



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

UNCONTROLLED if COPIED or PRINTED

### Safer Recruitment Policy

10	Jan 2021	Updated to reflect changes to DBS filtering and EEA teaching checks	SA	
9	Sept 2020	no changes	RW	
8	Sept 2019	Minor editorial changes	SA	
7	October 2018	Changes to the policy that are in line with the update to KCSIE.  The main areas are Self-Disqualification, Section 128 checks, Volunteer checks and referral to the DBS.	SA	RW
6	Nov 2017	Up to date with the exception of the GDPR review – which this document will be affected by	RW/SA	RW
5	Jan 17	Addition of Appendix 2	AM	INSPECTED
4	Sept 2016	Reviewed content	AM	
3	March 2016	Revised format and reviewed content.	SG	RW
2	Jun 2015	Content revised		
1	Jun 2010	Agreed by Governing Body		
<b>Rev.</b>	<b>Date</b>	<b>Amendment</b>	<b>Completed By:</b>	<b>Authorised By:</b>



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

## **Contents**

<b>Introduction</b>	<b>4</b>
<b>Recruitment and selection procedure</b>	<b>4</b>
<b>Medical fitness</b>	<b>6</b>
<b>Pre-employment checks</b>	<b>7</b>
Verification of identity and address	7
References	8
Criminal records check	9
Prohibition from teaching check	11
Prohibition from management check	12
<b>Childcare disqualification requirements</b>	<b>13</b>
<b>Contractors and agency staff</b>	<b>15</b>
<b>Volunteers</b>	<b>15</b>
<b>Visiting speakers and the Prevent Duty</b>	<b>16</b>
<b>Policy on recruitment of ex-offenders</b>	<b>16</b>
Background	16
Assessment criteria	17
Assessment procedure	18
Retention and security of disclosure information	18
<b>Retention of records</b>	<b>19</b>
<b>Whistleblowing and exit interviews</b>	<b>19</b>
<b>Referrals to the DBS and Teaching Regulation Agency (TRA)</b>	<b>19</b>
<b>Queries</b>	<b>20</b>
<b>Appendix 1 List of valid identity documents</b>	<b>21</b>



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

<b>Appendix 2 Disclosure and Barring Service Policy and Procedures</b>	<b>23</b>
Annex A - Procedures	25
Annex B - Risk Assessment	27
Annex C - DBS Code of Practice	30
Annex D - Policy Statement on the Recruitment of Ex-Offenders	36
<b>Appendix 3 - Risk Assessment for Volunteers</b>	<b>38</b>
Decision	41
<b>Appendix 4 - Volunteer Agreement</b>	<b>42</b>



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

This policy applies to all staff including those in the EYFS

All aspects of this policy are subject to the School's [Data Protection Policy](#), [Privacy Notices](#) and [Data Retention and Destruction Policies](#) and should be read in conjunction with the [Child Protection Safeguarding Policy](#).

## 1 Introduction

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

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

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping children safe in education (September 2020) (KCSIE), Disqualification under the Childcare Act 2006 (DUCA), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

## 2 Recruitment and selection procedure

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



**Safer Recruitment Policy**

Ref.:	EMP002	Rev: 10	Date: Jan 2021
-------	--------	---------	----------------

application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

Applicants will receive a job description and person specification for the role applied for. Application forms and the School's [Child Protection Safeguarding Policy](#) are available to download from the School's website.

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.

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

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;
- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency (TRA) which renders them unable or unsuitable to work at the School;
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by, a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School;
- for teaching positions, confirmation from the Teaching Regulation Agency that the applicant is not subject to a prohibition order;
- where the position amounts to "regulated activity" (see section 4.3 below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory. Please see Appendix 2 for our Disclosure and Barring Service Policy and Procedures;
- where the position amounts to "regulated activity" (see section 4.3 below) confirmation that the applicant is not named on the Children's Barred List\*;
- information about whether confirmation that the applicant is/has ever been subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children which renders them unable or unsuitable to work at the School;
- for management positions (which includes Heads of Department), information about whether the applicant has ever been referred to the Department for Education, or is the subject of confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008, which prohibits, disqualifies or restricts them from being involved in the management of an independent school which renders them unable or unsuitable to work at the School;



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 4.45 below);
- verification of the applicant's medical fitness for the role (see section 3 below);
- verification of the applicant's right to work in the UK;
- any further checks which the School decides are necessary as a result of the applicant having lived or worked outside of the UK which may include; an overseas criminal records check, certificate of good conduct or professional references; and
- verification of professional qualifications which the School deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

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

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

### **3 Medical fitness**

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

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

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



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

## 4 Pre-employment checks

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

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

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

### 4.1 Verification of identity and address

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 School asks for the date of birth of all applicants (and proof of this) in accordance with KCSIE. Proof of date of birth is necessary so that the School may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The School does not discriminate on the grounds of age.



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

## 4.2 References

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

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 8 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 8 below).

