



RECRUITMENT, SELECTION AND DISCLOSURE POLICY AND PROCEDURE

This policy applies to the recruitment of staff at St George's College and St George's Junior School, together St George's Weybridge.

Introduction

St George's Weybridge (the 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, 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 based on 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, gender reassignment, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the Education (Independent School Standards) Regulations 2014 (ISSRs), the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (September 2022) (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.

Data Protection

The School is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to the School to enable the School to carry out the checks that are applicable to their role. The School will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency.

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Failure to provide requested information may result in the School not being able to meet its employment, safeguarding or legal obligations. The School will process personal information in accordance with its Staff Privacy Notice.

Recruitment and Selection Procedure

Whenever a vacancy arises careful consideration will be given by the engaging manager and Human Resources as to where best to advertise. To ensure the principle of equal opportunities is upheld all vacancies are advertised internally to enable any existing employee to apply. Vacancies are also typically advertised on the School website and, where necessary, external media (such as TES, professional journals, newspapers, and jobs boards).

Consideration is also given to the likely timetable needed for a successful recruitment and selection process, including likely notice periods, induction, and on-boarding of the new recruit.

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 not be accepted nor a curriculum vitae (CV) in place of the completed application form. Applicants will receive a job description for the role for which they are applying. Application forms, job descriptions, school information, this policy and the school's Safeguarding Policy are available to download from the school's website and can be printed and forwarded to applicants on request.

The School will then conduct a shortlisting exercise by reviewing all application forms received to determine which applicants will be invited for interview. The shortlisting exercise will usually be conducted by two members of staff, who will also ideally be involved in the interview process.

Shortlisted applicants will be invited to attend a **formal interview** at which their skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children.

All shortlisted applicants will be required to complete a self-declaration form prior to interview in which they will be asked to provide information about their criminal records history and other factors relevant to their suitability to work with children. This information will be considered and discussed with applicants at interview.

Wherever possible one of the interviewers will be trained in Safer Recruitment and where this is not possible the successful candidate will be subsequently interviewed by a member of the HR Department before a formal offer is confirmed. This is to ensure that appropriate scrutiny is applied to all candidates, both in terms of the information presented in the application form and the questions asked at interview, to adhere to safer recruitment principles. The panel member trained in Safer Recruitment is responsible for completing a Safer Recruitment Interview Checklist which is retained on the successful candidate's file.

In addition to a formal interview the applicant's suitability may be considered further via the performance of relevant tasks or tests, such as lesson observation for academic roles and timed tests for Business Staff roles. If the School decides to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the school's standard terms and conditions of employment;
- verification of the applicant's identity (where this has not previously been verified);
- verification of the applicant's right to work in the UK;

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- verification of qualifications, whether professional or otherwise, which the School takes into account in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not;
- verification of the applicant's employment history;
- the School being satisfied that any information generated through online searches does not make the applicant unsuitable to work at the School;
- the receipt of two references (one of which should be from the applicant's most recent employer, in the case of teaching staff from their current or most recent Head) which the school considers to be satisfactory;
- any further checks which the school deems 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;
- where the position amounts to "regulated activity" (see section below) the receipt of an enhanced disclosure from the DBS which the school considers to be satisfactory;
- where the position amounts to "regulated activity" (see section below) confirmation that the applicant is not named on the Children's Barred List*;
- 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 which renders them unable or unsuitable to work at the School;
- for applicants who have carried out teaching work outside the UK, a letter of professional standing, or equivalent information, confirming 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 staff - information about whether the applicant is, or ever has 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 or which otherwise, in the School's opinion, renders them unsuitable to work at the School;
- for management positions – information about whether the applicant is, or ever has been, the subject of 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 or which otherwise, in the School's opinion, renders them unsuitable to work at the School;
- 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 below);
- confirmation (where appropriate) that the applicant is not disqualified from working in connection with early or later years' provision;
- verification of the applicant's medical fitness for the role.

***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 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**

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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.

Medical Fitness

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

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.

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 staff.

In fulfilling its obligations to carry out pre-employment checks 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, gender reassignment, disability or age.

Online Searches

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.

In accordance with paragraph 220 of KCSIE this will include online searches on shortlisted candidates (**online searches**). The online searches the School carries out may include searches of internet search engines, websites and social media platforms. Applicants are not required to provide account passwords or to grant the School access to private social media accounts.

Online searches may be carried out at the shortlisting stage or after an offer of employment has been made (but prior to work commencing). The School will not carry out online searches as part of its initial sift of applications.

The School will determine how it approaches online searches on a case by case basis. However, all applicants for a role at the School will be treated consistently with regard to online searches.

