

Safer Recruitment, Selection and Disclosures Policy & Procedure

"Whoever exalts himself shall be humbled, and whoever humbles himself shall be exalted" [Luke 14:11; 18:14]

Ampleforth College

Person(s) Responsible for the Policy:	HR Manager
Ratified by:	
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Policy at a glance:

- This policy sets out the expectations of both managers and candidates during the recruitment and selection process.
- Information is provided on the recruitment and selection process from start to finish i.e. from a manager having a vacancy to advertise through to a new employee starting in post.
- It provides details on the current pre-employment checks, what is required and when they would be necessary.
- This policy has been written in keeping with the NSPCC guidance for Safer Recruitment in Education.
- Updated September 2021 to include Appendix 3 – example role specific safeguarding questions for interview.
- Updated September 2022 to include online and social media searches on candidates.

Policy Statement

The College 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 College is also committed to providing a supportive and flexible working environment to all its members of staff. The College recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

Safeguarding is paramount at every stage of recruitment and, throughout the recruitment procedure, the school will have regard to the guidance as set out in the documents detailed below as well as KCSIE, the current ISI regulations and NMS for Boarding Schools. The school is committed to ensuring that no one will be appointed unless they have a clear understanding of the specific issues regarding safeguarding that apply generally as well as specifically to children who board.

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

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position
- to ensure that all job applicants are considered equally and consistently
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**), *Keeping children safe in education* (September 2023) (**KCSIE**), *Disqualification under the Childcare Act 2006* (**DUCA**), the Prevent Duty Guidance for England and Wales 2015 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the College meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

Data protection

The College 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 College to enable the College to carry out the checks that are applicable to their role. The College will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency (previously known as the National College for Teaching and Leadership (**NCTL**)). Failure to provide requested information may result in the College not being able to meet its employment, safeguarding or legal obligations. The College will process personal information in accordance with its Data Protection policy.

Roles and Responsibilities

It is the responsibility of the Governors to:

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

It is the responsibility of the Head and other managers involved in recruitment to:

- Undergo training and ensure that the school operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school
- To monitor contractors' and agencies' compliance with this document
- Promote safeguarding of children and young people at every stage of the procedure

Recruitment and selection procedure

Recruitment procedures for managers

- Line managers must ensure they have authorisation before submitting a vacancy.
- Managers will need to provide accurate and up-to-date job documents including job description, person specification and information pack. Person specifications must include the statement "Satisfy all criteria and checks relating to suitability to work in a school environment" as an essential criterion. Job descriptions must include the following in the opening statement "Carrying out duties in the most cost-effective and efficient way, demonstrating all due care to safer practice for children and for all relevant Health and Safety legislation. Satisfy all criteria and checks relating to suitability to work in a school environment."
- Advert wording will also need to be provided and should ideally include the following:
 - Job title
 - Salary – including pro-rata values if part-time or term-time only
 - Hours of work and whether the role is full or part-time
 - Proposed start date
 - Whether the post is temporary or permanent
 - Summary of the job role and minimum requirements
 - Closing date for applications
- All adverts must include the following safeguarding paragraph:

St Laurence Education Trust and Ampleforth College are committed to safeguarding children and promoting the welfare of children and young people. They expect all staff and volunteers to share this commitment and will ensure that all recruitment and selection practices and procedures reflect this commitment. All successful candidates will be subject to checks by the Disclosure and Barring Service (DBS) along with other relevant employment checks.

- As a minimum, all posts will be normally advertised internally, and also externally where appropriate. Those on parental leave and long-term sick leave should be made aware of how to access vacancies which arise during their absence, if appropriate. Where posts are advertised externally this may be on relevant websites and in relevant additional media as appropriate.
- In exceptional circumstances, a post may not be advertised. This will usually only be for one of the following reasons:
 - As a result of internal restructuring where an existing member of staff is at risk of redundancy
 - Where it is necessary to redeploy an existing employee for health reasons where they are unable to continue in their substantive position
 - Because a similar post has recently been advertised and an appointment can be made from the subsequent interviews (usually within 6 months of interview).
 - Because a fixed term or temporary appointment needs to be made as soon as possible to ensure continuity within the post, such as covering a long-term period of sickness absence
 - Where the opportunity is for a temporary responsibility which an existing employee will undertake in addition to their substantive post
- Where the need for a fixed term post or temporary responsibility becomes a permanent one consideration will be given as to whether it is appropriate for the post-holder to be offered the permanent contract or whether the post should be advertised. This will depend on the original reason for the post initially being fixed-term, any accrued employment rights, any subsequent changes in the needs of the College and the original recruitment process that was undertaken.