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

The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials. The School will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

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





Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

### 4.3 Criminal records check

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

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. These rules were updated on 28th November 2020 as follows:

- warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
- the multiple conviction rule has been removed, meaning that if an individual has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules individually, rather than all being automatically disclosed

The rules regarding the automatic disclosure of convictions or cautions are set out in legislation. This states that a certificate must include the following:

Disposal	Age when given/sentenced	How long ago
Cautions for specified offence	18 or over	Any time
Cautions for non-specified offence	18 or over	Less than 6 years
Conviction for specified offence	Any age	Any time
Conviction resulting in custodial sentence	Any age	Any time
Conviction for non-specified offence	18 or over	Less than 11 years
Conviction for non-specified offence	Under 18	Less than 5 and half years



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

A 'specified offence' is one which is on the [list of specified offences](#) agreed by Parliament which will always be disclosed on a Standard or Enhanced DBS certificate, regardless of how long ago it was given. This includes where a specified offence receives a caution (but not youth cautions, reprimands or warnings). The list includes a range of offences which are serious, relate to sexual or violent offending or are relevant in the context of safeguarding.

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

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30 day period; and
- 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 School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the School amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the School office outside of term time or voluntary posts which are supervised.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the original disclosure certificate is provided to the School within one month of it being received by the applicant and, at the latest, on the first day of working at the School. Original certificates should not be sent by post. Applicants must bring the original certificate into the School, arranging a convenient time and date for doing so with the Compliance Manager as soon as the certificate has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to the Compliance Manager. Where a certified copy is sent, the original disclosure certificate must still be provided on the first working day. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School. If there is a delay in receiving a DBS disclosure the 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.



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction(s), a certificate of good conduct and/or references from any employment held. Work can only commence once the overseas information has been received and only if the School has considered that information and confirmed that the applicant is suitable to commence work at the School.

Please also refer to Appendix 2 'Disclosure and Barring Service Policy and Procedures'

#### 4.4 Overseas checks

Where the successful candidate for a role has lived or worked overseas for more than three months in the last five years (not necessarily consecutively) a DBS check alone is not considered sufficient to establish suitability to work in a school (because a UK check would not necessarily cover relevant events that occurred outside the UK, only those that have been recorded on the UK Police National Computer). In this case the School is required to have regard to the government's guidance: The Home Office has published guides on what checks are available from different countries and foreign embassies, and the School will require the future employee to undertake these checks prior to commencing work. The only exception to this would be where the time abroad occurred prior to the prospective employee reaching 16 years of age.

Teachers will be requested to provide proof of their past conduct as a teacher in other countries. From 1 January 2021 professional regulators in the EEA (EU, Iceland, Liechtenstein and Norway) will no longer share information about sanctions imposed on EEA teachers with the Teaching Regulation Agency (TRA) via the IMI (Internal Market Information) system. Instead, teachers will be asked to provide a letter of professional standing. This should be a letter of professional standing issued by the professional regulating authority in the country in which they worked. Such evidence will be considered alongside other information obtained through other pre-appointment checks to help assess their suitability.

The School will always have regard to the [Home Office guidance on criminal records checks for overseas applicants](#).

#### 4.5 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 TRA 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 TRA.



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

In addition the School 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 TRA or other equivalent body in the UK.

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

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

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

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

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 School 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. This will include checking for the existence of any sanctions issued by regulators of the teaching profession in other EEA countries using the TRA Teacher Services system.

#### **4.6 Prohibition from management check**

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

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

- Head;
- teaching posts on the senior leadership team;



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

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

It also applies to appointments to the governing body.

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

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

## **5 Childcare disqualification requirements**

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

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

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



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

Roles which will be covered by the Regulations are teaching and teaching assistant positions in EYP, and those that involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Head, and may also include other members of the leadership team as well as those involved in the day to day management of EYP or LYP at the School. DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

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

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

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

All applicants to whom an offer of employment is made to carry out a relevant role in EYP or LYP will be required to complete a Self-Declaration Form confirming whether they meet any of the criteria for disqualification under the Regulations. The School will decide whether a role is relevant and within the scope of EYP or LYP by having regard to the guidance in DUCA. Employment with the School in any relevant role will be conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified. The School cannot permit any person who is currently disqualified to start work in a relevant role. The School also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the School, any information disclosed in the Self-Declaration Form renders that person unsuitable to work at the School. Applicants who have any criminal records information to disclose about themselves must also provide the following information:



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

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

Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3 above).

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

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

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

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

## **6 Contractors and agency staff**

Contractors engaged by the School must complete the same checks for their employees that the School is required to complete for its staff. The School requires confirmation that these checks have been completed before employees of the Contractor 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 staff supplied by contractors or an agency in accordance with section 4.1 above and will require the provision of the original DBS disclosure certificate before contractor or agency staff can commence work at the School.



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

## 7 Volunteers

The School aims to recruit volunteers and governors who share and understand our commitment to ensure the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority. All queries on the School’s recruitment process must be directed to the HR Manager.

### Recruitment of Governors

As Trustees of a registered charity, the Governors of the School are responsible for the selection and appointment of new Governors. This is a legal responsibility that cannot be delegated, although we encourage the Headmaster, Bursar, and other senior staff, or those who are close to the School, such as parents, to suggest the names of potential candidates. As Charity Trustees we are aware of the importance of identifying the appropriate mixture of skills and experience that we and our successors need to manage the multi-faceted affairs of a modern school which is also a Company Limited by Guarantee (CLBG), a medium sized business and an important local employer, with some 85 employees. We will avoid appointing or retaining trustees who are disqualified from being a trustee, unless the Charity Commission has given a waiver. All potential trustees will complete a *charity trustee positions: automatic disqualification declaration* **before** beginning the selection process.

