

Plumtree School
Safeguarding Children – Safer Recruitment
Policy and Procedures

Legal Status:

- Part 4 of the Education (Independent School Standards Compliance Record) (England) (Amendment) Regulations, with reference to the appointment of the Proprietor, all staff, external providers and volunteers inclusive of completion of the Single Central Record (otherwise referred to as the Centralised Register);
- The Equality Act 2010 along with further implementation and amendments as they occur.
- This policy is consistent with the requirements of *Working Together to Safeguard Children* (WTSC) (HM Government: 2018; updated 2024)
- This document has regard to *Keeping Children Safe in Education Statutory guidance for schools and colleges* (KCSIE) (DfE, September 2023) and *Working Together to Safeguard Children* (WTSC) (HM Government: 2018; updated 2024), along with the Disclosure and Barring Service (DBS) Code of Conduct.
- The Children Act 1989 and 2004, Section 157/175, Education Act (2002)
- Teachers' Standards (Guidance for school leaders, school staff and governing bodies)
- The school complies with Section 3(2) and Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

Applies to:

- Whole School including all other activities provided by the school, inclusive of those outside of the normal school hours;
- all staff (teaching and support staff), students on placement, the proprietor and volunteers working in the school.

Related Documents:

- Appendix A: Assessing suitability to work with children
- Appendix B: Example Safeguarding Questions
- Appendix C: Interview Planning and Assessment Pro-forma
- Appendix D: Recruitment of Ex-offenders
- Appendix E: Reference Request Form
- Appendix F: Safer Recruitment Manual
- Appendix G: Shortlisting Pro-forma
- All Safeguarding Policies and Procedures, Single Equalities Policy , Whistleblowing Policy
- Independent School Governor's Handbook 2012 (2nd Edition)
- Induction of New Staff Policy

Availability

This policy is made available to parents and on the staff shared drive and on request a copy may be obtained from the School Office

Monitoring and Review:

- This policy will be subject to continuous monitoring, refinement and audit by the Headteacher.
- The Proprietor undertakes a formal review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than one year from the date shown below, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

Signed:

Date: April 2024

Phil Simpson
Headteacher

Plumtree School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. It is our aim that all students fulfil their potential

Introduction

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

Our School fully recognises its responsibilities with regard to safer recruitment. We therefore comply with the detailed provisions concerning the safeguarding of children and safer recruitment in education. This includes the necessity for our Proprietor to ensure that our School operates a safe recruitment procedure that is compliant with the current *Independent School Standards Regulations*. The health, safety and welfare of all our children are of paramount importance to all the adults who work in our School. Plumtree School apply this recruitment and selection procedure and the measures described herein will be applied to everyone who has sole care or comes into contact with children for any length of time. We recognise that a school in which child protection measures are not visible is likely to be perceived as a softer target by those likely to harm young people.

Aims

These are:

- to help deter, reject and identify people whether they are paid staff, volunteers or contractors, who might be unsuitable to work with children by having thorough recruitment procedures and pre-employment vetting for appointing all staff;
- to operate such procedures consistently and thoroughly whilst obtaining, collating, analysing and evaluating information from and about applicants and
- to seek to ensure an ongoing safe and secure environment for children by ensuring all staff are suitably trained in recognising and responding to signs of abuse.

Employment and Safer Recruitment

Our School therefore follows the Government's recommendations for the safer recruitment and employment of staff that work with children. All members of the teaching and non-teaching staff at our School, including part-time staff, temporary and supply staff, volunteers and visiting staff, such as musicians and sports coaches, are checked in accordance with the full requirements of the *Disclosure and Barring Service (DBS)* and the *Centralised record (Single Central Register)* before starting work. Contractors working regularly during term-time are also vetted. We require the Chair of the interview panel to have completed and remained up to date with a safer recruitment training and assessment in the last 3 years. This is completed online through the NSPCC.

Our safer recruitment practice includes those persons who may not have direct contact with young people but because of their presence will still be seen as safe and trustworthy e.g. volunteers, support staff. We understand that it is an offence under the Disclosure and Barring Service legislation to knowingly employ (or take on as a volunteer), in a DBS regulated activity, someone who is barred from such activity. We will do all we can to ensure that all those working with children in our School are suitable people. This involves scrutinising applicants, verifying their identity, checking their employment history and qualifications and obtaining independent professional and character references that answer specific questions to help assess their suitability to working with children. To ensure a consistent and thorough process of safe recruitment in order to ensure that those recruited are suitable we follow the DfE guidance concerning safeguarding children and safer recruitment in education.