Recruitment procedures for applicants

- All applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae (CV) will not be accepted in place of the completed application form. CVs are optional alongside an application form and, if submitted, will be reviewed and cross referenced against any other documents provided. Application forms cannot refer to a CV for information; all information must be included on an application form.
- Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, person specifications and the College's safeguarding and child protection policy and procedures are available to download from the College's website.
- Once a vacancy has closed, shortlisting will take place based against the criteria set out in the person specification. There will be a minimum of two people on a shortlisting panel to ensure fairness, consistency and constructive challenge.

- The applicant may then be invited to attend a formal interview at which his / her relevant skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children and will be asked safeguarding questions to test this [example questions are included at Appendix 3]. At least one panel member for interview must have completed the one-day NSPCC Safer Recruitment Training within the previous 2 years.

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 College's standard terms and conditions of employment
- verification of the applicant's identity (where that has not previously been verified)
- verification of qualifications, whether professional or otherwise, which the College considers in making the appointment decision
- verification of the applicant's employment history
- the receipt of two references (one of which must be from the applicant's most recent employer) which the College considers to be satisfactory
- for some positions which involve regulated activity with children, information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency which renders them unable or unsuitable to work at the College
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the College
- where the position amounts to "regulated activity (see section 4.3.2 below) the receipt of an enhanced disclosure from the DBS which the College considers to be satisfactory
- where the position amounts to "regulated activity" (see section 4.3.2 below) confirmation that the applicant is not named on the Children's Barred List*
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the College
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the College
- confirmation that the applicant is not disqualified from acting as a trustee / governor or senior manager of a charity under the Charities Act 2011 (if applicable, see section 4.6 below)
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 4.7 below)

- confirmation, via self-declaration on the application form, that the applicant's previous employers have not expressed concerns or taken any action, formal or informal, in relation to the applicant's conduct (e.g. capability, disciplinary, suitability to work with children)
- verification of the applicant's medical fitness for the role (see section 4.8 below)
- verification of the applicant's right to work in the UK; and
- any further checks which the College decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references.
- Any other information brought to the attention of the College e.g. whistleblowing, self-declaration etc.

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

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

Pre-employment checks

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations 2014 and the *Boarding Schools: national minimum standards* the College carries out a number of pre-employment checks in respect of all prospective employees, in all paid and unpaid roles; governors, volunteers, students, agency workers.

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

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

Verification of identity, address and qualifications

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications as set out below and in the list of valid identity documents at [Appendix 1](#) (these requirements comply with DBS identity checking guidelines):

- one document from Group 1; and

- two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address; and
- original documents confirming any educational and professional qualifications referred to in their application form.

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

The College asks for the date of birth of all applicants to assist with the vetting of the applicants. Proof of date of birth is necessary so that the College may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The College does not discriminate on the grounds of age.

Copies of these documents will be taken at interview stage by a panel member or HR representative. Should the candidate not provide proof of work at the start of an interview, the interview should not go ahead until this is produced. Should the candidate provide proof of right to work but no other documents, as requested, the interview may go ahead but a conditional offer of employment cannot be made until these documents are seen.

References

References will be taken up on short listed applicants prior to interview. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

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

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism" (see the definition of "extremism" at section 7 below). 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 false, unsubstantiated 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 allegation or concerns were found to be false, unsubstantiated or malicious
- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at section 7 below).

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

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

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

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

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

The College will make telephone contact with any referee to verify the details of the written reference provided and details of the call will be documented.

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

Criminal records checks

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

DBS filtering rules

Since 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 for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- (a) eleven years have elapsed since the date of conviction;
- (b) it is the person's only offence; and
- (c) 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 for an offence committed in the United Kingdom 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 for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- (a) five and a half years have elapsed since the date of conviction;
- (b) it is the person's only offence; and
- (c) 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 for an offence committed in the United Kingdom 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>.