*Following return of the completed disqualification declaration, all Governors complete a selection process, which requires the submission of a CV, an interview with two/three of the School Governors. Once appointed, every Governor has an enhanced DBS check with a barred list check which enables them to engage in regulated activity. Each appointment is ratified by the full Board prior to the individual commencing his or her role. The governing body currently consists of 14 governors of whom 4 are parents with children currently at the School. While the School does not implement a fixed term for each governorship, we do re-appoint three governors each year on rotation, such that, in effect, each governor serves a term of 4-5 years. The exception to this is the role of Chair and Deputy Chair(s) who are appointed for a fixed term of 5 years. The School arranges for all new Governors to receive a thorough induction in child protection, from our DSL, and in the compliance and fiduciary duties of governance, either through online training or in person with AGBIS. New Governors spend some time at the School in order to meet the Bursar and Head to gain an insight into the curriculum, how the school runs, the workings of the Board, as well as to meet groups of pupils.*

### Governor’s Selection process

#### The Initial Stage





Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

When a potential Governor has been identified, who has expressed an interest; he or she will be invited to visit the School and to meet the Headmaster and Bursar. If the Chairman of Governors is not present at that stage, he will probably arrange a separate informal meeting, perhaps in the company of another, experienced Governor. At that meeting, we will briefly describe our strategic vision for the next 3-5 years and the direction in which the Governors see the school moving. Our aim at the informal meeting is to ensure that every prospective Governor has a clear understanding of the commitment expected of him or her, in terms of time and attendance and is given sufficient material about the School that is in the public domain (prospectus, latest ISI Inspection Report, Statutory Accounts and Annual Return for the previous year) to allow a well-informed judgement to be made before committing themselves to the appointment process. At the informal meeting, we also brief all potential candidates about the range of statutory checks that are required as part of the appointment process.

### The Appointment Process

The second step is to invite the prospective Governor to submit a copy of his/her CV under a covering letter to the Chairman of Governors. Prospective Governors are interviewed by two/three senior Governors, who recommend all appointments to the full Governing Body. Care is taken to select Governors who are prepared to serve for a minimum of three, and preferably, five years and to be prepared to commit the time necessary to get to know the school.

All new appointments are formally recorded in the minutes of the Main Board, and a formal letter of appointment is sent by the Chairman, which specifies the term of the appointment, the total tenure for a Governor, and, if appropriate, the sub-Committee(s) to which the new Governor has been appointed.

### Safer recruitment checks

The Bursar (in his/her role as Clerk to Governors) at the School will obtain the following from the new potential governor before their appointment is confirmed:

1. an enhanced DBS certificate;
2. if the Governor will be undertaking a regulated activity, a barred list check;
3. evidence of their entitlement to work in the UK, where relevant;
4. confirmation that they are not disqualified from acting as a Charity Trustee or Company Director, for example by virtue of an undischarged bankruptcy;
5. evidence that the Governor has not been prohibited from participating in the management of independent schools;
6. a declaration that they are not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)" ;
7. Further overseas checks are required if the person lives and works or has lived and worked for any period of time outside the UK.



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

- If the new Governor is also to be appointed as a Company Director, a completed Form AP01 (downloadable from [www.completeformations.co.uk](http://www.completeformations.co.uk)) will be sent to Companies House to register the appointment.

All the paperwork is handled by the Bursar and the HR Manager.

**Checks regarding the Chair of Governors**

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

**Induction of Governors and Trustees**

Governors would be provided with training on the following once in post:

- Child Protection Policy and safeguarding obligations
- Staff Behaviour Policy
- Health and Safety
- Confidentiality obligations
- Supervision
- Data Protection

**Data Protection**

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

**The recruitment of other volunteers**

Volunteers at our school bring with them a range of skills and experience that can enhance the learning opportunities of pupils. The Board of Governors therefore, welcomes and encourages volunteers from the local community to assist in its day to day running. The kinds of activities that volunteers may assist with are hearing pupils read, working with small groups of pupils to assist them in their learning, working alongside individual pupils, as an additional tutor, accompanying school visits, or running events that are organised by the Social Committee.



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

Volunteers will be recruited and vetted via the process set out below. Volunteers who take part in a regulated activity will be subject to safer recruitment checks.

### Recruitment

Volunteers will be subject to an informal recruitment process which will involve a meeting with the relevant member of staff to discuss the requirements of the School and the skills of the volunteer. The purpose of this meeting will be to understand whether the prospective volunteer has any previous relevant experience and find out whether the expectations and requirements of each party meet and whether there is a volunteering opportunity at the School. Following the meeting a risk assessment (At Appendix 3) will be carried out to determine which checks and documentation are required in each case. The risk assessment is held on file with the HR Manager.

Any volunteering placement may be offered subject to the following checks, if relevant:

1. an enhanced DBS certificate;
2. if the volunteer will be undertaking a regulated activity, a barred list check;
3. evidence of their entitlement to work in the UK, where relevant;
4. a declaration that they are not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)”;
5. the volunteer will be provided with an agreement (At Appendix 4) which includes a confidentiality statement;
6. references may also be required;

### Induction

Volunteers will be provided with training on the following matters once the volunteering placement commences:

- Child Protection Policy and safeguarding obligations
- Staff Behaviour Policy
- Health and Safety
- Confidentiality obligations
- Supervision
- Data Protection

### Data Protection

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



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

## 8 Visiting speakers and the Prevent Duty

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

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

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

The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and / or permit a speaker to attend the School. In doing so the School will always have regard to the [Visiting Speaker 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 School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

The School reserves the right to obtain such information on any other person appointed to work for or at the School.