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Wherever possible online searches will be undertaken by a person who will play no other part in the recruitment process (including the shortlisting exercise) or the appointment decision. In carrying out online searches the School is looking for any publicly available information about an applicant that:

- may be relevant to their suitability to carry out the role for which they have applied;
- may be relevant to their suitability to work at the School or in an education setting;
- is of a safeguarding nature; and/or
- may have an impact on the School's reputation (whether positive or negative).

Any information generated from online searches will be entered in an 'Online search results record'. Where online searches are undertaken on shortlisted applicants any relevant information generated will be provided to the interview panel for discussion with shortlisted applicants at interview. Where online searches are undertaken on the successful applicant only any relevant information generated will be discussed prior to employment commencing. All offers of employment will be conditional upon the School being satisfied that the successful applicant is suitable to work at the School in light of any information generated from online searches.

In evaluating any online information for relevance, the School will use the following criteria:

- whether the information is relevant to the position applied for;
- whether the information is relevant to the applicant's suitability to work at the School or in an education setting;
- whether the information could have an impact on the School's reputation (whether positive or negative);
- whether the information calls into doubt the applicant's willingness or ability to uphold the School's commitment to safeguarding and promoting the welfare of children;
- the length of time since the information became publicly available and whether the applicant's circumstances have changed since the information was published;
- whether the information reveals a pattern of concerning behaviour; and
- the relevant circumstances and the explanation(s) offered by the applicant.

For successful candidates, the School will retain information generated through online searches for the duration of the individual's employment and in accordance with its Retention of Records Policy after employment ends.

For unsuccessful candidates, the School retains the information generated from online searches for six months from the date on which they are informed their application was unsuccessful, after which it will be securely destroyed.

Verification of Identity, address, right to work in the UK and qualifications

All applicants who are invited to an interview will be required to bring with them evidence of their identity, right to work in the UK, current address and qualifications.

The School asks for this information at interview to ensure that the person attending interview is who they claim to be, that they are permitted to work for the School if appointed and that they hold appropriate qualifications.

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Identity and address: all applicants must bring with them to interview, original documents which evidence their identity and address 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.

(*applicants must always provide their birth certificate as one form of identity unless there is good reason why this cannot be provided.)

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. They will also be required to provide their birth certificate.

The school asks for the date of birth of all applicants in order to verify identity and check for any unexplained discrepancies in the employment and education history. The school does not discriminate on the grounds of age.

Right to work in the UK: all applicants must also bring to interview a valid form of evidence which confirms their right to work in the UK. Valid forms of evidence can be found in the Home Office 'Right to Work Checklist': (Right to work checklist (publishing.service.gov.uk)).

The School will check this evidence in accordance with the Home Office 'Code of Practice' on preventing illegal working: Civil penalty scheme for employers: 1 July 2021' (Code of Practice on preventing illegal working (publishing.service.gov.uk)).

Qualifications: all applicants must also bring to interview original documents which evidence any educational and professional qualifications referred to in their application form and / or which the School requests.

References

References will be taken up on shortlisted applicants prior to interview where possible.

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 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 (if applicable). 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. All referees will be sent a copy of the job description 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;

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- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be unsubstantiated, unfounded, false or malicious; and
- 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 unsubstantiated, unfounded, false or malicious;
- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" 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. If it has not been possible to obtain a reference 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 School. 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 School may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

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

All references received from a school must be countersigned by the Head of that school.

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

Criminal Records Check

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

Prior to 29th 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

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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 29th 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 which designate certain spent convictions and cautions as “protected”. “Protected” convictions and cautions are not included in a DBS certificate and job applicants are not required to disclose them during the recruitment process. It is unlawful for an employer to take into account a conviction or caution that should not have been disclosed. If a protected conviction or caution is inadvertently disclosed to the School during the recruitment process it must be disregarded when making a recruitment decision.

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

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

The filtering rules have recently been updated and work as follows:

For Those Aged 18 or Over at the Time of an Offence

A spent criminal conviction for an offence committed in the UK will be removed from a DBS disclosure (and does not have to be disclosed by the job applicant) if:

- 11 years have elapsed since the date of the conviction;
- it did not result in a custodial sentence; and
- it was not imposed for a “specified offence”.

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 spent caution received when a person was aged 18 or over for an offence committed in the United Kingdom will not be disclosed in a DBS certificate (nor needs to be disclosed by a job applicant) if six years have elapsed since the date it was issued, and it was not issued for a “specified offence”.

