



## **POLICY AND PROCEDURES FOR RECRUITMENT, SELECTION AND DISCLOSURES**

**Author:** Principal

**Committee for Review and Approval:** SMT and Governors' Compliance Sub-Committee

**Date of last Revision:** January 2023

**Date of next Committee Review and Approval:** December 2023

**Availability of this document:**

Copies of this document are available on our web site, MyQG and QGBUZZ. Copies are also available from the Principal's PA.



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

### **1. General**

Queen's Gate School is committed to ensuring the best possible education and environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.

The School aims to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position and will consider all job applications equitably and consistently.

The School aims to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of their age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation ("Protected Characteristics") in accordance with the Equality Act 2010.

The School aims to ensure compliance with all relevant legislation, recommendations and guidance including the Education (Independent School Standards) Regulations 2014 ("ISSRs"), the latest statutory guidance published by the Department for Education ("DfE"), Keeping Children Safe in Education ("KCSIE"), Disqualification under the Childcare Act 2006 (as amended) ("DUCA"), the Prevent Duty Guidance for England and Wales 2015 (as amended) ("the Prevent Duty Guidance") and any guidance or code of practice published by the Disclosure and Barring Service ("DBS");

The School also aims to ensure that it meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

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

All queries on the School's Application Form and recruitment process must be directed to the Principal.

Queen's Gate School is a Charitable Trust whose work is overseen by a Board of Governors.

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

## **2. Scope of this Policy**

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

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

In the case of agency or contract workers, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. The School conducts identity checks on agency and contract workers on arrival in School and, in the case of agency workers which includes supply staff, the School must be provided with a copy of the DBS check for such staff.

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure – renewed every 3 years, right to work in the UK, barred list, prohibition, qualifications, overseas checks and in line with KCSIE, two references, declaration of medical fitness, check of previous employment history). The Single Central Register shows these checks have been made and the School carries out its own identity check and has seen a copy of the disclosure (whether or not it discloses any information).

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

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

If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

### **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. At the 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 the Governors, the Principal, the Bursar and potentially other senior staff who report directly to the Governors.

There is no single list or register that covers all of the disqualification criteria and the School therefore adopts a pragmatic approach to checking whether or not a person is disqualified. This is achieved by the use of a self-declaration form and the checking of relevant publicly accessible registers (see below).

### Self-declaration

All those who are covered by the disqualification rules are required to complete a “Charity Senior Management Positions – Automatic Disqualification Declaration” form (“Self-Declaration Form”) to confirm whether, to the best of their knowledge, they are subject to any of the disqualification criteria.

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

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

### Checks by the School

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

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

### Waiver

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

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

### **3. Application Form**

The School will only accept applications from candidates completing the relevant Application Form/TES Form in full. Incomplete Applications Forms will be returned to the applicant where the application deadline has not passed. CVs will not be accepted in substitution for completed Application Forms; any Agency candidate with a CV will be required to complete a full Application Form before proceeding beyond the initial stages of the interview process.

The School will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Application forms, the relevant Job description and Person Specification, this policy and the School's Safeguarding policy are available to download from the School's website.

Applicants will be asked to provide details of their online profile, including account names and social media handles so that on-line searches may be carried out on them, should they be short-listed for the role. Applicants are not required to provide account passwords or to grant the School access to private social media accounts (see section 4 below for more information).

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

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

### **4. Short-listing candidates and Invitation to Interview**

The School will short-list applicants by reviewing all Application Forms received and listing them according to the relevance and applicability of their professional attributes and personal qualities to the role. The short-listing exercise will usually be conducted by two members of staff who will ideally also be involved in the interview. They will consider any inconsistencies, look for gaps in employment and reasons given for them, and explore all potential concerns.

#### **Online searches**

In accordance with KCSIE, and as part of the shortlisting process, the School will consider carrying out online searches on short-listed candidates as part of its due diligence. This may

help to identify any incidents or issues that have happened, and are publicly available online, that may cause concern regarding a candidate's suitability to work with children, which the School may want to explore with the candidate at interview. This may include, for example, offensive or inappropriate behaviour or language, drug or alcohol misuse, inappropriate images, discriminatory behaviour, and any other information that may raise concern as to a candidate's suitability to work with children. Any online searches will be carried out by the School's Recruitment Co-Ordinator or another suitable person approved by the Principal, in line with our Guidelines for the use of online searches at Appendix 3.