## 9 Policy on recruitment of ex-offenders

### 9.1 Background

The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The School makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record, this will not automatically bar them from employment with the School. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 9.2 below.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers,



**Safer Recruitment Policy**

Ref.:	EMP002	Rev: 10	Date: Jan 2021
-------	--------	---------	----------------

and if they are disclosed, employers cannot take them into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website. [www.gov.uk/dbs](http://www.gov.uk/dbs) All other spent connections and cautions must be disclosed.

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

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

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

## 9.2 Assessment criteria

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

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

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

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

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



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

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 drunk driving within the last ten years.

### **9.3 Assessment procedure**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Bursar and the Head of the School before a position is offered or confirmed.

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

### **9.4 Retention and security of disclosure information**

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

In particular, the School will:

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

Please also refer to Annex D of Appendix 2 'Policy Statement on the Recruitment of Ex-Offenders' produced by @lantic Data, the umbrella body through whom Bishopsgate School makes all applications to the DBS.



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

## 10 Retention of records

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

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. Please refer to Appendix 2 for handling of disclosure information. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months from the date of employment of the successful candidate. The same policy applies to any suitability information obtained about volunteers involved with School activities.

Further information can be found in the [Data Retention and Destruction Policy](#)

## 11 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 School's policies (including the Whistleblowing Policy, the Safeguarding Policy and the Staff Code of Conduct). Safeguarding children is at the centre of the School's culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at an exit interview which are held with all leavers.

## 12 Referrals to the DBS and Teaching Regulation Agency (TRA)

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

- has applied for a position at the School despite being barred from working with children; or



**Safer Recruitment Policy**

Ref.:	EMP002	Rev: 10	Date: Jan 2021
-------	--------	---------	----------------

- has been removed/suspended by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to a child.

If the individual referred to the DBS is a teacher, the School may also make a referral to the TRA. In the matter of referral the School will follow the [Disclosure & Barring Service guidance](#).

### **13 Queries**

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





Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

## 14 Appendix 1 List of valid identity documents

### Group 1: primary identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence (photocard with paper counterpart; full or provisional; UK / Isle of Man / Channel Islands and EU)
- birth certificate (UK & Channel Islands; issued at the time of birth (within 42 days of date of birth); full or short form acceptable 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 (paper version; UK / Isle of Man / Channel Islands and EU; full or provisional)
- current driving licence (photocard; all countries; full or provisional)
- current non-UK driving licence (valid for up to 12 months from the date the applicant entered the UK)
- birth certificate (UK and Channel Islands; issued at any time after the date of birth by the General Registrar Office / relevant authority i.e. Registrars)
- marriage / civil partnership certificate (UK and Channel Islands)
- HM Forces ID card (UK)
- firearms licence (UK, Channel Islands and Isle of Man)

### 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)\*\*
- work permit / visa (UK; valid up to expiry date)
- 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 the time of application)
- utility bill (UK; not mobile telephone bill)\*
- benefit statement - e.g. child benefit, pension (UK)\*



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

- a document from central or local government/ government agency / local authority 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) \*
- EU national ID card (must be valid at the time of application)
- cards carrying the PASS accreditation logo (UK and Channel Islands; must be valid at time of applications)
- letter from Head or College Principal (for 16-19 year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at the time of application).

**Note**

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



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

## 15 Appendix 2 Disclosure and Barring Service Policy and Procedures

### Background

Bishopsgate School processes criminal records checks with the Disclosure and Barring Service (DBS) through @lantic Data who act as the School’s umbrella organisation. It is of fundamental importance to Bishopsgate to ensure so far as possible that those who take up appointments do not pose a risk to the children in its care. It is therefore important for the School to apply for and review the past criminal records of any successful applicants for positions. Any formal offer of appointment will be subject to a satisfactory disclosure from the DBS. The School considers it is also essential that confidential and personal disclosure information from the DBS is used fairly and sensibly in order to avoid unfair discrimination of applicants for appointments at the School. The School applies for enhanced disclosures for all staff involved in regulated activity.

### Application Process

Successful applicants will be required to provide proof of their identity to the School. The DBS Application Form will be completed by the School and the Applicant on-line. This process is shown in more detail at **Annex A**.

### Consideration of Disclosure Information by the School

On sight of a disclosure from the DBS which contains information of a previous criminal record, the School shall conduct a risk assessment in line with **Annex B**.

### Code of Practice

The School notes and agrees to comply with the provisions of the Code of Practice published by the DBS in November 2015 which is reproduced at **Annex C**.

### Security of Disclosure Information

Given the confidential nature of the disclosure information, the School will ensure that it is dealt with appropriately.

Disclosure information will be locked away, with access restricted to senior members of staff, their administrative support staff and those who are entitled to see the disclosure information in the



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

course of their duties. When requested, the subject of the disclosure information will be given details of the names of those who have been made aware of it.

Once a recruitment decision has been made, the School will not retain the disclosure information for any longer than necessary, which shall normally be less than 6 months.

