will be staying. Any risk assessments on volunteers will be recorded by the College.

Where the school (A) in the UK are hosted in homestays by another school (B) in the UK, school (B) would be the regulated activity provider with responsibility for the vetting checks.

The College would not be able to obtain checks on host families that may accommodate our pupils overseas, but the College will work with partner schools to ensure that appropriate assurances are obtained before a visit concerning the arrangements that will be in place.

Whether or not the hosting activity is regulated in the particular instance or formal vetting checks are necessitated, the College will take reasonable steps to safeguard its pupils participating, for example, ensuring that pupils are seen by a member of staff every day while away from home, have access to a mobile phone with signal or know who to contact and how, if they have concerns about their own safety. Parents and pupils will be provided with information about risk and protective measures in place to support their own decisions and actions.

The College will notify the LA of UK homestays for children under 16 (or under 18 if the child has disabilities) which last 28 days or more, as this may constitute private fostering under the Children Act 1989.

### ***Drivers***

Driving a vehicle just for children is regulated activity and if it is done frequently or regularly on behalf of the College, there are considerations that need to be made.

In regard to parental lifts for children:

#### **Is it arranged by parents?**

- If so, it would be a personal arrangement and, therefore outside of the legislation.

#### **Is it arranged by the College?**

- it may be regulated activity.

#### **Is the parent a volunteer?**

- If so, are they supervised (i.e. accompanied by another adult who is in regulated activity)? A supervised volunteer is not in regulated activity.

#### **Does the parent provide lifts frequently or regularly?**

- If the lifts are arranged by the College, frequently or regularly and the person is unsupervised, this is regulated activity.

Another example: taxis arranged by College – frequent or regular drivers who are alone with pupils are in regulated activity and will be fully checked, whether by the College or taxi service. In the latter case, they would confirm in writing to the College that the relevant checks have been done.

***Monitoring and Evaluation***

The Head, Director of Finance and Operations in partnership with the HR & Regulatory Compliance Manager will be responsible for ensuring that this policy is monitored and evaluated throughout the College.

## Appendix A



### Abbey Gate College Application Form

The College is legally required to carry out a number of pre-appointment checks which are detailed in the College Safer Recruitment Policy. The information you are being asked to provide in this form is required so that the College can comply with those legal obligations should your application be successful.

**Position applied for:**

**How did you hear about the vacancy?**

#### Section 1: Personal details

Title: Dr/Mr/Mrs/Miss/Ms	Forenames:	Surname:
Date of birth:	Former name:	Preferred name:
Teacher registration number (if applicable):	National Insurance number:	
Address:	Telephone number(s): Home: Work: Mobile:  Email address:	
Are you eligible for employment in the UK?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Please provide details:		
Do you have Qualified Teacher status?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you read the College's Safeguarding policy, found on the College website <a href="http://www.abbeygatecollege.co.uk">www.abbeygatecollege.co.uk</a> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

## Section 2: Sanctions, restrictions and prohibitions

Have you ever been referred to, or are you the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency (previously known as the National College for Teaching and Leadership (NCTL)), any equivalent body in the UK or a regulator of the teaching profession in any other country?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you ever been referred to the Department for Education, or are you the subject of a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts you from being involved in the management of an independent school?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you ever been the subject of a direction under section 142 of the Education Act 2002?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**If answering "Yes" to any of the questions in Section 2 please provide details on a separate sheet and send this in a sealed envelope marked "confidential" with your application form.**

## Section 3: Education

Please start with most recent

Name of school/college/university	Dates of attendance	Examinations									
		Subject	Result	Date	Awarding body						
	From: dd / mm / yy <table border="1" style="width: 100%; height: 20px; margin: 5px 0;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> </table> To: dd / mm / yy <table border="1" style="width: 100%; height: 20px; margin: 5px 0;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> </table>										
	From: dd / mm / yy <table border="1" style="width: 100%; height: 20px; margin: 5px 0;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> </table> To: dd / mm / yy <table border="1" style="width: 100%; height: 20px; margin: 5px 0;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%;"></td> <td style="width: 33%;"></td> </tr> </table>										



**Section 3: Education**

Please start with most recent

	From:				
	dd / mm / yy				
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**Section 4: Other vocational qualifications, skills or training**

Please provide details of any vocational qualifications or skills that you possess or training that you have received which you consider to be relevant to the role for which you have applied.