It is our policy in employing staff or volunteers to work with children to adopt a consistent and thorough process of safe recruitment, in order to ensure that those recruited are suitable. We comply with the criteria set by the Local Safeguarding Children's Board (LSCB), which includes complying with relevant government guidance, examples of good practice guidance, and model policies and procedures where needed. Our safe recruitment practice also includes those persons who may not have direct contact with children, but because of their presence will still be seen as safe and trustworthy. The principles of safe recruitment are included in the terms of any

contract drawn up between ourselves and the contractors or agencies that provide services for us. Compliance is monitored and sub-contracting by the provider is not permitted.

Retention and Security of Disclosure Information

Disclosure information and other confidential documents issued by the DBS are securely stored, with access only permitted to persons designated by the proprietor for this purpose. The school will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken. Such information is destroyed by suitably secure means such as shredding and photocopying or scanning of any disclosure information is not allowed.

Advertising

Our adverts feature a safeguarding statement. Additionally we stress that the identity of the candidate, if successful, will need to be checked thoroughly. On all Advertising regarding employment, it will carry the following wording: **'Plumtree School is totally committed to safeguarding the welfare of children and young people and expects the same from its employees. All new staff will be subject to enhanced DBS clearance, identity checks, qualification checks and employment checks to include an exploration of any gaps within employment, two satisfactory references and registration with the Disclosure and Barring Service (DBS).'**

Our School will make an assessment of each post (and potential vacancies) that include details of the post's responsibilities, the degree of (un)supervised access to the children and the key skills required. The information our School provides to candidates explains that the post is exempt from the Rehabilitation of Offenders Act 1974. Plus, in line with the Disclosure and Barring Service (DBS) code of practice, it also explains the employer's policy on the employment of ex-offenders.

When reviewing applications we know it is important to record objective evidence about the extent to which each candidate meets the criteria. Our School has at least two people involved in the process of scrutinising applications and shortlisting candidates. **A shortlisting pro-forma is used to assist in extracting the relevant information about prospective candidates (See Appendix G).** If the candidate makes a self-disclosure on the Application Form our School will compare the information to the DBS records if the candidate is appointed.

Recruitment Procedures

At each stage of our recruitment process we are mindful of the need to protect and safeguard children and to ensure that their welfare is promoted at all times. There is a thorough and consistent process of obtaining, collating, analysing and evaluating information about applicants and in order to ensure safe recruitment, our School will ensure that through safer recruitment advertising and pre-interview information, it will be made clear the school's commitment to safeguarding and promoting the welfare of children. We will make available:

- Safeguarding Policy;
- school prospectus; **(or refer applicants to the school website, which contains the same information)**
- job description;
- person specification;
- recruitment Process; **shortlisting is taking place**
- application form (revised in light of changes to the DBS) indicating that our School is a 'Safer Recruitment' employer and
- covering letter that stresses the need to complete an Application Form and stating that CVs will not be accepted as a **final** application but may be sent in addition.

If a candidate's application is considered to be fraudulent or contains false information, our School will report the matter without delay to the Secretary of State via the DfE and also the police as appropriate.

Staff and volunteers joining the School on a permanent or temporary basis will be given a copy of this policy. We require all adults employed in school to complete the school application form which requests comprehensive dates of an applicant's training and employment history to enable our School to identify any gaps in training and employment to alert the interview panel. Any gaps will be recorded by the panel giving a satisfactory explanation for those gaps. The application form will ask candidates if they wish to declare anything in light of the requirement for a DBS disclosure. The application form will also ask for details of attendance in previous employment. With reference to the application process, our School has the following procedures in place:

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- We ensure that the job description makes reference to the responsibility for safeguarding and promoting the welfare of children and young people.
- We ensure that the person specification includes specific reference to suitability to work with children.
- We obtain and scrutinise comprehensive information from applicants taking up and satisfactorily resolving any discrepancies or anomalies that are identified.
- We obtain two independent professional and character written references pre interview, including 'Safer Recruitment' questions that ask specific questions to help assess an applicant's suitability to work with children. Information from references should be compared with information on the application form to ensure that the information provided is consistent and any concerns identified will be followed up. **Telephone verification will be sought that the referee has actually completed the reference.**

The school short lists applicants checking for the following and exploring further at interview:

- Gaps in employment.
- Reasons for repeated and regular changes in employment.
- Anomalies or discrepancies in information contained within the application.
- Anomalies or discrepancies between information contained in references and the application.

All candidates are assessed equally against the criteria in the person specification or role profile without exception.

- As part of our short-listing process we will carry out an online search as part of due diligence on the short listed candidates.