Regulated activity

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

- (a) frequently, meaning once a week or more; or
- (b) overnight, meaning between 2.00 am and 6.00 am; or
- (c) satisfies the "period condition", meaning four times or more in a 30 day period; and
- (d) provides the opportunity for contact with children.

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

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

Further information can be found at the end of this policy [here](#).

The DBS disclosure certificate

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the College. It is a condition of employment with the College that the **original** disclosure certificate is provided to the College within two weeks of it being received by the applicant. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the College should be arranged with the HR Department as soon as it has been received. Applicants who are unable to attend at the College 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 HR Department. Where a certified copy is sent, the original disclosure certificate must still be provided on or prior to the first day of work and before work commences.

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

DBS Update Service

It is the College's policy that a new DBS certificate is required for employees who will engage in regulated activity but who have not been involved in any activities with the College for three consecutive months or more. Those employees who may have longer periods of times between their activities for the College may be required to sign up to the DBS update service as this permits the College to obtain up to date criminal records information without delay, prior to each new activity in which an employee participates.

If applicants are already part of the DBS Update Service, the College can check the update service, rather than request a new DBS check, so long as the level of DBS disclosure is what the College requires and they have written consent from the applicant. If the level of DBS disclosure is not what the College requires (i.e. no Child Barred List check) then the College will need to complete a new check.

Starting work pending receipt of the DBS disclosure

If there is a delay in receiving a DBS disclosure the Head has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including

a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place, which will include a risk assessment outlining the risk vulnerability and any agreed mitigations, reviewed on a fortnightly basis, by a minimum of two staff members (Line Manager and HR representative).

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 College will take into account the "DBS unusual addresses guide" in such circumstances.

The College takes into account the guidance issued by the NSPCC when deciding whether to request overseas information from applicants, which recommends that such information should be sought on those who have lived overseas for periods of three months or more in the last ten years. However, the College recognises that Education (Independent School Standards) Regulations 2014 do not specify that a minimum period of overseas residence is required. The College therefore assesses each applicant's situation on its individual facts.

Full guidance on obtaining an overseas police clearance check:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Where applicants are asked to provide further overseas information this will include a criminal records check from the relevant jurisdiction(s) or a certificate of good conduct (as appropriate) and / or references from any employment held.

Work can only commence once sufficient overseas information has been received and only if the College has considered that information and confirmed that the applicant is suitable to commence work at the College.

Prohibition from teaching check

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

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

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

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

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

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

In addition, for all appointments made on or after 18 January 2016, where an applicant has carried out teaching work outside of the UK the College will ask the applicant (and their referees) whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work. For staff employed prior to 31 December 2020, this included checking for the existence of any sanctions issued by regulators of the teaching profession in other EEA countries using the Teaching Regulation Agency Teacher Services system. After 1 January 2021 the TRA no longer maintains a list of those teachers who have been sanctioned in EEA member states. From this date, teachers from overseas will be subject to further appropriate checks so that relevant events that occurred outside the UK can be considered. These will be carried out in line with the Home Office guidance "Criminal Records Checks for Overseas Applicants". In addition, checks for teaching roles will include information about past conduct, for example, by checking the letter of professional standing (LOPS) issued by the professional body in the country in which the applicant has taught, which will be considered together with other information gathered as part of the safer employment checks.

Prohibition from management check

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

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

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

- Head
- teaching posts on the senior leadership team
- teaching posts which carry a departmental head role
- support staff posts on the senior leadership team; and

- the School will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support roles which carry additional responsibilities.

It also applies to appointments to the governing body.

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

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

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

Disqualification from acting as a charity trustee or senior manager

Background

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

Who is covered

A person is considered to be a charity trustee if they are one of the people who have general control and management of the administration of the charity and are registered as Trustees with the Charity Commission.

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 College the disqualification rules will be applicable to all governors, the College Head and Bursar, and potentially other senior staff who report directly to the governors who meet the threshold set by the Charity Commission for consideration under the disqualification rules.

Self-declaration

All those who are covered by the disqualification rules are required to complete a self-declaration form to confirm whether, to the best of their knowledge, they are subject to any of the disqualification criteria.