**Section 5: Employment**

Current / most recent employer:

Current / most recent employer's address:

Current / most recent job title:

Date started:

Date employment ended  
(if applicable):

Current salary / salary on leaving:

Do you / did you receive any employee benefits?

Yes

No

If so, please provide details of these:

Reason for seeking other employment:

Please state when you would be available to take up employment if offered:

**Section 6: Previous employment and / or activities since leaving secondary education**

Please continue on a separate sheet if necessary

Dates	Name and address of employer	Position held and / or duties	Reason for leaving			
From: dd / mm / yy <table border="1" data-bbox="284 510 359 577"> <tr> <td></td> <td></td> <td></td> </tr> </table>						
To: dd / mm / yy <table border="1" data-bbox="284 712 359 779"> <tr> <td></td> <td></td> <td></td> </tr> </table>						
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To: dd / mm / yy <table border="1" data-bbox="284 1122 359 1189"> <tr> <td></td> <td></td> <td></td> </tr> </table>						
From: dd / mm / yy <table border="1" data-bbox="284 1330 359 1397"> <tr> <td></td> <td></td> <td></td> </tr> </table>						
To: dd / mm / yy <table border="1" data-bbox="284 1532 359 1597"> <tr> <td></td> <td></td> <td></td> </tr> </table>						

**Section 7: Gaps in your employment**

If there are any gaps in your employment history, e.g. looking after children, sabbatical year, please give details and dates.

--

**Section 8: Interests**

Please give details of your interests, hobbies or skills - in particular any which could be of benefit to the School for the purposes of enriching its extracurricular activity.

**Section 9: Suitability**

Please give your reasons for applying for this post and say why you believe you are suitable for the position. Study the job description and person specification and describe any experience and skills you have gained in other jobs or similar environments which demonstrate your ability and aptitude to undertake the duties of the post. Continue on a separate sheet if necessary.

**Section 10: Criminal record**

The College applies for an Enhanced Disclosure from the Disclosure and Barring Service (**DBS**), including a Children's Barred List check for all positions at the college which amount to regulated activity. It is unlawful for the College 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 attempt to apply for a position at the College. If you are successful in your application you will be required to complete a DBS Disclosure Application Form. Employment with the College is conditional upon the College being satisfied with the result of the Enhanced DBS Disclosure. Any information disclosed will be handled in accordance with any guidance and / or code of practice published by the DBS.

The College is exempt from the Rehabilitation of Offenders Act 1974 and is therefore permitted to ask job applicants to declare all convictions and cautions (including those which would normally be considered "spent") in order to assess their suitability to work with children. **However, you 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 Appendix 1 to this form.** If you have a criminal record this will not automatically debar you from employment. Instead, each case will be assessed fairly by reference to the School's objective assessment procedure set out in the Colleges Safer Recruitment Policy.

It is a condition of your application that you answer the questions below. **Before doing so please read Appendix 1.**

Have you received a caution for, or been convicted of, any criminal offence whether in the United Kingdom or in another country? <b>You are not required to disclose a caution or conviction for an offence committed in the United Kingdom which is subject to the DBS filtering rules (see Appendix 1).</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is there any relevant court action pending against you?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If answering "YES" to any of the above, please provide details on a separate sheet and send this in a sealed envelope marked "confidential" with your application form.

### Section 11: References

Please supply the names and contact details of two people who we may contact for references. One of these must be your current or most recent employer. If your current / most recent employment does / did not involve work with children, then your second referee should be from your employer with whom you most recently worked with children. Neither referee should be a relative or someone known to you solely as a friend. The College intends to take up references on all shortlisted candidates before interview. The College reserves the right to take up references from any previous employer.

If the College receives a factual reference i.e. one which contains only limited information about you, additional references may be sought.

If you have previously worked overseas the College may take up references from your overseas employers.

The College may also telephone your referees in order to verify the reference they have provided.