Interviews

Candidates will be invited to interview using a 'Safer Recruitment' letter outlining arrangements for the day and will be asked to provide the following original documents at interview – proof of identity eg driving licence or birth certificate plus a valid passport, certificates or diplomas confirming education qualifications, qualified teacher status or qualifications appropriate for the position, where appropriate any documentation, giving evidence of change of name. We ask candidates whether they require any reasonable adjustments in order to attend the interview. Verification will be sought of a candidate's right to work in the UK and copies of the successful candidate's passport and documentation as outlined above will be taken and retained on the person's file.

We conduct a face to face panel interview to explore the candidate's suitability to work with children as well as his/her suitability for the position being recruited. The panel will consist of at least 2 and preferably 3 members of staff including one who has been trained in safer recruitment and a second who has the authority to make the decision on the appointment. A consensus about the required standards for the post will be reached and issues considered and explored in interview in line with the agreed assessment criteria. The panel will assess the candidate's attitude towards children and young people and his/her ability to support the safeguarding policies of our School. Questions relating to child protection and safeguarding children will be asked in every interview for paid staff and volunteers prior to an offer of appointment. We will not ask questions regarding health at the interview. A successful candidate is then required to complete an external occupational health questionnaire.

Interview notes will be made and copies retained on the Personnel files. For teaching positions, the candidate will be observed in taught lessons wherever possible and notes kept of the outcome of the observation. Verification of the successful candidate's identity from all scrutiny previously undertaken will occur and details entered on the Single Central Register (Centralised Register) and our staff employment checklist related to:

- character/professional references;
- original copies of qualifications seen and photocopied to confirm that the successful candidate has all the academic or vocational qualifications claimed;
- the place of residence and identity of successful candidate including name, address and date of birth by checking birth certificate together with two utility bills less than 3 months old (Refer to Valid Identity Documents referred to in 'An applicant's guide to completing the DBS Application Form')
- the successful candidate having the right to work in the UK along with a clearly traceable employment history and experience

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Our form also requests more detailed information regarding teaching experience, details of special areas of teaching interest, details of relevant training undertaken recently (e.g. First Aid course), details of referees, declaration of full criminal record, declaration of any family of close relationship to existing employees or employers and a declaration that all information is true and accurate. For unsuccessful candidates, copies should be retained along with their interview notes for one year.

Ensuring questions do not compromise equality legislation

Asking questions regarding health and disability are not normally prohibited under the Equality Act 2010. However it is important that interview candidates are provided with the opportunity to share any information about their health and/or disability that may impact on the nature of the work and/or work environment at the earliest stage (if they wish to disclose such information) so that pragmatic discussions can take place at an early stage. Interview candidates also need to be clearly aware of the exact nature of the role and in particular are able to manage, with the relevant risk assessments and control measures in place, the hazards associated with the role.

All candidates will be asked:

- Are there any adjustments to this role or particular aids that may be needed to enable you to perform this role effectively?

Where there are particular risks associated with the role, the candidate are asked questions in line with the job hazard form. Some examples are provided below:

- This role requires the post-holder to perform, on a regular basis, manual handling activities, including weights up to 15kg. Are you able to fulfil this aspect of the role requirement?
- This role has high potential to require physical behaviour interventions. Are you able to fulfil this aspect of the role requirement?

Medical fitness

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

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. If an applicant prefers to discuss this with the School instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the Head Teacher so that appropriate arrangements can be made. The School is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence, considering reasonable adjustments and suitable alternative employment.

Fitness to Teach Criteria (from DoH publication 'Fitness to Teach')

To be able to undertake teaching duties safely and effectively, it is essential that individual teachers:

- Have the health and wellbeing necessary to deal with the specific types of teaching and associated duties (adjusted, as appropriate) in which they are engaged;
- Are able to communicate effectively with children, parents and colleagues;
- Possess sound judgement and insight;
- Remain alert at all times;
- Can respond to pupils' needs rapidly and effectively;
- Are able to manage classes;

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- Do not constitute any risk to health, safety or wellbeing of children;
- Can, where disabilities exist, be enabled by reasonable adjustments to meet these criteria.

Support Staff

To be able to undertake support duties safely and effectively, it is essential that individual support employees:

- Have ability to deal with the specific job role for which they are engaged;
- Are able to communicate adequately;
- Possess sound judgement and insight to a level required by the post;
- Remain alert at all times;
- Can, if appropriate, respond to pupils' needs rapidly and effectively;
- Are able, if appropriate, to cover a class;
- Do not constitute any risk to the health, safety or wellbeing of children;
- Can, where disabilities exist, be enabled by reasonable adjustment to meet these criteria.