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

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

Waiver

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

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

Medical fitness

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

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 College instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the HR Department so that appropriate arrangements can be made.

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

Contractors and agency staff

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

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

The College will independently verify the identity of individuals supplied by contractors or an agency in accordance with section 4.1 above and requires the provision of the DBS disclosure certificate before those individuals can commence work at the College.

If contractors are self-employed, the College can complete the necessary checks on their behalf. There may be a cost implication for this.

More information on this can be found [here](#).

Volunteers

Volunteers working on site, for example in our Visitor Centre, follow a mirror process to paid staff with regards to clearances/checks. A completed application form, interview and references are all required.

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

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

If there is a delay in receiving a DBS disclosure the Head has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place, which will include a risk assessment outlining the risk vulnerability and any agreed mitigations, reviewed on a fortnightly basis, by a minimum of two staff members (Line Manager and HR representative).

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

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

More information on this can be found [here](#).

Visiting speakers and the Prevent Duty

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

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

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

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

"Extremism" is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

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

Policy on recruitment of ex-offenders

Background

The College will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The College makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the College. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 8.2 below.

All positions within the College are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3.1 above).

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

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

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

Assessment criteria

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the College will consider the following factors before reaching a recruitment decision:

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

If the post involves regular contact with children, it is the College's policy not to employ anyone who has been convicted at any time of any the following offences:

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

If the post involves access to money or budget responsibility, it is the College's policy not to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

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

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the College may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

Retention and security of disclosure information

The College's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

Induction and Safeguarding Training

New members of staff must attend a HR induction and safeguarding training on or before their first day of employment. During the induction, employees are provided with all relevant safeguarding documentation, including information regarding Designated Safeguarding Leads, and core policies and procedures which are useful from the start of employment, such as the ICT Acceptable Use policy and staff Codes of Conduct.

Whistleblowing and exit interviews

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

Referrals to the DBS and Teaching Regulation Agency

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

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

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

Queries

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

Appendix 1 List of valid identity documents

Group 1: primary identity documents

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

Group 2a: trusted government documents

- current driving licence (photocard - full or provisional (all countries outside the EEA excluding Isle of Man and Channel Islands))
- current driving licence (paper version if issued before 1998; UK / Isle of Man / Channel Islands and EEA; full or provisional)
- birth certificate - issued after time of birth (UK, Isle of Man and Channel Islands)
- marriage / civil partnership certificate (UK and Channel Islands)
- HM Forces ID card (UK)
- firearms licence (UK, Channel Islands and Isle of Man)

All driving licences must be valid.

Group 2b: Financial and social history documents

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

Note

If a document in the list of valid identity documents is:

denoted with * - it should be issued within the last three months

denoted with ** - it should be issued within the last 12 months

Appendix 2 - Safeguarding Recruitment Checking Summary for School-based roles

Central Questions we must ask for each new person entering the organisation:

1. **What will be the basis of their contract / arrangement / payment (if any?)**
 - a. Staff – full range of clearances
 - b. Governor – range of clearances
 - c. Supply staff – full range of clearances via agency required in writing
 - d. Contractor – See question 2 & 3 below – ID check on arrival
 - e. Volunteer - See question 2 & 3 below – ID check on arrival
 - f. PGCE Student – Clearances completed by their university or college – get written confirmation from their university or college and check ID on arrival
2. **Will they be in Regulated Activity?**
 - a. Will they be supervised at all times?
3. **How frequently will they be on site?**

STAFF - Members of staff in Regulated Activity:

- Identity
- Right to work in the UK
- DBS certificate
- Children's Barred List
- Adults Barred List (where there is access to adults at risk)
- Overseas checks (as appropriate)
- Qualifications
- 2 References including contact with previous child workforce employers to check reasons employment ended.
- Employment history / application form
- Safer recruitment interview
- Medical fitness
- Prohibition from teaching
- EEA Teaching Sanction
- Prohibition from Management (s128 direction)
- Child protection training

Work may commence in advance of the DBS return, with permission from the Head, **ONLY IF ALL** other above clearance checks are completed **AND** if the individual is accompanied at all times under signed risk assessment (reviewed every two weeks)

Governors:

Require all of the above except qualifications, references, employment history and medical fitness. The Chair of Governors requires an additional DBS sign off via the Secretary of State.

