

Recruitment, Selection and Disclosure Procedure



COOMBE HOUSE
SCHOOL

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Dorset
Centre of
Excellence

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1 Introduction

Dorset Centre of Excellence (**Company**) is committed to providing the best possible care and education to the children and young people it supports. The Company aims to recruit staff that share and understand that commitment. The Company is also committed to providing a supportive and flexible working environment to all its members of staff. The Company 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 Company's recruitment procedure are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position (including knowledge, experience and skills needed for the job);
- 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, pregnancy and maternity;
- for all roles, selection will normally be carried out by at least two panel members (at least one of those will have received appropriate safer recruitment training);
- to ensure compliance with all relevant legislation, recommendations and guidance including the Education (Independent Company Standards) Regulations 2014 (**ISSRs**), the statutory guidance published by the Department for Education (**DfE**), *Keeping children safe in education* (1 September 2023) (**KCSIE**), *Disqualification under the Childcare Act 2006* (**DUCA**), the Prevent Duty Guidance for England and Wales 2015 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the Company 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 procedure.

2 Equal Opportunities and Data protection

The Company is committed to providing equal opportunity for all and to ensure that every stage of recruitment and selection process is fair. No applicant will be treated less favourably on the grounds of any protected characteristic.

The Company 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 Company to enable the Company to carry out the checks that are applicable to their role. The Company will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency. Failure to provide requested information may result in the Company not being able to meet its employment, safeguarding or legal obligations. The Company will process personal information in accordance with its Privacy Notice.

3 Recruitment and selection procedure

All applicants for employment will be required to fully 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. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

Applicants will receive a job description and person specification for the role applied for. The Company's safeguarding and child protection policy is available on the relevant Company website and can be sent to applicants on request.

The Company will shortlist applicants according to their ability to demonstrate the relevant qualifications, knowledge and skills, experience and personal qualities, as described in the job description and person specification. The shortlisting exercise will usually be conducted by two members of staff who are typically 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 assessed at interview about their suitability to work with children. Applicants may also be asked to provide details of their online profile, including account names and social media handles so that online searches can be carried out on shortlisted applicants as part of the Company's due diligence. Applicants must be aware that any incidents or issues that are publicly available online regarding their suitability to work in a school or education setting, or which may have an impact on the Company's reputation, may be explored at interview if the information is relevant to the role.

The Company will determine how it approaches online searches on a case-by-case basis. However, all applicants for a role at the Company will be treated consistently regarding online searches. All decisions will be based on reasonable and objective information.

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 record history and other factors relevant to their suitability to work with children. This information will be considered and discussed with applicants at interview.

All applicants invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g., the original or certified copy of certificates, diplomas). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

All applicants invited to interview will be required to also bring with them original copies of the ID documents detailed in the interview letter.

Applicants with a disability should inform the Company of any necessary reasonable adjustments or arrangements to assist them in attending the interview, if short-listed. The Company asks for the date of birth of all candidates invited to interview to assist with the vetting of applicants, it does not discriminate on the grounds of age.

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 Company's standard terms and conditions of employment
- verification of the applicant's identity (where that has not previously been verified) and any documents relating to name changes (e.g., marriage, adoption, statutory declaration) and documentary evidence of the change

- verification of qualifications, whether professional or otherwise, which the Company considers 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 from leaving education to their current employer, ensuring any gaps, inconsistencies or anomalies are identified and substantiated
- the receipt of satisfactory references covering, as a minimum, a five-year history, including their current or most recent employer and/or the most recent employer where they worked with children (see details in 5.2)
- 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 Company
- 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 Company
- where the position amounts to "regulated activity" (see section 5.3.2 below) the receipt of an enhanced disclosure from the DBS which the Company considers to be satisfactory and 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 Company
- for management, Board and leadership 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 Company
- where relevant, confirmation that the applicant is not disqualified from acting as a director / trustee or senior manager of a charity under the Charities Act 2011 (if applicable, see section 5.6 below)
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 5.7 below)
- verification of the applicant's medical fitness for the role (see section 5.8 below)
- verification of the applicant's right to work in the UK; and
- any further checks which the Company 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 letter of professional standing.