Conditional offer of employment

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 (where this has not previously been verified);
- 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 teaching positions, confirmation from the TRA that the applicant is not subject to a prohibition order;
- the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List administered by the DBS*;
- 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 School deems a requirement of the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified);
- verification from checks for disqualification from childcare.

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

Pre-employment Vetting checks

In accordance with the recommendations set out in the Guidance, KCSIE and the requirements of the Education (Independent School Standards) (England) (Amendment) Regulations 2010 the School carries out a number of pre-employment checks in respect of all prospective employees. An offer of appointment to the successful candidate is conditional upon satisfactory completion of pre-employment checks.

We always carry out the following:

- identity verification (using birth certificate where possible) and proof of current address;
- verify their right to work in the UK;
- sight of an original certificate for an enhanced disclosure and barring check including barred list information, where the person will be engaged in regulated activity;
- obtain a separate barred list check if an individual will start work (exceptionally) in regulated activity before the DBS certificate is available;
- check that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State;

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- verify the candidate's mental and physical fitness to carry out their responsibilities (this is the only reason we can ask about health and disability);
- minimum of two suitable employment references, and a third reference from a further next recent overseas employer/certificate of good conduct;
- verify overseas criminal records checks for anyone who has lived and worked outside the UK, details listed on the DBS website for each country (Gov.uk/dbsoverseas checks);
- Verify appropriate qualifications for the post applied for, with sight of original certification;
- Section 128 Checks are also made from prohibition from management for any staff applying for management responsibilities.

We will never accept photocopied documentation in lieu of original or authentic documents. Enhanced DBS check must be obtained before, or as soon as practicable after, appointment. Pending arrival of the check, we have the discretion to employ the person in keeping with the appropriate safeguards/risk assessment we have conducted which is noted on the staffing file and single central record of barring and vetting checks.

We obtain a barred list check with an enhanced criminal records check for all new school staff, provided their role is eligible, before letting them start work. We do this as soon as possible, and always before they start work; if staff have not moved directly from a similar post, in the same type of workforce, within three months of their last employment. For example, we are not required to obtain an enhanced DBS check, if in the last three months prior to beginning work in their new post in our school, the applicant has worked in a school with regular contact with children since May 2006. If this is applicable, we do undertake a new barred list check.

We will always carry out all relevant checks, as if the person was a new member of staff, if an existing staff member moves to work in regulated activity where their previous work was not checked. We undertake to do the same, if we are concerned about the suitability of any existing member of staff. We always see the original certificate, including the DBS check from the candidate. We use the Update Service, where the applicant or individual joins the Update Service. Together with the individual's prior permission, this provides us with an opportunity to carry out an online check to see if they need a new certificate because new information is available (www.gov.uk/dbs-update-service).

Contractors and Supply Staff

We have arrangements in place with **contractors (including agency/supply staff)** to make sure that any contracted staff who work regularly in our school, with an opportunity for contact with children, are deemed suitable. We require that all contractors to have undertaken all the necessary pre-employment checks. This ensures that their organisation has carried out the checks on an individual which we would otherwise have performed ourselves. Where contractor's staff do not work regularly in our school but may have limited contact, we will determine suitability by ensuring they are supervised. However, where a contractor is self-employed, we can obtain the DBS check on their behalf because self-employed people are not able to make an application directly to the DBS on their own account.

We expect all contractors and third parties to have photographic ID on site so that their identity can be checked before they work in our school and so that we can make sure the checks carried out have been made on the person completing the work. They must always sign in before entering the school when children are present. We will not undertake barred list checks or DBS checks on occasional **visitors**, but we will ensure that they are supervised or escorted on our premises. We are not lawfully able to request an enhanced DBS check with barred list check for anyone working in our schools who is not in regulated activity, but where appropriate Cognita may request an enhanced DBS check without a barred list check.

Verification of identity

All applicants who are invited to an interview will be required to bring with them evidence of identity (birth certificate where possible), right to work in the UK, address and qualifications 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

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- 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 his / her name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) he / she will be required to provide documentary evidence of the change. The School asks for the date of birth of all applicants (and proof of this) in accordance with the Guidance and KCSIE. Proof of date of birth is necessary so that the School may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The School does not discriminate on the grounds of age. **The above process, once completed must be signed off and dated as legally required.**

Once all has been verified, we verbally offer the position to the successful candidate subject to all final clearances required and confirmed in writing. **A contract is produced and issued pending** the successful completion of DBS 'Enhanced' Check, Barred list checks for staff in regulated activity and medical clearance in which we verify that he/she has the health and physical capacity for the job. Both an enhanced DBS Check and a Barred lists check (for any staff in regulated activity) is required prior to the commencement of employment along with a range of more than one piece of documentary evidence of their identity. Details and dates of when the DBS was seen will be recorded and kept on the person's file and recorded on the **SINGLE CENTRAL RECORD**.