In the event of any dispute with the applicant over the content of the disclosure information, the documents may need to be retained for a longer period, but in general this should not be longer than 6 months after resolution of the dispute.

If, in exceptional circumstances, it is considered necessary to retain disclosure information for a longer period, the DBS will be consulted by the School for their agreement to this.

All disclosure information will be destroyed by secure methods (such as shredding or burning).

All recipients of disclosure information will store all confidential documents in secure conditions. Documents will be locked in non-portable storage containers. Keys for such storage units will be restricted to those named individuals who have access to the disclosure information and who are engaged in the recruitment.

The School will not retain any photocopies or other notes of the Disclosure information, save for:

- retaining details of the date of a disclosure
- the name of the subject
- the type of disclosure
- the position in question
- any relevant risk assessment
- the unique number issued by the DBS to the disclosure
- the recruitment decision that was taken.

If disclosure information is lost, the School will inform the DBS and the subject of the information as soon as possible.



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

### Annex A - Procedures

#### Responsibility

The Headmaster is responsible for the recruitment and DBS checks for all academic and residential staff including peripatetic teaching staff and contracted staff such as sports coaches. The Bursar is responsible for the recruitment and DBS checks for all support staff. The HR Manager leads on the day to day administration of the DBS process including liaison with @lantic Data, the applicant and the Disclosure and Barring Service. The HR Manager tracks all DBS applications as they proceed through the system.

#### Contract

The Bursar will lead on all elements of the contract between the School and umbrella organisation – currently @lantic Data.

#### The Process

Action	Comment
Advertisement placed	To include notification that an enhanced DBS check will be required.
Job description and application form posted on internet	JD and Application Form uploaded to websites carrying the advertisement.
Review by interview panel followed by invitation to first interview	Invitation to interview will include a request to bring documents to provide proof of identification and qualifications.
Request references from two referees	If it is not appropriate to approach the current employer, seek an alternative referee.
First interview	HR Manager to copy proof of identity documents and qualifications.
Invitation to 2 <sup>nd</sup> interview	If appropriate.
Verbal offer	



**Safer Recruitment Policy**

Ref.:	EMP002	Rev: 10	Date: Jan 2021
-------	--------	---------	----------------

Request reference from current employer if outstanding	
Formal Offer of appointment letter	Conditional offer until receipt of all pre-employment checks
Issue contract, Health questionnaire, DBS application, verify references	
DBS certificate brought to school	The applicant brings the disclosure to the HR Manager for verification.
Action on receipt of DBS	If contentious, then the Headmaster or Bursar will conduct a written risk assessment ( <b>Annex B</b> )



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

**Annex B - Risk Assessment**

Applicant Name:
Position Applied for:
Is Applicant debarred or disqualified from working with children? <i>If so, it is an offence for persons banned from working with children to apply to work with children. You should inform the Police, DBS and/or the DfE Children’s Safeguarding Operations Unit (formerly the Teacher’s Misconduct Team).</i>
Comments:
Type of offence/sentence given: <i>Is the caution/conviction a “one off” or are there several? Are the cautions/convictions of a similar nature?</i>
Comments:
Date of offence: <i>Was the applicant a juvenile or adult at the time of the caution/conviction? How long ago was the caution/conviction awarded?</i>
Comments:



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

Relevance to position applied for: *Is the caution/conviction relevant to the role which will be undertaken? Is the Applicant likely to be placed in circumstances similar to those in which he previously offended? Does the position involve face to face contact or contact via ICT that may occur on more than one occasion?*

Comments:

Level of accountability/responsibility: *What level of supervision will the Applicant receive?*

Comments:

Applicant's attitude to the offence: *Does the Applicant take responsibility for the offence and recognise the harm that he/she caused? Does the Applicant show remorse?*

Comments:

Mitigating circumstances: *Were there particular personal circumstances at that time which led to the offence (eg. financial hardship, dysfunctional family) which have now changed? Is the context behind the offence cause for concern (eg. was the conviction for an act of "self defence" or a premeditated act)?*

Comments:





Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

<b>Risk before precautions/ controls (Please circle)</b>
<b>High/Medium/Low</b>
Comment on decision for this category:
Minimise Risk By:
<b>Residual Risk after controls are in place (Please circle)</b>
<b>High/Medium/Low</b>
Comment on decision for this category:
<b>Decision: (Please circle)</b>
<input type="checkbox"/> Applicant will not be appointed <input type="checkbox"/> Applicant will be appointed with controls above
If appointed - Date of appointment:
<b>Assessment By:</b>
Name:
Title:
Date:



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

## Annex C - DBS Code of Practice

### Who does this Code apply to?

The Code of Practice applies to all Registered Bodies with the Disclosure and Barring Service (DBS) under section 120 of the Police Act 1997 (Registered Bodies) and recipients of Update Service information under section 116A of the Police Act 1997. This includes those Registered Bodies that provide an umbrella function to non-registered organisations. The Code refers to any information exchanged between DBS and the Registered Body.

The Code of Practice does not apply to other third parties. The DBS will seek to ensure compliance with the Code through the full range of DBS assurance management processes.

All applicants for a DBS check should be made aware of this Code of Practice and provided with a copy upon request.