Referee 1	Referee 2
Name:	Name:
Organisation:	Organisation:
Address:	Address:
Telephone number:	Telephone number:
Occupation:	Occupation:
May we contact prior to Interview? Yes <input type="checkbox"/> No <input type="checkbox"/>	May we contact prior to interview? Yes <input type="checkbox"/> No <input type="checkbox"/>

### Section 12: Recruitment

It is the College's policy to employ the best qualified personnel and to provide equal opportunity for the advancement of employees including promotion and training and not to discriminate against any person because of their race, colour, national or ethnic origin, sex, sexual orientation, marital or civil partnership status, religion or religious belief, disability or age. All new appointments are subject to a probationary period.

The College is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

A copy of the College Safer recruitment policy and Safeguarding Policy is available for download from the college's website. Please take the time to read them.

If your application is successful, the College will retain the information provided in this form (together with any attachments) on your personnel file. If your application is unsuccessful, all documentation relating to your application will normally be confidentially destroyed 12 months after the date on which you are notified of the outcome. Please refer to the College's retention of records policy within the Privacy notice for Employment for further detail on how such information is retained by the College.

#### How we use your information

Information on how the College uses personal data is set out in the College's Privacy Notices, which can be found at [www.abbeygatecollege.co.uk](http://www.abbeygatecollege.co.uk)

### Section 13: Declaration

- I confirm that the information I have given on this application form is true and correct to the best of my knowledge.
- I confirm that I am not named on the Children's Barred List or otherwise disqualified from working with children or subject to sanctions imposed by a regulatory body, whether of the UK or any other country.
- I confirm that I am not subject to a direction under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008.
- I understand that providing false information is an offence which could result in my application being rejected or (if the false information comes to light after my appointment) summary dismissal and may amount to a criminal offence.
- I confirm that, to the best of my knowledge, I am not disqualified from working in early years provision or later years provision with children under the age of eight.

Signed:

.....

Date:

.....

Where this form is submitted electronically and without signature, electronic receipt of this form by the College will be deemed equivalent to submission of a signed version and will constitute confirmation of the declaration at Section 13.

Please return this application form via email to [Rebecca.upton@abbeygatecollege.co.uk](mailto:Rebecca.upton@abbeygatecollege.co.uk)

## Appendix 1 Spent convictions and the DBS filtering rules

### Spent convictions

Sentence	Rehabilitation period (in all cases the period commences from the date of the conviction)	
	Aged over 18 at the time of the conviction	Aged under 18 at the time of the conviction
<ul style="list-style-type: none"> <li>• Prison sentence of more than 4 years</li> <li>• Sentence of imprisonment, youth custody, detention in a young offender institution or corrective training of over four years</li> <li>• Sentence of preventive detention</li> <li>• Sentence of detention at Her Majesty's Pleasure</li> <li>• Sentence of custody for life</li> <li>• Public protection sentences* (imprisonment for public protection, detention for public protection, extended sentences of imprisonment or detention for public protection and extended determinate sentences for dangerous offenders)</li> <li>• A public protection sentence (the provisions for which are set out in Part 12 of the Criminal Justice Act 2003 and Part 8 of the Armed Forces Act 2006 means a sentence of imprisonment or detention, as detailed above, imposed for specified sexual and violent offences.</li> </ul>	Never	Never
Prison sentence of more than 30 months but less than or equal to 4 years	Length of sentence + 7 years	Length of sentence + 3.5 years
Prison sentence, or sentence of detention, of more than 6 months but less than or equal to 30 months	Length of sentence + 4 years	Length of sentence + 2 years
Prison sentence, or sentence of detention, of less than or equal to 6 months	Length of sentence + 2 years	Length of sentence + 18 months
Removal from HM Service	1 year	6 months
Service detention	1 year	6 months
Community order or youth rehabilitation order	1 year	6 months
Fine	1 year	6 months



Compensation order	Once paid in full	Once paid in full
Absolute discharge	Spent immediately	Spent immediately
Driving disqualification	End of the disqualification	End of the disqualification
Driving endorsement	5 years from the date of conviction	30 months from the date of conviction
Relevant order (include conditional discharge orders, restraining orders, hospital orders, bind overs, referral orders, care orders and any order imposing a disqualification, disability, prohibition or other penalty not mentioned in this table)	End of the order or, if no date given, 2 years from the date of conviction - unless the order states 'unlimited', 'indefinitely' or 'until further order' as in these cases it will remain unspent	End of the order or, if no date given, 2 years from the date of conviction - unless the order states 'unlimited', 'indefinitely' or 'until further order' as in these cases it will remain unspent
Simple caution, youth caution	Spent immediately	Spent immediately
Conditional cautions youth conditional caution	3 months or when caution ceases to have effect if earlier	3 months or when caution ceases to have effect if earlier