All prospective employees and volunteers will be subject to the requirements of the Central Register (Single Central Record). Subject to satisfactory receipt of the Barred List Check, allow an employee to commence work whilst awaiting the result of the enhanced DBS Certificate, providing that they are closely supervised and the situation reviewed **regularly at least every two weeks** and a risk assessment undertaken. The person will be informed about these safeguards. **Please refer to Commencing Employment Prior to Obtaining Enhanced DBS Clearance that is detailed below.** We ensure all new staff at Plumtree School receive and understand our safeguarding policies inclusive of the child protection policy. All our staff, whether volunteers or paid professionals, will be subject to a one year probationary period. Documentation for the successful candidate is retained by our School, and all documentation for unsuccessful candidates will be held confidentially and then destroyed after six months. We ensure that, upon a post being offered, we bring together the equalities monitoring form, the revised application form and the revised consent form, ensuring that candidates do not have to provide evidence twice.

Obtaining a DBS barred list check

In addition to complying with the Disclosure and Barring Service requirements our School is also registered to access checks (including past checks) on the DBS Barred list (not only for teachers). We carry out a barred list check for all new employees, volunteers and contractors irrespective of whether they possess an enhanced DBS Certificate.

Commencing Employment Prior to Obtaining Enhanced DBS Clearance

Because our procedures will be followed in a professional and timely manner, the vast majority of new employees will be in possession of the DBS Certificate before their contract start date. There will, however, be rare occasions when contracts start before the Enhanced DBS Certificate has been received. In this instance, the Head will use his discretion as to whether an employee can start work pending the receipt of the certificate. The Head must ensure that any employee where clearances are pending is appropriately supervised and informed that they are under scrutiny and the reasons for it. In all cases an extra Barred List Check **MUST** be carried out prior to the new employee commencing in post. The Proprietor will also consider the following factors whilst determining the level of supervision required regarding:

- previous experience;
- whether the individual is already in possession of a current or recent Enhanced Disclosure Certificate from another body;
- the nature of the individual's duties and responsibilities within the school and
- information contained within references and the detail of such information.

Supervision and Training

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We provide appropriate supervision and support for staff, including safeguarding training and induction which covers familiarisation with our local child protection procedures annually. All our staff receives formal refresher training at (level 1 or basic) annually and certificated training at least every three years. Our Designated Lead professional attends refresher training every two years as well as attending multi-agency training (advanced level). Where our local safeguarding board requires a higher standard of training we will always comply. All temporary staff including supply staff and volunteers have a child protection briefing at induction. Wherever possible, they will also be asked to complete level 1 e-learning package or to attend our whole school basic level training in child protection and safeguarding. Staff will be advised to seek medical advice if they are taking medication which may affect their ability to care for children.

Criminal records check

Due to the nature of the work, the School applies for an enhanced disclosure from the DBS in respect of all prospective staff members, governors and volunteers.

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. As of 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 DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

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

An adult conviction will be removed from a DBS disclosure if:

- eleven years have elapsed since the date of conviction;
- it is the person's only offence; and
- it did not result in a custodial sentence.

It will not be removed under any circumstances if it appears on a list of "**specified offences**" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included. A caution received when a person was aged 18 or over will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

For those aged under 18 at the time of an offence

A conviction will be removed from a DBS disclosure if:

- five and a half years have elapsed since the date of conviction; and
- it is the person's only offence; and
- it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record. A caution received when a person was aged under 18 will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

The list of "specified offences" which must always be disclosed

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. 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 School asks all short-listed candidates to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Candidates are asked to sign a declaration by hand to confirm the information that they have provided is true. The School applies for an enhanced disclosure from the

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Disclosure and Barring Service (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 maintained by the DBS. Any unsupervised position undertaken at, or on behalf of, the School (whether paid or unpaid), will amount to "regulated activity" if it is carried out:

- "frequently", meaning once a week or more; or
- "overnight", meaning between 2.00 am and 6.00 am; or
- "intensively", meaning four times or more in a 30 day period; and
- provides the opportunity for contact with children.