### Disclosure Offences: Sections 123 and 124 of the Police Act 1997<sup>1</sup>

Although certificates are now provided directly to the applicant, registered bodies will receive personal information related to applications and, where registered bodies are also employers, voluntary sector organisations or licensing authorities, will receive disclosure information when certificates are provided to them by their employees or applicants for posts, including volunteers.

Recipients of disclosure information, through electronic means or via the applicant's copy of the disclosure, must note that it is an offence to disclose information contained within a DBS Certificate to any person who is not a member, officer or employee of the Registered Body or their client, unless a relevant legal exception applies. Furthermore, it is also an offence to:

1. Disclose information to any member, officer or employee where it is not related to that employee's duties
2. Knowingly make a false statement for the purpose of obtaining, or enabling another person to obtain, a Certificate

---

<sup>1</sup> <http://www.legislation.gov.uk/ukpga/1997/50/section/124>



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

Registered Bodies and those in receipt of Update Service information believed to have committed an offence will be liable to prosecution, suspension or de-registration.

**What happens if the Code is breached?**

The Police Act 1997 (Criminal Records) (Registration) Regulations 2006<sup>2</sup> sets out Conditions of Registration. Regulation 7(h) is for compliance with the Code of Practice issued under section 122 of the Act.

Failure to comply with Conditions of Registration can result in the suspension or cancellation of registration. This follows a set legislative process with clear timescales.

Failure to comply with the requirements set out in the Data Protection Act may also result in enforcement action from the Information Commissioner’s Office (ICO).

**The Obligations**

**Registration Details**

The Police Act 1997 (Criminal Records) (Registration) Regulations 2006<sup>3</sup> sets out the obligations a Registered Body must meet in order to retain its registration.

Registered Bodies must:

- 1 Provide up-to-date information to the DBS in respect of their registration information and counter signatories in line with current procedures.
- 2 Maintain all accounts, online or otherwise, for all DBS products and delete when no longer required.
- 3 Ensure any electronic system used complies with the specifications set out in the above regulations.

<sup>2</sup> <http://www.legislation.gov.uk/ukxi/2006/750/contents/made>

<sup>3</sup> <http://www.legislation.gov.uk/ukxi/2006/750/contents/made>



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

### **Application Process**

Registered Bodies must:

- 1 Submit applications for a DBS product in the format determined by DBS.
- 2 Ensure that applications for a DBS product are completed accurately and that all data fields determined by DBS as mandatory are completed in full.
- 3 Ensure that any application submitted electronically complies with DBS specifications as stipulated in line with current requirements.
- 4 Ensure that, where evidence checkers complete any part of the administration of the application process, sufficient training has been provided to enable the same degree of accuracy required by DBS of the counter signatory.

### **Identity Verification**

Registered Bodies must:

- 1 Verify the identity of the applicant prior to the submission of an application for a DBS product by following the current guidelines issued by DBS<sup>4</sup>.
- 2 Ensure that any person undertaking identity verification checks on their behalf follows the current guidelines issued by DBS.
- 3 Make sure lead or counter signatories do not validate their own applications for any DBS products.

### **Data Handling**

Failure to comply with DPA requirements could result in enforcement action from the ICO.

---

<sup>4</sup> <https://www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide->



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

In line with the Data Protection Act 1998 Registered Bodies and those in receipt of Update Service information must:

- 1 Have a written policy on the secure handling of information provided by DBS, electronically or otherwise, and make it available to individuals at the point of requesting them to complete a DBS application form or asking consent to use their information to access any service DBS provides.
- 2 Handle all information provided to them by DBS, as a consequence of applying for a DBS product, in line with the obligations under the Data Protection Act 2018.
- 3 Handle all DBS related information provided to them by their employee or potential employee in line with the obligations under the Data Protection Act 2018.
- 4 Ensure that a result received as part of an application submitted electronically is not reproduced in such a way that it infers that it is a certificate issued by DBS.
- 5 Ensure any third parties are aware of the Data Protection Principles and provide them with guidance on secure handling and storage of information. For Data Protection purposes, information passed to a Registered Body by DBS remains the responsibility of the Registered Body even if passed to a third party.
- 6 Ensure business continuity and disaster recovery measures are in place and comply with Data Protection requirements.
- 7 Must comply with security requirements under principle 7 of the Data Protection Act<sup>5</sup>.

**Suitability Policy**

Registered Bodies and those in receipt of Update Service information must:

- 1 Have a written policy on the suitability of ex-offenders for employment in relevant positions. This should be available upon request to potential applicants and, in the case of those carrying out an umbrella function, should be made available to their clients. Clients of Registered Bodies should make this policy available to their potential or existing employees. (@lantic Data Policy statement is attached at **Annex D**)
- 2 Ensure that all applicants for relevant positions or employment are notified in advance of the requirement for a Disclosure.
- 3 Notify all potential applicants of the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision.

<sup>5</sup> <https://ico.org.uk/for-organisations/guide-to-data-protection/data-protection-principles/>



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

4 Discuss the content of the Disclosure with the applicant before withdrawing any offer of employment.

### Payment of Fees

Registered Bodies must:

- 1 Pay all registration fees in line with time periods set out in current procedures.
- 2 Pay all fees relating to DBS products in line with time periods set out in current procedures.
- 3 Pay all fees related to criminal records check applications submitted after any decision by the DBS to suspend registration or deregister the organisation.
- 4 Correctly apply the Police Act definition of a volunteer to each criminal records check application to assert eligibility that no fee should be charged for that application.
- 5 Publish all fees, in relevant documentation, associated with the processing of criminal records check applications when you do so on behalf of others.
- 6 Notify the DBS in writing of any change to the fees associated with the processing of Criminal records check applications when you do so on behalf of others.