*The Company is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Company is required to carry out an enhanced DBS check for all staff, supply staff and Directors who will be engaging in regulated activity.

However, the Company 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 Company to decide which checks are appropriate. It is however likely that in nearly all cases the Company **will be able to carry out an enhanced DBS check and a Children's Barred List check.**

Any concerns relating to the suitability of candidates and their ability to work with children and young people, which arise as a result of the recruitment process, will automatically be referred to the Headteacher and/or Designated Safeguarding Lead (DSL) for advice and/or action as required. Where required to meet the appropriate regulatory requirements, we will record all information on the checks carried out on the School's Single Central Register (SCR). Copies of these checks, where appropriate, will be retained on an individual's personnel file in line with appropriate legislation and policy, as amended from time to time.

4 **Artificial Intelligence**

The Company does not use artificial intelligence software as a decision-making tool at any stage of the recruitment process, including in respect of external and internal applications.

5 **Pre-employment checks**

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

In addition to the checks set out below, the Company 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 Company.

In fulfilling its obligations the Company 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.

5.1 **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, address and qualifications.

The Company 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 Company if appointed and that they hold appropriate qualifications.

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 15 (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

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 Company 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.

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'](#).

The Company will check this evidence in accordance with the Home Office 'Illegal working Penalties: Codes of Practice for employers' updated 15 November 2023; [Illegal working penalties: codes of practice for employers - GOV.UK \(www.gov.uk\)](#).

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 Company requests.

5.2 References

The Company will seek to take up references on short listed applicants prior to interview, where reasonable to do so. References may however be taken up after interview, by agreement.

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 references which are considered satisfactory, from the current or most recent employer and covering a minimum five-year employment history. Referees should not be a relative or persons known to the applicant solely as a friend. 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.

For those applicants who have not previously worked with children, we may require an additional reference to confirm suitability to work with children e.g. through a volunteering activity or similar.

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 and person specification for the role for which the applicant has applied. Where the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, sickness* and disciplinary record
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be unsubstantiated, unfounded, false or malicious
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the 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" at section 9 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 Company will only accept references obtained directly from the referee and is unable to accept references or testimonials provided by the applicant or on open references or testimonials, for e.g. To Whom It May Concern. References received by email will only be accepted where the account and sender can be fully verified.

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

Where a reference is not received prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the Company. 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 Company may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

The Company 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 will ideally be countersigned by the Headteacher of that School and/or from the HR department, or from a Company where someone is in a more senior position to the applicant.

All internal candidates who apply for a new role at the Company 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 Company will be the most recent employer and will previously have taken up references from past employers.

5.3 Criminal records checks

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

5.3.1 DBS filtering rules

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

A conviction will always be disclosable if it was imposed for serious "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:

[New filtering rules for DBS certificates \(from 28 October 2023 onwards\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk). The filtering rules were updated and issued on the 28 October 2023 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 United Kingdom when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by the job applicant) if:

- (a) eleven years have elapsed since the date of the conviction;
- (b) it did not result in a custodial sentence; and
- (c) it was not imposed for a "specified offence".

A spent caution for an offence committed when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- (a) six years have elapsed since the date it was issued; and
- (b) it was not issued for a "specified offence".

For those aged under 18 at the time of an offence

A spent conviction for an offence committed when a person was under the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- (a) five and a half years have elapsed since the date of the conviction;
- (b) three and a half years have elapsed since the custodial sentence has been completed; and
- (c) it was not imposed for a "specified offence".

A caution issued for an offence committed when a person was under the age of 18 will never be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant). <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

5.3.2 Regulated activity

All positions in schools which amount to regulated activity with children are exempt from the Rehabilitation of Offenders Act 1974 (ROA). Schools are therefore entitled to ask about and take into account spent convictions when making appointment decisions, other than those which have been designated as 'protected' under the DBS filtering rules. The Company 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 Company 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 Company will amount to "regulated activity" if it is carried out:

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

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

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

5.3.3 The DBS disclosure certificate

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

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

5.3.4 Starting work pending receipt of the DBS disclosure

If there is a delay in receiving a DBS disclosure the Managing Director or Headteacher has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once a risk assessment including appropriate supervision has been put in place.