### Filtering rules

Certain spent convictions and cautions are considered 'protected' and the DBS filtering rules mean that they are not included in a DBS certificate. Job applicants are not required to disclose protected convictions or cautions. If a protected conviction or caution is inadvertently disclosed the School will disregard that information when making a recruitment decision.

You are therefore not required to disclose information about a spent criminal conviction imposed for an offence committed in the United Kingdom if you were over 18 years of age at the time of the offence and:

- 11 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".

You are not required to disclose information about a spent caution issued for an offence committed in the United Kingdom if you were over 18 years of age at the time of the offence and:

- six years have elapsed since the date it was issued; and

- it was not issued for a "specified offence".

You are not required to disclose information about a spent criminal conviction imposed for an offence in the United Kingdom if you were under 18 years of age at the time of the offence and:

- 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".

You are not required to disclose information about a caution issued for an offence committed in the United Kingdom if you were under 18 years of age at the time of the offence.

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>

## **Appendix 2 - Childcare Disqualification requirement.**

In addition to the Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009 updated 2018 (the Regulations), it is an offence for the College to employ anyone in connection with our Early Years provision for education or childcare, or Later Years (children up to aged 8) provision for childcare who is disqualified. It is a criminal offence for a disqualified person to provide early or later year's provisions as described above, or to be directly concerned in its management.

The criteria for which a person will be disqualified from working in connection with early or later year's provision are set out in the Regulations. They include:

- being barred from working with children (by inclusion on the Children's Barred List);
- having been cautioned for, or convicted of, certain violent and sexual criminal offences against children and adults;
- various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- having been convicted or cautioned for any offence involving the death or injury to a child.

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 Appendix 1). A person who discloses information which appears to disqualify them from working in early or later year's provision may apply to Ofsted for a waiver of the disqualification. However, the school cannot appoint any person who is currently disqualified.



Abbey Gate College

## Childcare Disqualification Requirements - Self-Declaration Form Explanatory Note

Given that your role involves providing care for pupils under 8, we need to draw your attention to the requirements of the Childcare Act 2006 (the **Act**) and the Childcare (Disqualification) Regulations 2009 (the **Regulations**) updated 2018 and the related DfE Statutory Guidance.

**It is a criminal offence for a school to employ a person to work in connection with early or later years provision who is disqualified from doing so under the Regulations. It is also an offence for a disqualified person to provide early or later years provision or to be directly concerned in its management.**

In order that we can discharge our legal obligations please answer all of the questions below and then sign and date the declaration at the end of this form.

***Should you have any queries about any of the information required or if you wish to discuss any aspects of this further please do contact The College's Designated Safeguarding Lead (DSL) on a confidential basis.***

### **What information do you need to disclose?**

The criteria for which a person will be disqualified from working in connection with early or later years provision are set out in the Regulations. They include;

- being barred from working with children (by inclusion on the Children's Barred List);
- having been cautioned for, or convicted of, certain violent and sexual criminal offences against children and adults;
- various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- having been convicted or cautioned for any offence involving the death or injury to a child.

We have on the form set out the main categories of disqualification. However, should you like further detail about the nature of matters that are covered please see Table A of the DfE Guidance or contact the HR Manager on a confidential basis.

### **Spent and Filtered convictions**

Due to the nature of your work at the school you are obliged to disclose details of all relevant convictions including those which are defined as "spent" under the Rehabilitation of Offenders Act

1974 (Exceptions) Order 1975 (2013 and 2020), together with details of any relevant cautions, reprimands or warnings issued from 6 April 2007.

For the avoidance of doubt the School is not asking you to obtain criminal records information about you from the Disclosure and Barring Service. We are asking you to complete the enclosed form to the best of your knowledge only.

