

Title: Recruitment, Selection and Disclosure Policy and Procedure	Responsible: HR Manager
Last review: April 2019	Next Review: September 2019

1 Introduction

The Hawthorns School ('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, 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 which includes their attitudes towards safeguarding and their ability to work with children in a way which promotes the safety and welfare of children;
- 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 that the School meets its commitment to safeguarding and promoting the welfare of children and young people by rigorously carrying out all the necessary pre-employment checks and by conducting the recruitment process in a way which prevents as far as possible the recruitment of individuals who are unsuitable to work with children; and
- 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 2018) (**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**).

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

2 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 (previously known as the National College for Teaching and Leadership (NCTL)). Failure to provide requested information may result in the School not being able to meet its employment, safeguarding or legal obligations. The School will process personal information in accordance with its Privacy Notice.

3 Training of staff engaged in recruitment

At least one member of every interview panel will have completed safer recruitment training and this is updated every three years. In addition, any member of staff responsible for assessing and recording pre-employment checks will have received the relevant training.

4 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 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 but may be submitted in addition to the completed application form.

Applicants will receive a job description and person specification for the role applied for. All information such as job descriptions, application forms and the School's Child Protection/Safeguarding Policy are available to download from the School's website or in hard copy format to applicants, on request.

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. Candidates will also be asked questions relating to child protection at interview to ascertain the level of their knowledge and their suitability to work with children. A written record of all interviews is taken.

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)
- 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 receipt of at least 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 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
- where the position amounts to "regulated activity (see section 5.3.2 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 5.3.2 below) confirmation that the applicant is not named on the Children's Barred List*
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School (see section 5.6 below)
- 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 5.7 below)
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 5.8 below)
- verification of the applicant's medical fitness for the role (see section 5.9 below)
- verification of the applicant's right to work in the UK; and
- 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.

***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 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.

5 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 age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

5.1 Verification of identity, address and qualifications

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

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

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

The School asks for the date of birth of all applicants to assist with the vetting of applicants. 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.

5.2 References

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

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the 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. References should ideally be from a senior person with appropriate authority (in a position to be aware of relevant issues), not usually just a colleague.

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 (to the best of their knowledge) the applicant has not been radicalised so that they do not support terrorism or any form of "extremism" (see the definition of "extremism" at section 7 below).

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

- the applicant's dates of employment, salary, job title/duties, reason for leaving, performance 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 issues were deemed to have resulted from allegations which were found to be false, unsubstantiated or malicious.

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 HR Department will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information (e.g. specific questions not answered satisfactorily, any expression of concern about the suitability of the candidate) will be followed up appropriately with the applicant and the referee before any appointment is confirmed.

Where a reference is not received prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the 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 will make telephone contact with referees to verify the authenticity of all references. The process of verbally verifying the reference will also ensure that electronic references originate from a legitimate source.

Suitability references will be sought for internal candidates applying for new positions within the School and can be provided by a line manager or department head as the School will be the most recent employer.

5.3 Criminal records checks

Due to the nature of the work, the School applies for an enhanced disclosure from the Disclosure and Barring Service (**DBS**) in respect of all prospective staff members, governors and volunteers deemed to be working in regulated activity.

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.

5.3.1 DBS filtering rules

Since 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

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

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

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

It will not be removed under any circumstances if it appears on a list of "specified offences" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over for an offence committed in the United Kingdom will not be disclosed if six years have elapsed since the date it was issued and if it does not appear on the list of "specified offences".

For those aged under 18 at the time of an offence

A conviction for an offence committed in the UK will be removed from a DBS disclosure if:

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

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

A caution received when a person was aged under 18 will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

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

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at:

[List of offences that will never be filtered from a DBS certificate](#)

5.3.2 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. In summary, a person will be considered to be engaging in regulated activity, if, as a result of their work, they:

- will be responsible, on a regular basis for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in school where that work provides an opportunity for contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

Supervised volunteers may not always be considered to be in regulated activity; however, the School will follow the guidance in KCSIE, particularly Annex F, when considering volunteers and will determine whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, due to their nature 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 infrequent voluntary posts which are supervised.

5.3.3 The DBS disclosure certificate

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

5.3.4 Starting work pending receipt of the DBS disclosure

If there is a delay in receiving a DBS disclosure the Head has discretion to allow an individual to begin work, under controlled conditions, 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. In addition, a risk assessment will be completed and appropriate supervision put in place.

5.3.5 Disclosure and Barring Update Service

The School may accept an up to date Disclosure from applicants who have subscribed to the DBS Update service. The Applicant must give their consent and the School will require sight of the original Disclosure certificate as well as the identity checks detailed above.

5.3.6 DBS - Three Month Rule

The School is aware that there is no requirement to obtain an enhanced DBS certificate for an applicant if, during a period which ended not more than three months before the person's appointment, the applicant has worked in a school in England. All other pre-appointment checks must still be completed including, where the individual is engaging in regulated activity, a separate barred list check. The candidate must also produce the original of his/her DBS disclosure.

However, the School will only apply the three month rule in exceptional circumstances.