### Eligibility

Eligibility for DBS checks is set out in the following legislation:

- Standard checks – to be eligible for a standard level DBS certificate, the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975<sup>6</sup>.
- Enhanced checks – to be eligible for an enhanced level DBS certificate, the position must be included in both the ROA Exceptions Order and in the Police Act 1997 (Criminal Records) regulations<sup>7</sup>.
- Enhanced checks with children’s and/or adults’ barred list check(s) – to be eligible to request a check of the barred lists, the position must be eligible for an enhanced level DBS certificate and be specifically listed in the Police Act 1997 (Criminal Records) regulations as being eligible to check the appropriate barred list(s).

<sup>6</sup> <http://www.legislation.gov.uk/uksi/1975/1023/contents/made>

<sup>7</sup> The various Police Act 1997 (Criminal Records) regulations can be found by searching on <http://www.legislation.gov.uk>



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

Registered Bodies must:

- 1 Use all reasonable endeavours to ensure that they only submit Criminal Records check applications in accordance with the legislative provisions which provide eligibility criteria for relevant positions or employment.
- 2 Ensure that before allowing a DBS check application to be submitted they have assessed the role to be eligible under current legislation, correctly applied the right level of check, and correctly requested the appropriate barring list information.
- 3 Ensure they are legally entitled to request any DBS product being applied for.

**Compliance Requests**

Registered Bodies and those in receipt of Update Service Information must cooperate in full and in line with the timescales in current procedures<sup>8</sup> when DBS enquiries are made in relation to:

- 1 Ongoing compliance of Registered Bodies and those in receipt of Update Service information with the obligations under this Code.
- 2 Implementing the suspension or de-registration of a Registered Body where non-compliance is established in line with current procedures.

**Glossary**

**Registered Body** – employer or company registered with the DBS for the purposes of processing and submitting applications for DBS products.

**Umbrella function** – Registered Bodies processing and submitting applications for DBS products from employers not eligible to register with the DBS.

**DBS Product** – Any level of check available from DBS.

**Client** – Company or individual engaging umbrella functions from a registered body.

<sup>8</sup> Available at <http://www.gov.uk/DBS>



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

**Annex D - Policy Statement on the Recruitment of Ex-Offenders**

Produced by Atlantic Data Ltd Page 1 of 1 V2.2

This organisation is using an Umbrella Body for the purpose of obtaining DBS checks from the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust.

We comply with the DBS' Code of Practice and strive to treat all applicants for positions fairly. We will not discriminate against any subject of a certificate on the basis of a conviction or other information revealed.

We are committed to the fair treatment of individuals and users of our services, regardless of race, gender, religion, sexual orientation, age, physical/mental disability or offending background.

We actively promote equality of opportunity for all and hire individuals who display a combination of talent, skills, potential and experience. Furthermore, we welcome applications from a wide range of candidates, including those with criminal records. A DBS check is only requested after a thorough risk assessment has indicated one is relevant to the position concerned. Where a check is required, all application forms, job adverts and recruitment briefs will contain a statement advising a DBS check will be requested if the applicant is offered the position.





<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

Where a DBS check is to form part of a recruitment process, we encourage all applicants called for interview to provide details of any criminal record at an early stage in the job application process. We request that this information is sent under separate, confidential cover to a designated person within the organisation. This information will only be seen by strictly authorised persons dealing with the recruitment process.

Unless the nature of the position allows us to ask questions about your entire criminal record we only ask about unspent criminal convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure they have received appropriate guidance and training in legislation relating to the employment of ex-offenders, i.e. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that open and measured discourse takes place on the subject of any offences or other matters which might be relevant to the position. Failure to reveal information which is directly relevant to the position, could lead to withdrawal of the employment offer.

We make every subject of a DBS check aware of the DBS' Code of Practice and make a copy available on request.

We will discuss any matter revealed in a certificate with the person seeking the position, before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily stop you from working with this organisation. This will depend on the nature of the position plus the circumstances and background of the offences.



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

### Appendix 3 - Risk Assessment for Volunteers

This risk assessment should be completed when considering whether a person working as a volunteer at the school should be asked to apply for an enhanced DBS certificate.

Name of Person.....

Is the volunteer in 'Regulated Activity'? Yes/No

If 'yes', an enhanced DBS with Barred list check is required.

#### The definition of Regulated Activity

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

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

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

#### Areas to consider

What is the age group of the pupils that the volunteer will work with?	
Are these pupils regarded as particularly vulnerable?	



**Safer Recruitment Policy**

Ref.:	EMP002	Rev: 10	Date: Jan 2021
-------	--------	---------	----------------

How frequently will the volunteer be in school?	
What is the connection of the volunteer to the school?	
What motivates the volunteer to want to work in the school?	
Is the volunteer in paid employment or do they work in a voluntary capacity elsewhere with children?	
Can the volunteer provide at least one reference from someone other than a family member, including a senior person at the employment or voluntary service named above?	
What information does the school already know about the person?	
Has the person's identity been verified?	
Is the person signed up to the DBS Update Service?	
Has a check been completed on the DBS Update Service?	