Supply Staff:

All full clearances (as for staff) or written confirmation from the agency that they have carried out these clearances.

Alternatively, if no checks or checks are incomplete from an agency, full staff checks required.

ID check on arrival.

Regular Contractors in regulated Activity:

All full clearances (as for staff) or written confirmation from the agency that they have carried out these clearances

ID check on arrival.

Infrequent Contractors:

Can only be DBS checked if they meet the 'Regulated Activity' definition and the frequency definition. Therefore, must be supervised at all times in school areas.

Volunteers:

Supervised Volunteers in Regulated Activity:

Must be supervised continuously under a risk assessment and with a visitor badge.

Unsupervised Volunteers Regulated Activity:

Full staff clearances

Resident family members:

Family members over 16 years who live on the same premises as boarders but are not employed by the College (or those away at University for whom this is the main family home, and those staying frequently during term time e.g. babysitting grandparents staying every week or most weeks):

- Sign Licence to Occupy
- DBS check
- Barred List check
- Proof of RTW / immigration status
- Read and sign KCSIE part 1 and Annexe A
- Child Protection Training

PGCE students:

All relevant checks carried out via their University / College.

ID check on arrival.

DEFINITIONS

WHAT IS REGULATED ACTIVITY?

(from ISI Commentary September 2018)

272. Understanding regulated activity is key to understanding Part 4 [of the ISI requirements]. The full legal definitions of regulated activity are set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

273. Currently there is more than one definition of 'regulated activity' which is relevant to schools. The following are those most relevant and in the order of most relevance to schools.

Definitions of regulated activity

- ALL REGULAR WORK FOR SCHOOLS WITH OPPORTUNITY FOR CONTACT WITH CHILDREN IS REGULATED ACTIVITY, except:
 - Work (not entailing personal care, within definition 2) by supervised volunteers
 - Work (not entailing care or teaching, within definitions 2 or 3) by occasional/temporary contractors
 - Work by pupils for other pupils (excepting for those in early years) (known as ‘the peer exemption’).
- Relevant personal care, or health care is regulated activity –
 - Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
 - Health care, in this context, means care for children provided by, or under the direction or supervision of, a regulated health care professional.

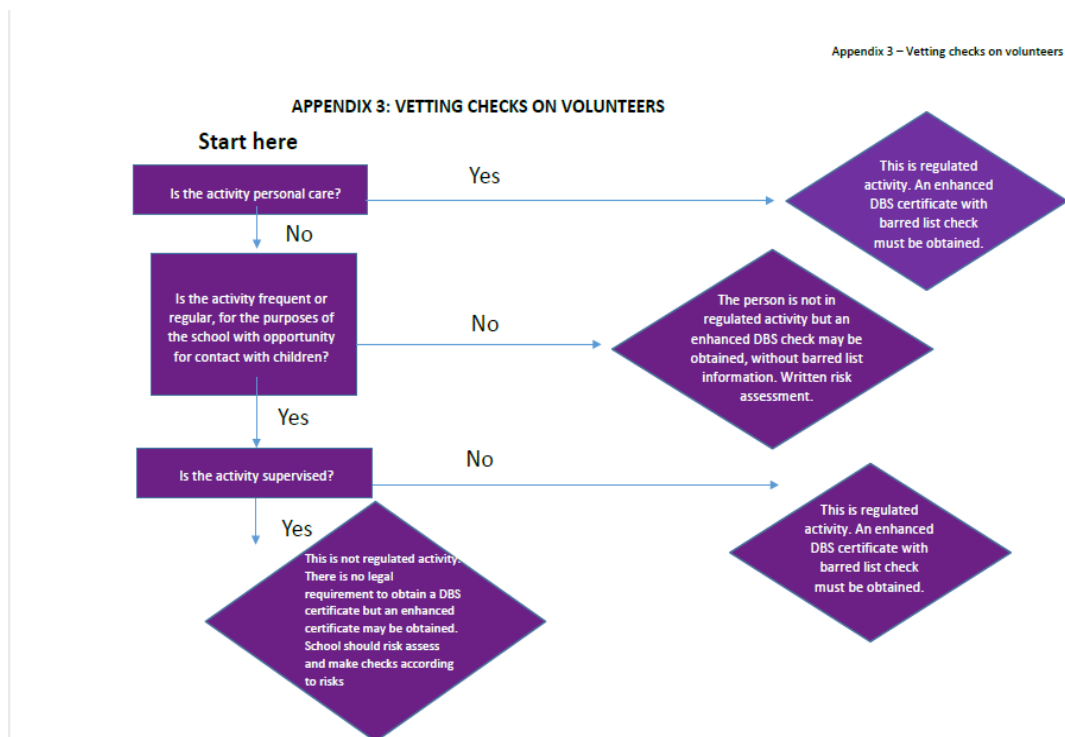
Note that ‘care’ within this definition is always regulated; considerations of regularity and supervision do not apply.