5.3.7 Applicants with periods of overseas residence

Statutory guidance states that DBS checks are still mandatory 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.

The School recognises that KCSIE does not specify a minimum period of overseas residence before overseas police checks are required and that the School must make any further checks it thinks appropriate so that any relevant events that occurred outside the UK can be considered.

The NSPCC recommends that such information should be sought from all countries where a candidate has lived for periods of three months or more in the last five years; however, the School will usually adopt a more stringent approach of checking those who have lived or worked overseas for more than **three months in the last ten years** but will assesses each applicant's situation individually.

Where applicants are asked to provide further overseas information this will include a criminal records check from the relevant jurisdiction(s) or a certificate of good conduct (as appropriate) and/or references from any employment held. The School refers to Home Office guidance on what checks are available from different countries. Extra references are requested for applicants from countries which do not provide criminal records checks.

Work can only commence once sufficient 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.

5.4 Prohibition from teaching checks

The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. This includes staff such as teaching assistants, sports coaches, peripatetic music teachers, non-qualified teachers and teachers without QTS.

The School uses the Teaching Regulation Agency (formerly NCTL) Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel on behalf of the Teaching Regulation Agency.

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

It is the 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 Teaching Regulation Agency (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

The School 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 Teaching Regulation Agency Teacher Services system.

5.5 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**). The School will carry out checks for such directions when appointing applicants into management positions from both outside the School and by internal promotion. This check applies to appointments to the following positions made on or after 12 August 2015:

- Head;
- teaching posts on the Senior Leadership Team;
- teaching posts which carry a departmental head role; and
- support staff posts on the senior 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.

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 Teaching Regulation Agency 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.

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 the facts of the case render the applicant unsuitable to work at the School.

5.6 Disqualification from acting as a charity trustee or senior manager

5.6.1 Background

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

5.6.2 Who is covered

A person is considered to be a charity trustee if they are one of the people who have general control and management of the administration of the charity. 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 / Principal, Bursar and potentially other senior staff who report directly to the governors.

5.6.3 Self-declaration

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

A failure to disclose relevant information, or the provision of false information, which subsequently comes to the 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.

5.6.4 Checks by the School

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

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

5.6.5 Waiver

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

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

5.7 Disqualification under the Childcare Act (DUCA) Check

The Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 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 breakfast club, after school clubs and holiday clubs. It does not include extended School hours for co-curricular activities such as sports activities.

Roles which will be covered by the Regulations are Teaching and Teaching Assistant positions in EYP, and those which involve supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Head, and may include other members of the leadership team as well as those involved in day-to-day management of EYP or LYP at the School.

DUCA states that schools should exercise their judgement about when and whether staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice from the authority's designated officer, safeguarding lead officer or other advisers when appropriate.

DUCA contains a statement that cleaners, drivers, transport escorts, catering and office staff would normally be excluded by the Regulations.

DUCA states that only those individuals who are employed directly to provide childcare care are covered by the Regulations. Staff within the remit of these regulations will be required to complete a Childcare Disqualification Declaration Form.

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

5.8 Medical Fitness

The School has a statutory responsibility 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.

Applicants to whom an offer of employment is made must complete a Medical Declaration form and sign to confirm that they know no reasons, on the grounds of mental or physical health, why they should not be able to discharge with due care and skill the responsibilities required by the post. The information will be reviewed against the job description and person specification for the particular role i.e. proposed timetable, co-curricular activities, layout of the School etc. The information will be held by the School in strictest confidence and reviewed by our HR Manager and/or the School's medical advisor.

The School is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments. The School reserves the right to ask a candidate to undertake a medical examination by a doctor appointed by the School.

6 Contractors and agency staff

Contractors engaged by the School must complete the same checks for their employees undertaking regulated activity at the School that the School is required to complete for its own staff. The School requires confirmation (in writing) that these checks have been completed before employees of the Contractor can commence work at the School. Where external contractors do not have access to the necessary database to carry out the relevant checks, the School will do the missing check(s) themselves, where it applies (e.g. prohibition from teaching).

“Supply staff” are staff supplied by an “employment business” (agency) to work under the control of 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 in writing that these checks have been completed before an individual can commence work at the School. Where an “employment business” provides supply staff, then the DBS certificate must be seen by the School before the person commences work (whether or not it discloses any information).

The School will also independently verify the identity of individuals supplied by contractors or an agency before they begin work at the school.

7 Volunteers

Under no circumstances will a volunteer, in respect of whom no safeguarding checks have been undertaken, be left unsupervised with children or allowed to engage in regulated activity.

Prior to engaging a volunteer to carry out any activities for or on behalf of the School, the Head of Department with responsibility for the volunteer appointment will discuss the proposed activities to be undertaken by the volunteer with the HR Manager so that a risk assessment can be completed and a decision can be made as to what vetting checks are necessary.

For regular 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 in section 5.3.2 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.

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.

8 Visiting Speakers and the Prevent Duty

Visiting speakers would normally come under the School's Visitors' Policy. However, in addition to the procedures required by the Visitors' Policy, the Prevent statutory guidance requires the School to ensure that any visiting speakers who might fall within the scope of the Prevent Duty, whether invited by staff or 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.