5.3.5 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 Company will take into account the "DBS unusual addresses guide" in such circumstances. These applicants will also be asked to provide further information, including a criminal record/police check from the relevant jurisdiction(s).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 Company. 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 Company'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 Company 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 Company 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 Company 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 Company 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 Company 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 Company. However, the Company will take all relevant information into account in determining whether an applicant is suitable to work at the Company.

The Company 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 the information that has been obtained during the recruitment process. Unless expressly waived by the Company, continued employment will remain conditional upon the Company being provided with the outcome of the formal check and it being considered satisfactory.

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

5.4 Prohibition from teaching check

The Company is required to check whether staff who carry out "teaching work" are prohibited from doing so.

The Company 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 Company 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 Teaching Regulation Agency or other equivalent body in the UK.

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

The Company 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 Headteacher. 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.

5.5 Prohibition from management check

The Company 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 Company (a **section 128 direction**).

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

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

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

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 Company obtains for all posts at the Company that amount to regulated activity). It can also be obtained through the Teaching Regulation Agency Teacher Services system. The Company will use either, or both, methods to obtain this information.

In addition, the Company asks all shortlisted applicants to declare 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 Company.

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 Company will consider whether the facts of the case render the applicant unsuitable to work at the Company.

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 Company the trustees will typically be the Board Directors of the Company.

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 Company the disqualification rules will be applicable to all Directors, the Headteacher, Senior Finance Manager and potentially other senior staff who report directly to the Directors.

There is no single list or register that covers all of the disqualification criteria and the Company 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.

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 Company's attention may result in the termination of an appointment as a Director 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 Company if there is a change in their circumstances that results or may result in them becoming disqualified from acting as a Director or senior manager.

5.6.4 Checks by the Company

To ensure that it has accurate and up to date information the Company will also check the following registers in respect of each Director 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) 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 Company 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 Company is under no obligation to await the outcome of a Charity Commission waiver application before taking such action.

5.7 Childcare disqualification

The Childcare Act 2006 (**Act**) and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (**Regulations**) state that it is an offence for the Company 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.

5.7.1 Definitions

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

5.7.2 Relevant roles

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 Headteacher and may also include other members of the leadership team as well as those involved in the day-to-day management of EYP or LYP at the Company.

DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

Some roles at the Company 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 Company will therefore consider whether they do on a case-by-case basis. The Regulations only apply to a limited number of roles within the Company but do extend beyond employees to Directors and volunteers who carry out relevant work in EYP or LYP.

5.7.3 Grounds for disqualification

The grounds on 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:

- (a) 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;
- (b) various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- (c) 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;
- (d) having been refused an application for registration of a children's home or having had any such registration cancelled; or
- (e) having been prohibited, restricted or disqualified from private fostering.

5.7.4 Self-declaration form

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 Company 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 Company in any relevant role will be conditional upon completion of the self-declaration form and upon the applicant not being disqualified.

The Company cannot permit any person who is currently disqualified to start work in a relevant role. The Company also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the Company, any information disclosed in the self-declaration form renders that person unsuitable to work at the Company.

Applicants who have any criminal records information to disclose about themselves must also provide the following information:

- (a) details of the order, restriction, conviction or caution and the date that this was made;
- (b) the relevant court or body and the sentence, if any, which was imposed; and
- (c) 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 5.3.1 above).

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

5.7.5 Waiver of a disqualification

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 Company 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 Company will withdraw the conditional offer of employment.

5.7.6 Retention of disqualification information

The Company 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 Company is found to be disqualified the Company will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the Company, after which it will be securely destroyed.

5.7.7 Continuing duty to disclose change in circumstances

After making this declaration staff in a relevant role are under an on-going duty to inform the Company 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.