This definition will cover nearly all posts at the School, including teaching and non-teaching posts, part-time staff, temporary and supply staff, volunteers and visiting staff, such as musicians and sports coaches. Limited exceptions could include an administrative post undertaken on a temporary basis in the School Office outside term time. It is for the School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School within two weeks of it being received by the applicant. Original certificates should not be sent by post. A convenient time and date for doing so should be arranged with HR Administrator as soon as the certificate has been received.

Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to the Head Teacher. Where a certified copy is sent, the original disclosure certificate must still be provided on the first working day. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School. If there is a delay in receiving a DBS disclosure the Headmaster has discretion to allow an individual to begin work pending receipt of the disclosure. 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.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction(s). Once the above pre-employment checks have been carried out, we will produce a contract and issue this to the successful candidate. Details and dates of the DBS will be recorded and kept on the person's file and recorded on the Single Central Register. We ensure all new staff at the School receive and understand our safeguarding policies inclusive of the child protection and prudence policies. All our staff, whether volunteers or paid professionals, will be subject to a one year probationary period. The successful candidate's documentation is retained by the School for the duration of their employment. All documentation for unsuccessful candidates will be held confidentially and then destroyed after six months.

Prohibited from Teaching List Check

In addition, anyone who is appointed to carry out teaching work always requires an additional check to ensure they are not prohibited from teaching. Prohibition orders prevent a person from carrying out teaching work in schools. A person who has been prohibited from teaching will never be appointed to work as a teacher in our school. We use the Employer Access Online Service to check any prohibitions. *Teacher misconduct: the prohibition of teachers DfE*. A prohibition order is made by the Secretary of State following consideration by a professional conduct panel convened by the TRA. Preceding such consideration, the secretary of state may issue an interim order if it is in the public interest to do so. Checks are also made from prohibition from management when required.

The three month rule

It is not necessary for the School to undertake a DBS check where an individual has worked in a school or

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further education college in England in the three months prior to commencing work at the School. However, if an individual commences work at the School in such circumstances we are still required to undertake a fresh Children's Barred List check on all staff undertaking regulated activity. It is however the School's practice to undertake DBS checks on all new appointments to the workforce.

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, but is under no obligation to do so.

In particular, the School will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the School's senior management team;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

References

The application form requests both professional and character references, one of which should be from the applicant's current or most recent employer. References from current employers are requested from a senior member of staff with appropriate authority. If the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations. Additional references may be asked for where appropriate. For example, where the applicant is not currently working with children, but has done so in the past, a reference from that employer is asked for in addition to that from the current or most recent employer if this is different. Where there is no current employer, verification of the most recent period of employment and reasons for leaving will be obtained. Any information will always be verified with the person who provided the reference. The school verifies that electronic references originate from a legitimate source and the date of communication is logged on the reference.

We request that references be obtained prior to the interview so that any issues of concern raised by the reference can be explored further with the referee and taken up with the candidate during interview. References should contain objective verifiable information and in order to achieve this we have designed a reference pro forma with questions relating to the candidate's suitability to work with children. We require that the referee be asked to confirm whether the applicant has been the subject of any disciplinary sanctions and whether the applicant has had any allegations made against him / her or concerns raised which relate to either the safety or welfare of children and young people or about the applicant's behaviour towards children or young people. Details about the outcome of any concerns or allegations will be investigated. In the event that a referee refuses to write a reference, our School will find out why, and find an alternate referee. Our School has, in accordance with best practice, a reference request pro forma.

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 convicted person.

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to

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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 of the School before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he / she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School will, 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 of records

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

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. It will be retained for a period of six months after employment terminates after which it will be securely destroyed. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

Referrals to the DBS and TRA

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed.

Whilst these are pre-employment checks the School also has a legal duty to make a referral to the DBS in circumstances where an individual:-

- has applied for a position at the School despite being barred from working with children; and
- has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.
- *If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the TRA.*

Policy on recruitment of ex-offenders

The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar him / her from employment within the School. Instead, 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 for those to which the DBS filtering rules apply. 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 attempt 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.

Dealing with Allegations of Abuse against Staff:

We adhere to our local authority procedures for reporting any referral which is in keeping with our separate written policy. We consult the Local Authority Designated Officer (LADO) where there is an allegation against a member of staff or other adult in school. We report any concerns about the Headmaster to the LADO and the Proprietor. Where we have reason to believe that a criminal offence may have been committed, we will inform the police. Furthermore, where we believe that a person may have harmed a child, or cause a child to be harmed, put a child at risk of harm, attempted to harm a child or incited another to harm a child, (physical, emotional, sexual or neglect) we will refer the matter, in consultation with our LADO, to the DBS. Where professional conduct of teachers is concerned, we will also refer to the TRA. Malicious allegations by pupils will be dealt with in accordance with our behaviour and discipline policy. Details about the outcome of any concerns or allegations will be investigated. The Gower School has, in accordance with best practice, a reference request pro forma.