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website

### **Confidentiality and Data Protection**

All information which is disclosed will be stored securely and will be confidential. It will only be disclosed to specified members of the School's leadership team and our professional advisers in order to satisfy ourselves that you are not disqualified under the Regulations. Although we will retain part 2 of this form on your personnel file the remainder of the form will only be retained for as long as is necessary and will be confidentially destroyed once the disqualification checks have been completed and noted on the School's [single central register]. Where information disclosed requires Ofsted notification (see below) then information will be retained until the conclusion of this process. It will then be destroyed.

Where irrelevant information is provided the School will shred this as soon as possible.

### **Ofsted**

Should you disclose information which appears to disqualify you from working in early or later years provision then we are required to notify Ofsted. There may be the option of applying to Ofsted for a waiver of the disqualification.

The School's aim is to help staff through this process and also to ensure that an offence is not committed by staff or the School. The School cannot apply for the waiver however, it is a matter for you as an individual but we will seek to support you confidentially during this process. Please do complete the form and do speak to us confidentially about any concerns you may have. **Guidance from Ofsted is available at <https://www.gov.uk/government/publications/applying-to-waive-disqualification-early-years-and-childcare-providers>**



Abbey Gate College

**Disqualification - Self-Declaration form**

<b>PART 1</b>		
Name.....		
Position.....		
<p>Please circle either Yes or No for each question on this form.          When responding please disclose information relating to offences in the UK but also any equivalent offence overseas.</p> <p>If you circle Yes to any question then please provide the following information in writing:</p> <ol style="list-style-type: none"> <li>1 Details of the order, restriction, conviction or caution and the date that this was made;</li> <li>2 The relevant court or body and the sentence, if any, which was imposed; and</li> <li>3 Provide a copy of the relevant order or conviction.</li> </ol>		
<b>Offences</b>		
<b>To the best of your knowledge have you;</b>		
Ever been barred from working with children.	Yes	No
Been convicted of a violent offence against an adult.	Yes	No
From 6 April 2007 been cautioned, subject to a court order, bound over, received a reprimand or warning for a violent offence against an adult.	Yes	No
Been convicted of a sexual offence against an adult.	Yes	No
From 6 April 2007 been cautioned, subject to a court order, bound over, received a reprimand or warning for a sexual offence against an adult.	Yes	No
Been convicted of a violent offence against a child.	Yes	No
Been convicted for any offence involving death or injury to a child.	Yes	No
From 6 April 2007 been cautioned, subject to a court order, bound over, received a reprimand or warning for a violent offence against a child.	Yes	No
Been convicted of a sexual offence against a child.	Yes	No
From 6 April 2007 been cautioned, subject to a court order, bound over, received a reprimand or warning for a sexual offence against a child.	Yes	No
<b>Orders relating to the care of children</b>		
Has an order ever been made relating to a child in your care?	Yes	No
Have your children ever been the subject of a child protection order?	Yes	No

Have you ever been refused an application for registration of a children's home or had any such registration cancelled?	Yes	No
Have you ever been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), been disqualified from any such registration or had that registration cancelled?	Yes	No
Have you ever been prohibited, restricted or disqualified from private fostering?	Yes	No



Abbey Gate College

## Disqualification - Self-Declaration form

### **PART 2**

#### **Declaration**

I confirm that I have completed this form to the best of my knowledge and that I have not knowingly withheld any relevant information. I understand that a failure to disclose relevant information now, or the providing of false information, may result in the termination of my employment (or the withdrawal of an offer of employment). I understand that knowingly working in early or later years provision whilst disqualified is a criminal offence.

I understand that I am under an on-going duty to disclose to the School any change in my circumstances which results in my being disqualified from working in early or later years provision or in a school setting.

I consent to the School retaining Part 1 of this Self-Declaration Form, and any other relevant information disclosed, for as long as is reasonably necessary for the School to establish and document that I am not disqualified under the Regulations. After that period I understand that the School will securely shred Part 1 of this form.

I also consent to the School retaining Part 2 of this form on my confidential personnel file for the duration of my employment so that the School may evidence at inspection that it has complied with its statutory obligations in this respect.

I understand that the School has a duty to disclose any relevant information provided to Ofsted and I consent to Abbey Gate College disclosing this information.