For Those Aged Under 18 at the Time of an Offence

A spent conviction will be removed from a DBS disclosure (and does not have to be disclosed by a job applicant) if:

- five and a half years have elapsed since the date of conviction; and
- it was not imposed for a “specified offence”, and
- it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the list of “specified offences”, or if a person has more than one offence on their criminal record. A caution

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received when a person was aged under 18 for an offence committed in the United Kingdom will never be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant).

Regulated activity

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 (whether paid or unpaid), will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2am and 6am; 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. This definition will cover nearly all posts at the school. Limited exceptions could include an administrative post undertaken on a temporary basis in the School office outside of term time. It is for the School to decide whether a role amounts to "regulated activity", considering all the relevant circumstances.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School as soon as reasonably practicable after it is received by the individual, but in any case, prior to them taking up employment at the school. Original certificates should not be sent by post. Applicants must instead bring the original certificate into the School at a convenient time and date for doing so, as arranged with the HR Department at the College or the Administration Officer at the Junior School.

Applicants who are unable to attend at the school to provide the certificate are required to send in a copy by post or email within two weeks of the original disclosure certificate being received. Copies must be sent to a named individual within the HR Department or to the Administration Officer at the Junior School. 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 is referred to as Special Measures and is confirmed in writing to the employee and their Line Manager and reviewed on a fortnightly basis. Special Measures 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. This is not the case in the Nursery at the Junior School where an individual is not allowed to start work without having a DBS disclosure in place.

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Applicants with periods of overseas residence

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

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

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

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

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

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

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

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

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

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

Prohibition from Teaching Check

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

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School asks all shortlisted applicants to declare 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.

Where an applicant is not currently prohibited from teaching but has been the subject of a professional conduct hearing, whether 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 existence of any relevant information is not a bar to employment with the School.

The School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012 which state that the following activities amount to "teaching work":

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

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

Prohibition from Management Check

The School is required to check whether any applicant for a management position is subject to 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 section 128 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; and
- Business staff posts on the senior management or leadership team.

The School will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support roles which carry additional responsibilities. All individuals who are appointed to the governing body will be subject to a section 128 direction check.

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

In addition, the School asks all shortlisted applicants to declare whether they:

- have ever been the subject of a section 128 direction or any other sanction which prohibits, disqualifies, or restricts them from being involved in the management of an independent school; and
- have ever been the subject of a referral to, or proceedings before, the Department for Education or other appropriate authority where consideration was given to

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imposing a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.

Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body whether or not that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School. The existence of any relevant information is not a bar to employment with the School.

Disqualification from acting as a Charity Trustee or Senior Manager

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. A person is considered to be a charity trustee if they are one of the people who have general control and management of the administration of the charity. In an independent school the trustees will typically be the governors of the school. Senior managers include those employees who report directly to the charity trustees or have responsibility for the overall management and control of the charity's finances. At the School the disqualification rules will be applicable to all governors, the Head, Bursar and potentially other senior staff who report directly to the governors.

There is no single list or register that covers all of the disqualification criteria and the School therefore adopts a pragmatic approach to checking whether a person is disqualified. This is achieved by the use of a self-declaration form and the checking of relevant publicly accessible registers.

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 School's attention may result in the termination of an appointment as a governor or senior manager or the withdrawal of an offer of employment and may also amount to a criminal offence.

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

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

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

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

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

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Related policies – Safeguarding Policy, Staff Behaviour Policy, Whistle-blowing Policy.

Author – Director of Human Resources

Policy number – 18a

Childcare Disqualification Requirements

The Childcare Act 2006 (**Act**) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (**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.

Roles which will be covered by the Regulations are teaching and teaching assistant positions in EYP, and those which 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 management 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;
- having been prohibited, restricted, or disqualified from private fostering.

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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:

- 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 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.

Contractors and Agency Staff

Contractor staff 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 written confirmation that these checks have been completed before employees of the contractor can commence work at the school.

Further information is available in the Contractors On-Site Policy.

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Author – Director of Human Resources

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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. All such records and confirmation of safer recruitment checks supplied by the contractor firm or agency are held securely by the HR Department.

The school will independently verify the identity of staff supplied by contractors or an agency in accordance with details given above upon commencement of the contract or temporary assignment. Agency staff must also provide their current valid DBS disclosure certificate on arrival.

Volunteers

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

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

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

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

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

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

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 Visitor's Policy. This will include signing in and out at Reception, the wearing of a red visitors' lanyard and badge at all times and being escorted by a fully vetted member of staff between appointments.

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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 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 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, gender reassignment, disability or age.

The School keeps a central log of visiting speaker checks which includes the member of staff responsible for carrying out the check and a specific reference to whether they present a Prevent concern.