As the position for which candidates are applying involves substantial opportunity for access to children, all short-listed candidates are required to complete and sign our self-disclosure form, in relation to their criminal record or information that would make them unsuitable to work with children. This should be submitted to the School in a separate, sealed envelope which will be seen and then destroyed by the Principal in accordance with our Storage and Retention of Records and Documents Policy. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. It is very important that applicants provide the School with legally accurate answers on this form, regarding their criminal records history and other factors relevant to their suitability to work with children, and therefore, they are asked, as part of the form, to sign a declaration confirming that the information that they have provided, is true. Where an electronic signature has been provided on the form, the short-listed candidate should sign a hard copy at the interview.

Upfront disclosure of a criminal record will not necessarily debar a candidate from appointment as the School shall consider the nature of the offence, its relevance to suitability to work with children, how long ago and at what age it was committed and any other relevant factors. If candidates would like to discuss the completion of the self-disclosure form beforehand, they are asked to please telephone in confidence to the Principal for advice.

Any unspent convictions and cautions must be disclosed to the School on our self-disclosure form. However amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the DBS website ([www.gov.uk/dbs](http://www.gov.uk/dbs)).

Failure to declare any convictions (that are not subject to DBS filtering) on our self-disclosure form may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently. The School has a legal duty under Section 26 of the Counter- Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent Duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, successful candidates will be subject to an appropriate Prevent Duty risk assessment.

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

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

Short-listed applicants will then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail and their suitability to work with children will be tested.

Formal interviews will be conducted by the Principal and Senior staff, at least one of whom will have undertaken safer recruitment training. All the interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Principal as to whether or not an interviewer should withdraw from the panel. The interview will be conducted in person and the areas which it will explore will include suitability to work with children. Initial interviews are sometimes conducted by Zoom, but candidates will always be required to attend in person if they wish to proceed further.

All candidates invited to interview may be required to bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc) and/or are referred to in their Application Form. Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body. All of these will be required before any appointment is confirmed.

The School may request that all candidates invited to interview also bring with them:

1. A current driving licence including a photograph or a passport or a full birth certificate;
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Where appropriate, any documentation evidencing a change of name, as well as their birth certificate;
4. Valid proof of entitlement to work and reside in the UK. The School will check this evidence in accordance with the Home Office latest "Code of Practice on preventing illegal working: Civil penalty scheme for employers" ([code of practice on preventing illegal working \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642111/code-of-practice-on-preventing-illegal-working.pdf)).

The School asks for the above information in order to ensure that the interviewee is who they claim to be, that they are permitted to work for the School if appointed and that they hold the appropriate qualifications.

5. Documentation confirming their National Insurance Number eg P45, P60 or National Insurance Card.

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

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

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

DUCA applies to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare.

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

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

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

Any offer to a successful candidate will be conditional upon, where appropriate:

1. Receipt of at least two satisfactory references (if these have not already been received), one of which must be from the applicant's most recent employer;
2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK;
3. A satisfactory enhanced DBS check and if appropriate, a check of the Children's Barred List maintained by the DBS;

4. For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State (see Section 8 below for further details).
  5. Verification of professional qualifications, where appropriate;
  6. Verification of the candidate's employment history;
  7. The School being satisfied that any information generated through online searches does not make the candidate unsuitable to work at the School;
  8. Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999);
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6. The agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment;
  7. Where the successful candidate has worked or has been resident overseas, such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered;
  8. Satisfactory medical fitness and the completion of the School's Pre-Employment Health Questionnaire;
  9. Confirmation from the successful candidate that s/he is not disqualified from providing childcare under DUCA. **OR** Receipt of a signed Staff Suitability Declaration form showing that the successful candidate is not disqualified from providing childcare under DUCA, where appropriate;
  10. For a candidate to be employed into a senior management position as set out above under "Scope of this Policy", receipt of a signed Self-Declaration Form, confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities;
  11. Where the successful candidate will be taking part in the management of the School, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Governors, Senior Management Team and teaching Heads of Departments (see Section 9 below for further details).

It is the School's practice that a successful candidate must complete a Pre-Employment Health Questionnaire. The information contained in the Questionnaire will then be held by the School in strictest confidence and processed in accordance with the School's Data Protection Policy and its Privacy Notices. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, layout of the School.

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

#### Pre-appointment checks

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

In fulfilling its obligations to carry out pre-employment checks the School does not discriminate on the grounds of any of the Protected Characteristics.

## **6. References**

The School will seek the references referred to in section 5 above for short-listed candidates (including internal candidates) and may approach previous employers for information to verify particular experience or qualifications, normally before interview. One of the references must be from the applicant's current or most recent employer. References must be received by a senior person with appropriate authority. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying.

The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials. The School will verify all references. Where references are received electronically, the School will ensure they originate from a legitimate source.