**Signature** .....

**Name:** .....

**Position**.....

**Date** .....

## Appendix C

### EQUAL OPPORTUNITIES MONITORING FORM (Optional)

This form is not used in any decision making. You do not have to complete this form but doing so enables us to monitor the effectiveness of our Equal Opportunities Policy. We recognise the benefits of a diverse workforce. We are committed to treating all employees with dignity and respect regardless of race, ethnic background, nationality, colour, gender, trans-gender status, pregnancy, disability, age, sexual orientation, religion or belief. We therefore welcome applications from all segments of the community.

If you are disabled completing this form enables us to identify any reasonable adjustments you may need for the interview or role you have applied for.

Please state which job you have applied for and the date of your application.

Job applied for:..... Date of application:.....

1. What is your gender (please tick)?

Male  Female  Do not wish to declare

2. Is your present gender the same as your birth (please tick)?

Yes  No  Do not wish to declare

3. What is your nationality and/or ethnicity (please tick)?

<b>A</b> <b>White:</b>		<b>B</b> <b>Black / African/ Caribbean or Black British:</b>		<b>C</b> <b>Other Ethnic Group</b>	
British – English /Welsh/Scottish, Northern Irish	<input type="checkbox"/>	Caribbean	<input type="checkbox"/>	Arab	<input type="checkbox"/>
Irish	<input type="checkbox"/>	African	<input type="checkbox"/>	Any other ethnic group	<input type="checkbox"/>
Any other white background	<input type="checkbox"/>	Any other Black/ African/Caribbean background	<input type="checkbox"/>		
<b>D</b> <b>Mixed /multiple Ethnic Groups :</b>		<b>E</b> <b>Asian / Asian British:</b>		<b>F</b> <b>Do Not Wish to Declare</b>	<input type="checkbox"/>



White and Black Caribbean	<input type="checkbox"/>	Indian	<input type="checkbox"/>		
White and Black African	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>		
White and Asian	<input type="checkbox"/>	Bangladeshi	<input type="checkbox"/>		
Any other mixed background	<input type="checkbox"/>	Chinese	<input type="checkbox"/>		
		Any other Asian background	<input type="checkbox"/>		

4. What is your age range (please tick)?

16-17	<input type="checkbox"/>	18-21	<input type="checkbox"/>	21-29	<input type="checkbox"/>	30-39	<input type="checkbox"/>
40-49	<input type="checkbox"/>	50-59	<input type="checkbox"/>	60 or over	<input type="checkbox"/>	Do not wish to declare	<input type="checkbox"/>

5. What is your sexual orientation (please tick)?

Heterosexual	<input type="checkbox"/>	Bisexual	<input type="checkbox"/>	Lesbian	<input type="checkbox"/>
Gay	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>		

6. What is your religious or belief system (please tick)?

Buddhist	<input type="checkbox"/>	Christian	<input type="checkbox"/>	Hindu	<input type="checkbox"/>
Jewish	<input type="checkbox"/>	Muslim	<input type="checkbox"/>	Sikh	<input type="checkbox"/>
No Religion	<input type="checkbox"/>	Other	<input type="checkbox"/>	Do not wish to declare	<input type="checkbox"/>

## Appendix D



Abbey Gate College

### Recruitment Checklist

Event	Notes	Date Completed
<b>Planning</b>	Timescales Person specification/Job Description including expectation to follow all safeguarding procedures Application Form (state no CVs accepted) Include commitment to safeguarding on all recruitment materials, including website Applicant Pack created, including safeguarding information Statement that DBS/other vetting checks will be completed	
<b>Vacancy Advertised</b>	Ensure no phrases used could be perceived as discriminatory.	
<b>Applications received</b>	Scrutiny of dates, gaps, discrepancies and link to Person Spec./JDs	
<b>Short-listing</b>	At least two people involved Judged against standard criteria used in job description/person specification	
<b>References requested</b>	Request directly from appropriate referee Ask specific safeguarding questions	
<b>References received</b>	Scrutinised against information given on application form Note issues of concern to be followed up at interview or with referee. Ensure a min of two references received including one from most recent employer and where worked with children.	
<b>Invitation to interview sent out</b>	Include full instructions for the day, including request to bring along proof(s) of identity, evidence of qualifications and right to work in UK. For teachers, proof of QTS.	
<b>Interview day - applicants</b>	Copies of documents taken and any issues noted and shared with interview panel for clarification. Any lack of documents queried and panel agree whether to interview or not.	
<b>Interview day – panel</b>	Panel must include at least one person who has completed Safer Recruitment training Panel must include people who are authorised to appoint staff Panel to have met prior to interviewing and have discussed the questions and assessment criteria The same people interview every candidate	