Policy on Recruitment of Ex-Offenders

Background

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

All positions within the school are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except for those to which the DBS filtering rules apply (see the paragraph entitled 'The list of "specified offences" which must always be disclosed' 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 School to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to attempt to apply for a position at the School. The School will make a report to the Police and / or the DBS if:

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

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:

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- 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 the following offences:

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

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

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of a serious driving offence, such as drink driving, within the last ten years.

Assessment Procedure

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

If an applicant wishes to dispute any information contained in a disclosure, they can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School will, where practicable 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 School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information. Further information is available in the School's Policy Statement: Secure Storage, Handling, Use, Retention & Disposal of Disclosures and 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 Human Resources and senior management team, and Administration Officer at the Junior School;
- 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

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the date of a disclosure, the date the original certificate was seen, 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 beyond the copy taken of the original certificate.

Retention of Records

If an applicant is appointed, the school will retain any relevant information provided on their application form (together with any attachments) on their personnel file. This documentation will be retained by the School for the duration of the successful applicant's employment with the School. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed within six months. The same policy applies to any suitability information obtained about volunteers involved with School activities.

Whistleblowing

All staff 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). All staff receive training so that they understand the School's expectations.

Referrals to the DBS and Teaching Regulation Agency

This policy is primarily concerned with the promotion and practice of safer recruitment. However, applicants should also be aware that the School has legal responsibilities to fulfil when employment comes to an end. In particular, the School has a legal duty to make a referral to the DBS where;

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

The DBS will consider whether to impose sanctions on that individual which may restrict or prevent them from working with children in future. In addition, if a teacher is dismissed because they are found to have committed serious misconduct, or they breached the Teachers' Standards, or they resign prior to dismissal on such grounds, the School will make a referral to the Teaching Regulation Agency. The Teaching Regulation Agency will consider whether to impose a prohibition from teaching order.

Induction

All staff, including those on casual contracts and volunteers, undertake an induction appropriate to their role, including a full introduction to the safeguarding approach of St George's Weybridge. This is achieved via a mix of online training, an interview with the DSL or Deputy DSL and the receipt of a safeguarding information pack, including relevant SGW policies and KCSIE Part 1. Wherever possible the safeguarding induction is scheduled for the first day at work or earlier, and exceptionally no later than the end of the first week of employment.

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Queries

If an applicant has any queries on how to apply for a post at the School, they should contact the HR Department.

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APPENDIX 1

List of Valid Identity Documents

Group 1 – Primary Trusted Identity Credentials

- Current valid passport
- Biometric UK residence permit
- Current driving licence photo card – full or provisional (UK / Isle of Man & Channel Islands)
- Birth Certificate (UK & Channel Islands) - issued at time of birth or within 12 months
- Adoption Certificate (UK & Channel Islands)

Group 2a – Trusted Government/State Issued Documents

- Current driving licence: photocard – full or provisional (all countries outside the UK excluding Isle of Man and Channel Islands)
- Current driving licence: paper version if issued before 1998 – full or provisional (UK / Isle of Man and Channel Islands) □
- Birth certificate (UK, Isle of Man & Channel Islands) – issued other than at time of birth
- Marriage/civil partnership certificate (UK & Channel Islands)
- Immigration document, visa or work permit (issued by a country outside the UK. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non-UK country in which the role is based).
- 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)**
- Bank/Building Society Statement (UK and Channel Islands)*
- Bank/Building Society Statement (countries outside the UK)*
- Bank/Building Society Account Opening Confirmation Letter (UK)*
- Credit Card Statement (UK)*
- Financial Statement - e.g. pension or endowment (UK)**
- P45/P60 Statement (UK & Channel Islands)**
- Council Tax Statement (UK & Channel Islands)**
- Letter of sponsorship from future employment provider (non-UK 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/ Local Government/ Government Agency/ Local Council giving an entitlement (UK & Channel Islands)*- e.g. from the Department for Work and Pensions, the Employment Service, HM Revenue & Customs (UK and Channel Islands) *
- EEA National ID Card (must be valid at time of application)

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- Irish Passport card (cannot be used with an Irish passport; must be valid at time of application)
- cards carrying the PASS accreditation logo (UK, Isle of Man and Channel Islands; must be valid at time of application)
- Letter from Head or College Principal (UK; for 16-19-year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application).

Note: If a document in the List of Valid Identity Documents is:

- denoted with * - it should be less than three months' old
- denoted with ** - it should be less than 12 months' old
- not denoted - it can be more than 12 months' old.

This policy should be displayed in:

S:\ SGW Policy_and_Procedure_Index	ISI Portal

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