Head's Responsibilities

The Head will ensure:

- that appropriate policies and procedures are adopted to safeguard children in the school;
- that these policies are implemented and followed by all staff;
- that sufficient resources and time are allocated for staff to carry out their responsibilities effectively;
- that all those working in our School are suitable people;
- that all staff and adult helpers in the school are able to voice their concern if they feel that a child is vulnerable, or that there are any particular practices that are unsafe and
- that staff undergo relevant, regular training and supervision to maintain up to date in issues of safeguarding.

Safer Recruitment Training

The Senior Leadership Team (SLT) as appropriate:

- has completed a Safer Recruitment in Education course;
- will receive further regular training to raise their awareness and to improve their knowledge of safer recruitment as required by legislation and also agreed locally.

Staff Responsibilities

All staff should know the name of the designated person for child protection and understand their responsibilities to safeguard and protect children. Staff should be aware that breaches of the law and other professional guidelines could result in criminal or disciplinary action being taken against them. We explicitly require staff to report to a senior member of staff of the school or the Local Authority any concern or allegation about school practices or the behaviour of colleagues which are likely to put pupils at risk of abuse or other serious harm and provide immunity from retribution or disciplinary action against such staff for "Whistleblowing" in good faith is as far as possible guaranteed by the school. At all levels, including newly appointed and ancillary, staff have been given briefing or training on responding to suspicions or allegations of abuse and know what action they should take in response to such suspicions or allegations. Refresher training is undertaken every three years for staff and two years (or more frequently) for the designated Safeguarding Officer.

Gap Students

Due to the fact that there is no accommodation at our School, it is unlikely that we would recruit Gap Students from overseas. However, our School is aware of the procedures.

Overseas Staff

If employing or using overseas personnel, a Barred List check and DBS Disclosure will always be completed. In addition, criminal records information will be sought from the police authorities in the relevant country and/or certificates of good conduct obtained from the relevant embassy. The, 'right to work' will always be routinely checked.

Volunteers

Due to the ethos of our School, we would expect to fully involve parents and other appropriate volunteers in the life of the school. A voluntary member of staff is someone who volunteers his/her time, skills and abilities to our School free of charge. These volunteer helpers are usually parental helpers, members of the local community or individuals committed to a particular career path who wish to gain experience in a school environment in pursuit of their chosen professional goals. Volunteers can be actively recruited by our School if they could be people who approach the school direct by telephone, email or letter offering their services. However they come to be within the school environment, identical safeguarding procedures as for paid staff need to be adopted for **all** volunteers with regular contact with children. Regular contact refers to individuals who are based in our School for more than three consecutive days or accompany paid staff and children on trips involving over-night stays or who have a regular, agreed work pattern. For the purpose of this Policy, an agreed work pattern could be anything from once a term to 30 minute each month.

Volunteers who remain absent from our School for 3 consecutive months or more are required to another DBS Disclosure Application Form and be awarded Enhanced DBS Certificate clearance prior to their return to duty. Enhanced DBS checks would be carried out for all volunteer workers and only well established volunteers would be used to assist on a regular basis with a school activity. Our School will apply safer recruitment checks to all parents who choose to volunteer to support the school. These will include an enhanced DBS check, an extra Barred List check, **and a risk assessment two references and an interview**. Teachers will be provided with lists of parents who have undergone checks so that they can ensure they are using appropriately cleared individuals as volunteers as needed. Volunteers in accordance with regulation are to be entered on to the single centralised register.

Volunteers with irregular pupil contact

Volunteers working on an ad-hoc, one off basis (that is not more than once per term) will not be required to obtain DBS clearance, supply referees or attend an interview. They will, however, be subject to a Barred List check in advance of the event which can be done electronically. The school will, in such cases, ensure the volunteer is never left alone or unsupervised in the presence of young people. Examples of ad hoc occasions are day trips and sports days.

Proprietor

Our School will ensure that the necessary checks are carried out on the Proprietor at our School so that the suitability of people who serve the school in these capacities are verified in accordance with safer recruitment and in line with this Policy.