5.8 Medical fitness

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

It is the Company's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. The Company will arrange for the information contained in the Health Questionnaire to be reviewed by the Company's medical advisor. This information will be reviewed against the Job Description and the Person Specification for the role, together with details of any other physical or mental requirements of the role i.e., proposed timetable, extra- curricular activities, layout of the Company etc. If the Company's medical advisor has any doubts about an applicant's fitness the Company will consider reasonable adjustments in consultation with the applicant. The Company may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

The Company 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.

6 Contractors, agency staff and individuals not directly employed

The Company must ensure that the same checks for contractors and their employees undertaking regulated activity at the Company are in line with checks completed for its own employees.

The Company requires written confirmation from the contractor that it has completed these checks on all individuals whom it intends will work at the Company before any such individual can commence work at the Company.

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

Individuals not directly employed by the Company e.g. a self-employed person; all relevant checks will be undertaken in line with the nature of their engagement with the Company and in accordance with the appropriate regulatory requirements.

The Company will independently verify the identity of individuals supplied by contractors or an agency in accordance with section 5.1 above and requires the provision of the DBS disclosure certificate before those individuals can commence work at the Company.

7 Trainee Teachers and Students

Where applicants for initial teacher training are salaried by the Company, we will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with Children. We reserve the right to carry out any such further checks as we deem necessary to ensure the safeguarding of our children and young adults.

8 Volunteers

The Company 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 Company (the definition of regulated activity set out in section 5.3.2 above will be applied to all volunteers).

The Company 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 Company has deemed appropriate to supervise and ensure the safety of those pupils in their care.

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

It is the Company'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 Company for three consecutive months or more. Those volunteers who are likely to be involved in activities with the Company on a regular basis may be required to sign up to the DBS update service as this permits the Company to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, the Company 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.

9 Visiting speakers and the Prevent Duty

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

The Company 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 Company or perform any other regular duties for or on behalf of the Company.

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

The Company 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 Company. In doing so the Company will always have regard to 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."

In fulfilling its Prevent Duty obligations the Company 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.

10 Policy on recruitment of ex-offenders

10.1 Background

The Company will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The Company makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the Company. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 10.2 below.

All positions within the Company are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 5.3.1 above).

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

It is unlawful for the Company 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 Company. The Company 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.

10.2 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 Company will consider the following factors before reaching a recruitment decision:

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

If the post involves regular contact with children, it is the Company'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 Company'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 Company's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

10.3 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 Company will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Managing Director of the Company before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Company 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.

10.4 Retention and security of disclosure information

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

11 Whistleblowing and exit interviews

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 their employment in accordance with the Company's policies (including the Whistleblowing Policy, the Safeguarding and Child Protection Policy, and the Staff Code of Conduct).

All staff receive training so that they understand the Company's expectations. Safeguarding children is at the centre of the Company's culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at an exit interview which is held with all leavers.

12 Referrals to the DBS and Teaching Regulation Agency

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

- an individual has applied for a position at the Company despite being barred from working with children; and/or
- an individual has been removed by the Company 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; and/or
- an individual has been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

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 have breached the Teachers' Standards, or they resign prior to dismissal on such grounds, the Company will make a referral to the Teaching Regulation Agency.

The Teaching Regulation Agency will consider whether to impose a prohibition from teaching order.

13 Queries

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

14 Version control

Date of adoption of this procedure	November 2022
Date of last review of this procedure	December 2023
Date for next review of this procedure	December 2024
Procedure owner (Proprietor)	Dorset Centre of Excellence

15 **Appendix 1 List of valid identity documents**

Group 1: primary identity documents

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

Group 2a: trusted government documents

- current driving licence: photocard - full or provisional (all countries outside the 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 - 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 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 and Channel Islands)**
- council tax statement (UK and 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 or local government/ government agency / local council giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs (UK and Channel Islands)*
- EEA national ID card (must be valid at time of application)
- 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 Headteacher 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