<b>Interview</b>	Check any discrepancies in application form/ references/ identity/qualification evidence Check suitability to work with children Explore safeguarding/child protection understanding Record made of questions/answers	
<b>Conditional offer of employment made</b>	Made clear to successful applicant that the offer of employment is conditional on successful vetting and other per-employment checks (e.g. medical) (and for non-teaching posts, a probationary period)	
<b>Records of Interview information filed</b>	For unsuccessful candidates - kept from date of appointment of successful candidate plus 12 months (include name of interviewers with safer recruitment training) For successful candidate – placed in personnel file and kept until termination of employment (in line with data protection timescales for retention of documents) Evidence of Right to work in UK – kept until termination of employment plus not less than two years Copies of DBS Certificates – must not be on file but a record of the certificate number and when original seen. Copies of other evidence may be kept on file until termination of employment plus retention period as per data protection retention period stated in Data Management Handbook.	
<b>Enhanced DBS form completed and sent off</b>	For all staff and governors.	
<b>DBS Barred List requested</b>	For staff or governors in regulated activity only.	
<b>Health Form completed and requested</b>		
<b>Prohibition from teaching check completed</b>	Using Teacher Services	
<b>Prohibition from management check</b>	Known as Section 128 check and completed via Teacher Services	
<b>Disqualification check</b>	Self-declaration	
<b>Charity automatic disqualification check</b>	Self declaration for Governors, Head and Director of Finance and Operations	
<b>QTS Check for teachers</b>	Confirmation of qualified teacher status, including confirmation that where relevant the probationary period has been completed. Confirmation statutory induction completed.	

	Checked via Teacher Services	
<b>Overseas Checks</b>	<p>Not prohibited or restricted from teaching by another EU country. Completed via Teacher Services up until 31 December 2020. <b><i>For an EEA teaching candidate from January 2021:</i></b> The candidate will provide proof of his/her past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which s/he has worked.</p> <p>Police check/Certificate of Good Conduct obtained according to policy  For overseas trained teachers, letter that NARIC has agreed equivalence of qualification with UK standards</p>	
<b>Single Central Record</b>	All relevant checks recorded on the Single Central Record	
<b>Induction completed</b>	<p>Including:  Safeguarding Training  Code of Conduct  Read 'Keeping children safe in education'  See list of other policies in induction in Safer Recruitment Policy</p>	

## Appendix E

### Appendix 2 List of valid identity documents

#### Group 1: primary identity documents

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

#### Group 2a: trusted government documents

- current driving licence photocard - full or provisional (all countries outside the EEA excluding Isle of Man and Channel Islands)
- current driving licence paper version (UK / Isle of Man / Channel Islands and EEA; full or provisional)
- birth certificate - issued after time of birth (UK, Isle of Man and Channel Islands)
- marriage / civil partnership certificate (UK and Channel Islands)
- immigration document, visa or work permit (issued by a country outside the EEA. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non-EEA country in which the role is based)
- HM Forces ID card (UK)
- fire arms licence (UK, Channel Islands and Isle of Man)

**All driving licences must be valid.**

### **Group 2b: Financial and social history documents**

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

### **Note**

If a document in the list of valid identity documents is:  
denoted with \* - it should be less than three months old  
denoted with \*\* - it should be less than 12 months old

## Appendix F



### Abbey Gate College

#### Charity Automatic Disqualification Declaration Form

Governor/ Head/ Director of Finance and Operations declaration

This form should be completed by Governors of the College, prospective Governors of the College and any employees of the College that report directly into the Governors this includes the Head and Director of Finance and Operations.