Under the Education Act 2002, the Education and Skills Act 2008 and the Independent School Standards Regulations 2010 *as amended by the Alternative Provision Academies and 16 to 19 Academies (Consequential Amendments to Subordinate Legislation) (England) Order 2012 S.I. 2012/979, in force from 1 May 2012 and by the Education (Independent School Standards) (England) (Amendment) Regulations 2012 S.I. 2012/2962, in force from 1 January 2013*, the 'proprietor' is the person or body of persons responsible for the management of the school and includes individual proprietors or formally constituted **boards of directors or trustees**. **The proprietor needs a DBS check through the Department for Education (DfE)**. If there is a change in either the School's proprietor or a chair of the school board, then a telephone call is to be made to the Independent Schools and Boarding Team helpline: Telephone: 01325 735304, who will provide instructions on how to proceed with the application for an enhanced DBS disclosure.

Children in Workplace Roles

Secondary school aged children on work experience are not required to have a DBS check. In these cases the school placing the student should ensure that he/she is suitable for the placement.

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Contractors

Contractors who visit our School to carry out emergency repairs, perform routine maintenance of equipment or make structural changes to the property are not required to obtain DBS clearance. The vast majority of such work will be undertaken during school closure periods. Should work be necessary during the school term, site staff will escort the contractor to and from his/her destination, thereby avoiding unsupervised access to children. In addition, all staff will be instructed to be vigilant to prevent children from accessing areas where builders etc are working, not only for reasons of safeguarding children but also for risks posed by Health and Safety considerations.

All contractors will be required to report to Reception and sign in and out when they enter or exit the school premises. Contractors will also be required to present photo-identification upon arrival and must be expected in advance by the school. Upon arrival, every contractor will be presented with an official our School visitor pass and all members of staff have been alerted to challenge any stranger present on any part of the school premises not displaying a pass.

Regular external contractors – We do not tend to use external contractors but employees of any external companies who would be regularly based in the school, cleaners, catering workers etc will be subject to the same identity checks and clearances as direct employees of our School. However, these will be carried out by their external employer to the satisfaction of the school and will form part of the terms and conditions of the business contract. **The outcome of such checks will be notified to the school and the details recorded on the school's Single Central Record.**

Remaining Vigilant Post-Appointment

Any disclosure of sexual, emotional, physical abuse or neglect made by a child will be thoroughly investigated in accordance with our Child Protection procedures. If the alleged abuse is by an employee or volunteer, the individual will be the immediate subject of a disciplinary investigation and is likely to be suspended from duty whilst the investigation occurs.

Retirement

Default retirement age (formerly 65) has been phased out – most people can work for as long as they want to. Retirement age is when an employee chooses to retire. Most businesses don't set a compulsory retirement age for their employees. If an employee chooses to work longer they can't be discriminated against. However, some employers can set a compulsory retirement age if they can clearly justify it. It's an employee's responsibility to discuss when and how to retire with their employer. This could include phasing retirement by working flexibly.

Barred Lists Check

DBS checks can be 'portable' from maintained schools as well as other independent schools. However, we are still required to undertake a Barred Lists check when accepting a portable DBS (DBS) check under the three-month rule, plus the other required pre-appointment checks.

Medical Fitness

Applicants should make a declaration, duly signed, that they:

1. Know of no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the post in question.
2. Understand that any offer of employment made by the school will be conditional on verification of medical fitness. Under section 60 of the Equality Act, it is unlawful for employers to ask health-related questions of applicants before the appointment is offered, unless the questions are specifically related to an intrinsic function of the work.

We may decide to ask health questions, after an appointment has been offered, ensuring that such questions are necessary, relevant to the post applied for and are in line with the Equality act 2010 requirements. The DfE advises us that any questionnaire at this time should not include previous sickness absences. Any further medical information required is in accordance with law and will be managed through an external occupational health expert.

Supervision will occur from a variety of sources:

The Line Manager will keep the new employee in sight as much as is practically possible. Teachers will be asked to visit the classroom or area of the new employee as part of their normal discharge of duties around our School. Senior members of staff will pay ad hoc courtesy visits to the classroom or workstation of the new employee. In addition, it is likely that teachers or learning support assistants (LSAs) or other members of staff will already be deployed in some of the areas where new employees are working. It is vitally important that the above actions are carried out in the spirit of, and viewed as supportive mechanisms for the new employee as much as a safeguarding procedure for children. It is an offence for anyone to work in our School without clearance against the Barred lists (but note that 'Enhanced' DBS checks include checks of the Barred Lists). **A DBS Barred Lists check applies not only as part of the DBS 'disclosure' but is also needed for people who work in our School without any contact with children, such as out-of-hours cleaners.**

Equal Opportunities (Single Equalities Act)

Our School does not discriminate between candidates on the basis of race, disability, gender, religion and beliefs, age or sexual orientation. Our School is mindful of the requirements relating to the recruitment of ex-offenders.