Referees must not be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied, whether they have any reason to believe that the applicant is unsuitable to work with children and they will be asked to provide facts of any substantiated safeguarding concerns/allegations that meet the harm threshold set out in Part 4 of the statutory guidance 'KCSIE.

All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, sickness\* and disciplinary record
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be unsubstantiated, unfounded, false or malicious
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegations or concerns were found to be unsubstantiated, unfounded, false or malicious
- whether the applicant could have been radicalised so that they could be considered to support or to be involved in terrorism or any form of "extremism" (see Section 12 below for the definition of "extremism").

(\*questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.)

The School will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies will be discussed with the candidate and the relevant referee if appropriate, before the appointment is confirmed.

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

The School treats all references given or received as confidential which means that the applicant will not be provided with a copy.

**All references from a school must be counter-signed by the Head of that school.**

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

## **7. Criminal Records Checks**

The School will refer to the latest KCSIE document in carrying out the necessary required DBS checks.

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

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

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

A conviction will always be disclosable if it was imposed for a “specified offence” committed at any age. A caution issued for a “specified offence” committed over the age of 18 will always be disclosable. However, a caution issued for a “specified offence” committed under the age of 18 is never disclosable. “Specified offences” are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults. The list of “specified offences” can be found at:-

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School within two weeks of it being received by the applicant or at the very latest, one day before their employment commences. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the School should be arranged with the Principal's Assistant as soon as it has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to the Principal's Assistant. Where a certified copy is sent, the original disclosure certificate must still be provided prior to the first day of work or at the latest, on the first working day.

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

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

Where the new member of staff ("M") has worked in: -

- (a) A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- (b) A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
- (c) An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons during a period which ended not more than three months before M's appointment.

In these circumstances, the School may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.

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

A short period of work is allowed under controlled conditions, at the Principal's discretion, if there is a delay in receiving the DBS disclosure. The Principal may allow the member of staff to commence work pending receipt of the DBS disclosure:-

- Without confirming the appointment;
- After a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
- Provided that the DBS application has been made in advance;
- With appropriate safeguards taken (for example, loose supervision);
- Safeguards reviewed at least every two weeks by the Principal or member of staff to whom she may have delegated this responsibility;
- The person in question is informed what these safeguards are; and

- It is recommended, but not a requirement that a note is added to the single central register and evidence kept of the measures put in place.

### Applicants with periods of overseas residence

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

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

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

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

In addition, where an applicant for a teaching position has worked as a teacher outside of the UK, the School will ask the applicant to obtain from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher, evidence which confirms that they have not imposed any sanctions or restrictions on the applicant and that they are not aware of any reason why the applicant may be unsuitable to work as a teacher. The School will also ask the applicant (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work.

Sanctions and restrictions issued by the regulating authority of another country will not necessarily prevent a person from working as a teacher at the School. However, the School will take all relevant information into account in determining whether an applicant is suitable to work at the School.

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

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

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

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

### DBS Update Service

Where an applicant subscribes to the DBS Update Service, the applicant must give consent to the School to check whether there have been any changes to the DBS certificate since it was issued. If the DBS Update Service confirms that there are changes, the School will require a new DBS certificate, which includes Children's Barred List information, to be obtained before an appointment can be confirmed.

If the DBS Update Service confirms that there are no changes to the original DBS certificate, a separate Children's Barred List check will still be required if the original certificate did not include Children's Barred List information.

### **8. Prohibition from Teaching Check**

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

In addition the School asks all short-listed applicants to declare 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.

Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the Teaching Regulation Agency (or other equivalent body), whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

The School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012, which state 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 Principal. 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.

## **9. Prohibition from Management Check**

The School is required to check whether any applicant for a management position is subject to a direction under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014, which prohibits, disqualifies or restricts them from being involved in the management of an independent school (“a section 128 direction”).

The School will carry out checks for section 128 directions when appointing applicants into management positions from both outside the School and by internal promotion.

The check applies to appointments to the following positions made after 12<sup>th</sup> August 2015:-

- Governors
- Principal
- Teaching posts on the Senior Management Team
- Teaching posts which carry a Departmental Head role
- Support staff posts on the Senior Management Team

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 staff roles which carry additional responsibilities.

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

In addition, the School asks all short-listed applicants to declare whether they have ever been the subject of a referral to the DfE, or 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.

Where an applicant is not currently prohibited from management, but has been the subject of a referral to, or hearing before, the DfE or other appropriate body, whether or not that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

## **10. Contractors and agency staff**

The School must complete the same checks for contractors and their employees undertaking regulated activity at the School as it does for its own employees. The School requires written

confirmation from the contractor that it has completed these checks on all of those individuals whom it intends will work at the School before any such individual can commence work at the School.