This form is to be completed for the following reasons;

- Charities to satisfy themselves that individuals who hold (or who are applying for) a trustee position are not disqualified from holding that position. Charities can ask the individual to complete this declaration alongside the existing Safer recruitment checks if they have not already done so.
- Individuals who hold, or are applying for, a trustee position, to declare that they are not disqualified from holding that position.
- charities to make sure that individuals who hold (or who are applying for) a senior manager position are not disqualified from holding that position - charities can ask the individual to complete this declaration alongside any other pre-employment checks.
- individuals who hold, or are applying for, a senior manager position, to declare that they will not be disqualified from holding that position.

Charities must make sure any declaration forms are handled and processed in accordance with duties under the General Data Protection Regulation (GDPR).

Individuals are automatically disqualified from acting as a trustee of a charity if:

- one or more of the reasons in **Annex A** apply; and
- they have not obtained a waiver of that disqualification from the Charity Commission.

Completing the declaration

- Read the automatic disqualification guidance below to decide if you are disqualified
- Complete and sign this declaration to confirm that you are not disqualified.

If one of the disqualification reasons does apply, you may be able to [apply for a waiver from the Charity Commission<sup>1</sup>](#) which will allow you to act as a trustee. More information can be found at [www.gov.uk/guidance/automatic-disqualification-rule-changes-guidance-for-charities](http://www.gov.uk/guidance/automatic-disqualification-rule-changes-guidance-for-charities)

**Please complete this declaration and return to HR & Compliance Manager for the College records (the declaration should not be sent to the Charity Commission).**

#### Declaration

I declare that:

- I am not disqualified from acting as a Governor; or Senior manager (Head/Director of Finance and Operations) of the College
- I will inform the Chair of Governors promptly if, after the date of this declaration, one or more of the disqualification reasons applies to me.

Full Name:

Signature:

Date:

## **Annex A – Disqualification Reasons**

You are automatically disqualified from acting as a trustee if:

1. You have an **unspent** conviction for any of the following
  - a) an offence involving **deception or dishonesty**
  - b) a **terrorism** offence
    - a. to which Part 4 of the Counter-Terrorism Act 2008 applies
    - b. under sections 13 or 19 of the Terrorism Act 2000
  - c) a **money laundering** offence within the meaning of section 415 of the Proceeds of Crime Act 2002
  - d) a **bribery** offence under sections 1, 2, 6 or 7 of the Bribery Act 2010
  - e) an offence of **contravening a Commission Order or Direction** under section 77 of the Charities Act 2011
  - f) an offence of **misconduct in public office, perjury or perverting the course of justice** yes/no
  - g) In relation to the above offences, an offence of: attempt, conspiracy, or incitement to commit the offence; aiding, or abetting, counselling or procuring the commission of the offence; or, under Part 2 of the Serious Crime Act 2007(encouraging or assisting)in relation to the offence
2. You are **on the sex offenders register** (i.e.. subject to notification requirements of Part 2 of the Sexual Offences Act 2003)
3. You have an unspent sanction for **contempt of court** for making, or causing to be made, a false statement or for making , or causing to be made, a false statement in a document verified by a statement of truth
4. You have been found guilty of **disobedience to an order or direction of the Commission** under section 336(1) of the Charities Act 2011.
5. You are a **designated person** for the purposes of Part 1 of the Terrorist Asset-Freezing etc. Act 2010, or the Al Qaida (Asset Freezing) Regulations 2011.
6. You have **previously been removed as an officer, agent or employee of a charity** by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
7. You have **previously been removed as a trustee** of a charity by the Charity Commission, the Scottish charity regulator, or the High Court due to misconduct or mismanagement
8. You have been **removed from management or control of anybody** under section s34(5)(e) of the Charities and Trustee Investment (**Scotland**) Act 2005 (or earlier legislation)
9. You are **disqualified from being a company director**, or have given a disqualification undertaking, and leave has not been granted (as described in section 180 of the Charities Act) for you to act as director of the charity
10. You are **currently declared bankrupt** (or subject to bankruptcy restrictions or an interim order)
11. You **have an individual voluntary arrangement** (IVA) to pay off debts with creditors



12. You are **subject to** a moratorium period under a **debt relief order**, or a debt relief restrictions order, or an interim order
13. You are subject to an order made under s.429(2) of the Insolvency Act 1986. (**Failure to pay under a County Court Administration Order.**)

This form will be reviewed in line with the Safer Recruitment Policy.