- Regular, unsupervised teaching, training, instructing, caring for or supervising children is regulated activity and so is regularly
 - providing advice or guidance for children on well-being, or
 - driving a vehicle only for children.

Definition of Regular (for the purposes of regulated activity):

For the purpose of assessing whether a person is working in regulated activity, ‘regular’ includes ‘frequent’ and these are defined together as follows:

- frequently (once a week or more often),
- or on 4 or more days in a 30-day period,
- or overnight (between 2am and 6am).



Appendix 3 – Sample Safeguarding Questions for Interview

Admin staff

As you finish your journey into work at Ampleforth, you notice an adult in an altercation with a child who is being dropped off. The car draws up near you and both child and adult get out. As you pass them by, the adult seems unsteady on their feet and their language is slurred. Would you have any concerns here? What would you do?

Catering support staff

You are on duty in the Refectory and you notice a pupil who frequently puts food on his or her plate, but who then appears to leave the food uneaten and scrapes it into the bin. What would you think? What would you do?

When tidying the Refectory, you notice that food is being dropped under the table and that this is happening frequently, it is particularly noticeable at certain times. What would you consider? What would you do?

Estates staff

During your work you encounter a member of the public who states that they are the parent of a boarder here and asks to be directed to their boarding house. They name a girl's boarding house and give a female name. Would you have any concerns here? What would you do?

When carrying out routine state of repair checks in one of the Boarding Houses you notice that the wiring in one room has been tampered with. What would you do? Why?

When carrying out repairs in one of the Boarding Houses you notice that some of the ceiling tiles are loose and items appear to be stored in the ceiling void. What would you think? What would you do?

Grounds staff

During your work you encounter a member of the public who states that they are the parent of a boarder here and asks to be directed to their boarding house. They name a girl's boarding house and give a female name. Would you have any concerns here? What would you do?

When clearing an overgrown area, you come across empty and full alcohol bottles and what looks like drugs paraphernalia. What would you do? Why?

House matron or other House staff

You notice that one of the pupils in the House is seldom in short sleeves or shorts, even when the weather is warm. One on occasion they have sleeves rolled up and there are visible marks on one forearm. Would you have any concerns here? What would you do?

Housekeeping staff

When cleaning in main school, you notice that one of the students is 'trapped' in one of the empty classrooms by a couple of older students. When they see you approaching, one student in the corridor raises the alarm and they all run off leaving the trapped student behind, in tears. What would you do?

When cleaning in the House, you notice that one of the student's rooms is particularly untidy and there are macabre drawings/inappropriate doodles pinned on the notice board, scratched into the desk and littering the bin. What would you consider? What would you do? Why?

When cleaning a student's room, you notice that there are always blood-stained tissues in the bin and clothes in the laundry. Would you be concerned? Why? What would you do?

Teaching staff/Grad

You are on duty in a House and you overhear a conversation between two year 11 girls. One says that over the coming Exeat weekend their parents' flat in York will be free, and she adds that her boyfriend, an undergraduate student, will be there too. Would you have any concerns here? What would you do?

A student suddenly follows you on social media and then sends you a DM saying "hi". You have worked with them for a year and they are in one of your Sixth Form classes. Would you have any concerns here? What would you do?

A student in one of your classes asks you for one-to-one support in their studies. They suggest that they have a quiet place where they always work because they have anxiety in group settings. They suggest this as the ideal location. Would you have any concerns here? What would you do?