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

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

## **11. Volunteers**

The School will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the School.

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

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

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

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

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

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

Please see our separate Safeguarding Policy and our Visiting Speakers' Policy.

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

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

The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months.

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

The School will not unfairly discriminate against any candidate 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 individual 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 short-listed applicants must therefore declare all previous convictions and cautions, on our self-disclosure form, including those which would normally be considered “spent” except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.

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

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

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

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

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will carry out a risk assessment by considering the following factors before reaching a recruitment decision. The assessment form must be signed by the Principal before a position is offered:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

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

#### 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 is obtained through a disclosure check, the School will carry out a risk assessment by reference to the criteria set out above. The assessment must be signed by the Principal before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they 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, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

#### **16. Referrals to the DBS and Teaching Regulation Agency**

This Recruitment, Selection and Disclosures Policy is concerned with the promotion and practice of safer recruitment. However, applicants should also be aware that the School has legal responsibilities to fulfil when recruiting and when employment comes to an end. In particular, the School has a legal duty to make a referral to the DBS where:-

- an individual has applied for a position at the School despite being barred from working with children; and/or
- an individual 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.

The DBS will consider whether to impose sanctions on that individual which may restrict or prevent them from working with children in the future.

In addition, if a teacher is dismissed because they are found to have committed serious misconduct, or because they have breached the Teachers' Standards, or they have resigned prior to dismissal on such grounds, the School will make a referral to the Teaching Regulation Agency.

The Teaching Regulation Agency will consider whether to impose a Prohibition from Teaching Order.

## **APPENDIX 1**

It is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed.

It also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment process.

- As an organisation using the DBS checking service to assess applicants' suitability for positions of trust, Queen's Gate School complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
- Queen's Gate School is committed to the fair treatment of its staff, potential staff or users of its services, regardless of any protected characteristic that they might have, in accordance with the Equality Act 2010.
- We have a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.
- We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
- Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to the Principal (in the separate self-disclosure form at the end of the application form) and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows Queen's Gate School to ask questions about your entire criminal record (except those spent convictions and cautions are 'protected' under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013)), we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
- We ensure that all those in Queen's Gate who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment and if appointment has already occurred, to dismissal or to summary dismissal.

- We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

## **APPENDIX 2 - ADVERTISEMENT POLICY FOR JOB VACANCIES**

### **Introduction**

Unless the Principal, in her sole discretion, considers that a job vacancy at the School does not need to be advertised, the following procedure will apply to all vacancies, in order to ensure the School recruits the best and most suitable staff.

### **Procedure**

All recruitment exercises must be planned and timetabled.

Prior to the commencement of any recruitment exercise, a job description and person specification must be prepared for the vacant role. This will confirm that there is a genuine need for recruitment, and will assist the School in ensuring that the most appropriate candidate is recruited for the role. The job description and person specification should clearly define the role and include the following information:

- the skills, abilities, experience, attitude, and behaviours required for the role; and
- the safeguarding requirements of the role (i.e. the extent to which the role will involve contact with and responsibility for children, and whether it will amount to regulated activity with children).

If the job description and person specification are not appropriately drafted, the role must not be advertised.

A detailed timetable for the recruitment process, including the placing of the advertisement and details of the personnel to be involved in the process should be drawn up and approved by the Principal, before the role is advertised.

### **Responsibility**

The Principal is responsible for all roles that are advertised at the School.

### **Clearance**

No advertisements should be published until approved by the Principal.

### **Liability**

Inappropriate or poorly worded advertisements can give rise to legal claims against the School. Anyone placing an advertisement in breach of this policy, will be subject to the School's disciplinary procedure.

### **Advertisement content**

All advertisements must contain the following information:-

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

*The post is exempt from the Rehabilitation of Offenders Act 1974. The School is therefore permitted to ask shortlisted applicants to declare all convictions and cautions on a self-declaration form in advance of attending an interview (including those which are "spent" unless they are "protected" under the Disclosure and Barring Service("DBS") filtering rules) in order to assess their suitability to work with children.*

*The School may carry out online searches on shortlisted applicants, for which all such applicants will be required to provide details of their online profile, including social media accounts, as part of their application.*

*Prior to employment commencing, successful applicants will be required to undergo child protection screening appropriate to the post, including checks with past employers and the ("DBS").*

*Successful applicants will also be required to produce evidence of qualifications, identity and the right to work in the UK. Two references will be taken up, one of which will be with the most recent employer. They will also be required to complete our Health Questionnaire.*

*All those working at Queen's Gate share in our responsibility to safeguard and promote the welfare of the children and young people in our care. This will include completing regular training and maintaining a good awareness of key policies and procedures relating to our safeguarding duties. Where a role has specific or additional responsibilities in relation to safeguarding, this will be detailed within the job description."*

## **APPENDIX 3 – GUIDELINES FOR THE USE OF ONLINE SEARCHES**

### **Introduction**

In accordance with KCSIE 2022, and as part of the short-listing process, the School will consider carrying out online searches on short-listed candidates as part of its due diligence. This may help to identify any incidents or issues that have happened, and are publicly available online, that may cause concern regarding a short-listed candidate's suitability to work with children, which the School may want to explore with the short-listed candidate at interview.