The School will 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 and Procedure, Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

"Extremism" is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces."

In fulfilling its Prevent Duty obligations the School does not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

9 Policy on recruitment of ex-offenders

9.1 Background

As an organisation using the DBS disclosure service to access applicants' suitability for all positions at the School, the School complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly.

The School shall not unfairly discriminate against any subject of a Disclosure on the basis of conviction or other information disclosed and appointments shall be made on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment within the School. Each case will be decided on its merits in accordance with the objective assessment criteria set out in section 9.2 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 those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (section 5.3.1 above), when applying for a position at the School.

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, or in support of an applicant's application; or
- it has serious concerns about an applicant's suitability to work with children.

Further information on the DBS can be found on [GOV.UK](https://www.gov.uk)

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 age of the applicant when the offence was committed and 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 drink 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 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. 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.

10 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.

11 Retention of Records

The School is legally required to undertake the above pre-employment checks. Therefore, if a candidate 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, references 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.

The School's policies on Data Protection and Personal Data Retention ensure that recruitment and employment records are kept securely, are retained for an appropriate period of time and destroyed securely when necessary.

12 Induction of staff and volunteers

All staff, including volunteers, undergo a comprehensive programme which includes safeguarding training. *See Child Protection/Safeguarding Policy for further details.*

13 Single Central Register

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

14 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 polices (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 appraisals and finally at exit interviews which are held with all leavers.

15 Referrals to the DBS and Teacher Regulation Agency (TRA)

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that any offer of employment is subject to. Whilst these checks are carried out pre-employment, the School also has a legal duty to refer to the DBS anyone (including volunteers) who has harmed, or poses a risk of harm to a child if the following two conditions outlined by the DBS are met:

Condition 1

The School withdraws permission for a person to engage in regulated activity with children and/or vulnerable adults, or moves the person to another area of work that is not regulated activity. This includes situations when the School would have taken the above action, but the person was re-deployed, resigned, retired, or left. For example, a teacher resigns when an allegation of harm to a pupil is first made.

Condition 2

The School believes the person has carried out one of the following:

- engaged in relevant conduct in relation to children and/or adults. An action or inaction has harmed a child or vulnerable adult or put them at risk or harm or;
- satisfied the harm test* in relation to children and / or vulnerable adults. e.g. there has been no relevant conduct but a risk of harm to a child or vulnerable adult still exists or;
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

Relevant conduct:

- endangers a child or is likely to endanger a child;
- if repeated against or in relation to a child would endanger the child or be likely to endanger the child;
- involves sexual material relating to children (including possession of such material);
- involves sexually explicit images depicting violence against human beings (including possession of such images);
- is of a sexual nature involving a child.

A person's conduct endangers a child if they:

- harm a child;
- cause a child to be harmed;
- put a child at risk of harm;
- attempt to harm a child;
- incite another to harm a child.

*A person satisfies the harm test if they harm a child or vulnerable adult or put them at risk of harm.

Failure to refer in circumstances where the above criteria are met is an offence.

Referrals may also be made to the TRA (irrespective of whether the DBS criteria for referral have been met) for unacceptable professional conduct, conduct that may bring the profession into disrepute or a conviction, any time, for a relevant offence. Advice about whether an allegation against a teacher is sufficiently serious to warrant referral to the TRA can be found in [Teacher misconduct: The prohibition of teachers](#) (April 2018). Further guidance is also published on the [TRA website](#).

16 Queries

If an applicant has any queries on how to complete the application form or any other matter he/she should contact the HR Manager. hr@hawthorns.com

APPENDIX 1 List of valid identity documents

Group 1: Primary identity documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence photocard - (full or provisional)	UK, Isle of Man, Channel Islands and EEA. From 8 June 2015, the paper counterpart to the photocard driving licence will not be valid and will no longer be issued by DVLA
Birth certificate - issued within 12 months of birth	UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, for example embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands

Group 2a: Trusted government documents

Document	Notes
Current driving licence photocard - (full or provisional)	All countries outside the EEA (excluding Isle of Man and Channel Islands)
Current driving licence (full or provisional) - paper version (if issued before 1998)	UK, Isle of Man, Channel Islands and EEA
Birth certificate - issued after time of birth	UK, Isle of Man and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
Immigration document, visa or work permit	Issued by a country outside the EEA. Valid only for roles whereby the applicant is living and working outside of the UK. Visa/permit must relate to the non EEA 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

Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank or building society statement	Countries outside the EEA	Issued in last 3 months - branch must be in the country where the applicant lives and works
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, for example pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Letter of sponsorship from future employment provider	Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK - not mobile telephone bill	Issued in last 3 months
Benefit statement, for example Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, for example from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EEA National ID card		Must still be valid
Irish Passport Card	Cannot be used with an Irish passport	Must still be valid
Cards carrying the PASS accreditation logo	UK, Isle of Man and Channel Islands	Must still be valid
Letter from head teacher or college principal	UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided	Must still be valid