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

Is the person aware of any reason why they should not volunteer to work with children?	
Is the school aware of any reason that the person should not work with children?	

**Criteria**

- **High Risk** – the person has no previous connection with the school AND cannot provide references from elsewhere.

There is no statutory reason why this person needs to apply for an enhanced DBS Certificate. However, the school should consider whether the person’s uncorroborated background would raise an unacceptable risk.

- **Medium Risk** – The person can provide suitable references for other work with children (either paid or unpaid), they have a connection to the school, and no issues have come to light that would mean they would be unsuitable.

There is no statutory reason why this person needs to apply for an enhanced DBS Certificate. However, the school may wish to do so, as no enhanced DBS has been seen.

- **Low Risk** – The person is signed up to the DBS Update Service and the checks reveal no negative information OR The person is employed or volunteers elsewhere and has a recent enhanced DBS and can provide references OR the school knows the person well (eg. may be a former employee)

There is no statutory reason why this person needs to apply for an enhanced DBS Certificate. However, unless the person uses the DBS Update service, the school may decide to obtain a new enhanced DBS.



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

**Decision**

**Required documentation:**

Letter	Yes/No
Agreement	Yes/No
Right to work in the UK	Yes/No
Self Disqualification Declaration	Yes/No
References	Yes/No

1) Application for enhanced **DBS check is not needed**. State reason(s) below:

2) Application for an enhanced **DBS check is needed**. State reason(s) below:

3) Application for an enhanced **DBS check and a Barred List check is needed** because the person is in Regulated Activity

Headteacher (Signature).....

Date.....



Safer Recruitment Policy			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

## Appendix 4 - Volunteer Agreement

[ON HEADED NOTEPAPER]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear [NAME OF VOLUNTEER],

Volunteer Agreement

This letter sets out what we can each reasonably expect from your volunteering role within the School. Bishopsgate School appreciates you volunteering with us and is committed to providing volunteers with a supportive environment. We hope that you will find your volunteer experience enjoyable and rewarding. A volunteer will usually provide voluntary services at least three times a month and will, if carrying our regulated activity, be subject to the checks set out in the School's Safer Recruitment Policy ( identity, enhanced disclosure, right to work in the UK, barred list, prohibition, overseas check and references in line with keeping Children Safe in Education).

### 1 Volunteer role

Your role as volunteer is [SPECIFY ANY TITLE AND DETAILS OF ROLE] and starts on [DATE]. We hope that you will usually be able to volunteer with us for at least [SPECIFY ANY PREFERRED TIME COMMITMENT] so that we can each get the most from the volunteering experience. However, we are flexible about when you work [within the constraints of [ ]] so please let us know if you would prefer a different arrangement.

### 2 Your obligations

We expect you to perform your role to the best of your ability and to follow our procedures and standards, including health and safety and equal opportunities, the Child Protection Safeguarding Policy, Staff Behaviour Policy, Data Protection Policy and to comply with our Anti-Corruption and Bribery Policy and procedures. You can expect us to deal with you in accordance with our Equal Opportunities Policy.



<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

If you are providing childcare as part of your volunteering duties, please note that you have a legal obligation to inform the School if you are disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)” under the Childcare (Disqualification) Regulations 2009/18. Your attention is drawn to the School’s Safer Recruitment Policy, especially the Section on Recruitment of Governors and Volunteers and ask the HR Manager for more details.

**3** *Induction and training*

We will provide an induction explaining what we do and how volunteers fit within the School. We will also provide training to assist you to meet the standards we expect from volunteers and to ensure your health and safety. You will also be trained on Child Protection and Safeguarding.

**4** *Supervision and support*

Your main point of contact during your volunteering with us is [NAME]. You will have meetings with [NAME] to agree targets for your volunteering role and discuss any problems or complaints you may have.

Please give [NAME] as much notice as possible if you are unable to volunteer when expected.

**5** *Expenses*

We will reimburse certain out-of-pocket expenses incurred in connection with your volunteering for us. Details of these expenses and how to claim them are set out below.

[INSERT DETAILS OF EXPENSES POLICY]

**6** *Insurance*

We will provide adequate insurance cover for you while you are undertaking voluntary work approved and authorised by us.

**7** *Confidentiality*

In the course of providing your volunteering services to the School, you may have access to confidential information relating to staff, pupils or parents. We expect you not to use or disclose this information to any person either during your volunteering experience with us or at any time afterwards.

**8** *Data protection*

We will comply with our obligations under data protection law as may be in force from time to time. Your attention is drawn to the Data Protection Policy and the enclosed Workforce Privacy Notice which explain what personal data we hold about you, how we collect it, and how we may use and share information about you.

**9** *Leaving*

We ask that you give us as much notice as possible if you want to stop volunteering with us. ([Set out details for the school to terminate the arrangement]).



**Bishopsgate School**

<b>Safer Recruitment Policy</b>			
Ref.:	EMP002	Rev: 10	Date: Jan 2021

This agreement is binding in honour only, is not intended to be a legally binding contract between us and may be cancelled at any time at the discretion of either party. Neither of us intends any employment relationship to be created either now or at any time in the future.

Yours sincerely,

.....Bursar/Headmaster

On behalf of Bishopsgate School