In other words, the School would be looking for things said or done online that would either harm the reputation of the School or would make the short-listed candidate unsuitable to work with children. This may include, for example, offensive or inappropriate behaviour, jokes or language, drug or alcohol misuse, inappropriate photos or videos, discriminatory behaviour and any other information that may raise concern as to a short-listed candidate's suitability to work with children.

### **How to carry out the online searches**

Online searches must be conducted in line with the parameters set out in these Guidelines, to ensure that there is uniformity in the range of what is searched for with each short-listed candidate. The online searches must be carried out consistently for each short-listed candidate and a record made each time. Online searches are only to be used to check the suitability of short-listed candidates for working with children and must not be used to investigate other areas of a person's life.

### **Who will carry out the online searches?**

Any online searches will be carried out in-house, by the School's Recruitment Co-Ordinator or other suitable person approved by the Principal.

In any event, the person carrying out these online searches, must be unconnected to the recruitment process.

### **Where to search?**

1. The starting point is a search of the short-listed candidate's name on Google.
2. Then carry out a review of the most prominent social media and video networking sites - Facebook, Instagram, LinkedIn, Twitter, Tik Tok and YouTube.

Where a number of individuals appear in a name search, the name must be combined with key words such as the name of the individual's current or previous employer and the city or town in which they are (or have) resided. This may result in multiple online searches being carried out particularly for common names. As a rule of thumb, search criteria and the number of online searches carried out should be limited to what is necessary to identify the correct individual (if possible) and locate the relevant data (if any). Online searches which may be considered excessive in terms of time spent and/or search results and sources reviewed, should be avoided.

### **How far back do we need to search?**

KCSIE 2022 does not give any guidance on this, however, clearly defined parameters are necessary to ensure that a consistent approach is taken. Over time, the education sector will reach a standard approach, but until then, online searches should go back five years.

#### If no relevant information is revealed

Where online searches do not reveal any relevant information, a note of this should be made on the short-listed candidate's file along with the search criteria used, the initials of the staff member carrying out the search, and the date of the online searches, in order to demonstrate compliance with KCSIE 2022. It is not necessary to retain any search results in these circumstances.

#### If relevant information is revealed

Where online searches reveal relevant information, only the relevant information should be passed on to the Principal. "Relevant information" means only information which impacts safeguarding or reputation. No information which can be deemed as irrelevant to the recruiting process such as age, gender or race must be passed to the recruitment team. The Principal will then consider the relevant information as part of the wider recruitment process, much in the same way as the School does with DBS disclosures. From there, the Principal can either:-

1. End the process for that short-listed candidate; or
2. If appropriate, raise the relevant information with the short-listed candidate at interview, to allow them to address any concerns that the School may have.

Either way, all relevant information should be retained on the short-listed candidate's file along with details of the online searches made, records of the discussions and the decisions made with respect to it, including if a decision was made to end the process for any short-listed candidate, prior to interview.

The recruitment team should ensure as far as possible, that all short-listed candidates are assessed in the same way. This may be difficult if not all of the short-listed candidates have an accessible online profile or have the same online visibility, and so cannot be assessed in the same way. This may increase the likelihood of a short-listed candidate challenging recruitment decisions and alleging, for example, that they have been treated less favourably as a result of a protected characteristic. Any differences in the way that a short-listed candidate is assessed and the reasons for those differences, should be noted, and the note placed on their file.

#### Data Protection

Data relating to online search criteria, results of online searches and decisions relating to this data, should be held securely and confidentially with other data collected during the recruitment process. It will only be accessible to a limited number of staff as necessary and will only be held for as long as it is needed. The retention period for this data will depend on whether the short-listed candidate is ultimately successful and joins the School but if not, it should mirror the retention periods for criminal records data.

All data and information received as a result of an online search, is held and treated in line with the School's Data Protection Policy, its Privacy Notice and all relevant government legislation relating to use of personal data.

If a short-listed candidate has any concerns or question regarding the online searches, they should contact the Principal.