

Recruitment Policy and Generic Procedures

This is a non-contractual policy and it may be amended from time to time in order to incorporate changes in law or in line with best practice. It is the responsibility of the Human Resources Department to ensure this policy is regularly reviewed by the Leadership Team and that key changes are highlighted and communicated to the consultative committees across the School.

1.0 Policy

- 1.1 This policy is governed by the School's principles of non-discrimination and is designed to achieve the best match between an individual's knowledge, skills, experience and character against the requirements of the vacant position whilst recognising the need for flexibility to respond to changing conditions.
- 1.2 It aims to promote fairness and consistency in the treatment of all existing and potential members of staff and assist the School to be successful through the people it employs.
- 1.3 Oundle School is committed to providing the best possible care and education to its pupils and to safeguarding, promoting the welfare of children and young people and considering at all times what is in the best interests of the child. The School expects all staff (including volunteers) working for, or on behalf of, the School to share in this commitment. For security purposes and in accordance with the guidelines issued by the Department for Education, the School will require all staff to have a current Disclosure and Barring Service clearance with the School.
- 1.4 This policy ensures compliance with all relevant legislation, recommendations and guidance including the statutory guidance as set out by:
 - the Department for Education (DfE)
 - the Keeping Children Safe in Education (KCSIE)
 - Boarding Schools: National Minimum Standards (NMS)
 - Independent Schools Inspectorate (ISI)
 - Guidance or code of practice published by the Disclosure and Barring Service (DBS)
 - Early Years Foundation Stage (EYFS)
 - (The Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018)
 - The Prevent Duty Guidance for England and Wales 2015 (The Prevent Duty Guidance)

The Recruitment policy is linked to the School's Safeguarding policy and Prevent Duty policy. Therefore it should be read in conjunction with these policies which can be found in the staff handbook on the School intranet.

All staff working for, or on behalf of, the School have a duty to act in accordance with this policy ensuring compliance with both the above standards and non-discrimination against existing or potential members of staff.

The School is absolutely committed to preventing slavery and human trafficking in its activities, and to ensuring that its supply chains are free from slavery and human trafficking. The School uses only specified, reputable employment agencies to source labour and always verifies the practices of any new agency it is using before accepting workers from that agency. The School operates a Staff Code of Conduct and a Whistleblowing Policy that describe its approach to conducting its business with honesty and integrity.

- 1.5 The Safeguarding policy and the Whistleblowing Policy can be found on the School's website or internally in the Staff Handbook. In addition, this policy complies with any guidelines or code of practice published by the Disclosure and Barring Service (DBS).
- 1.6 The School will not unlawfully discriminate (including in fulfilling its Prevent Duty obligations) on the grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, religion or belief, colour, nationality, ethnic or national origin, disability or age, trade union membership, part-time or fixed-term status and any criminal cautions or convictions.
- 1.7 Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

2.0 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 (**TRA**), 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 Staff Privacy Notice.

3.0 Recruitment Procedure

3.1 Oundle School regularly reviews its recruitment procedure to ensure the safety of its pupils by preventing, as far as possible, unsuitable people from working at the School. There are two separate recruitment procedures, due to the structure within the School, for the appointment of academic and support staff. Both procedures embrace the following common elements to ensure compliance and equality. Procedures also need to be compliant with all relevant legislation including the statutory guidance outlined in 1.4 above.

3.2 The Head, The Bursar, Deputy Head Academic or a Head of Department identifies staffing needs and evaluates and prepares a job description to ensure that the role fulfils the requirements of the School. This is accompanied by a person specification containing information specific to the individual role and department. The selection criteria for the role will be based on the requirements identified through the job description and the qualities and experience that the applicant(s) bring to the role in comparison with the person specification. It is these selection criteria that form the basis of fair selection.

3.3 Once the Job Description has been completed and where necessary evaluated, a Recruitment Authorisation Form is submitted via the Human Resources Department for authorisation by the Head and / or Bursar, depending on the nature of the appointment and whether it is a new or existing position.

3.4 After authorisation, vacancies will usually be advertised, internally and / or externally, using the best methods, as deemed appropriate, to attract and recruit the best applicants available for the position at the time.

3.5 A Job Description and Person Specification for the role is sent to applicants together with an application form, the School's Safeguarding policy statement, Recruitment policy and procedures, Recruitment of Ex-offenders policy statement and the DBS Code of Practice. All documents are available to download from the School's website (and / or intranet where appropriate) and can be printed or forwarded to applicants on request.

3.6 All applicants for employment will be required to complete an application form containing questions about their right to work in the UK, employment history and their suitability for the role. A curriculum vitae (CV) **will not** be accepted in place of a completed application form. Application forms must be completed properly. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A short-list of applicants is prepared against the selection criteria and interviews arranged.

3.7 An interview panel appropriate to the role will be involved in the recruitment, interview and selection process to provide reassurance, balance and objectivity to the fairness of the process. Wherever possible, one member of the panel will have completed safer recruitment training. All short-listed applicants will be tested at interview about their suitability to work with children and Child Protection and Prevent questions will be asked as standard during the interview process.

3.8 Interviews will be conducted in a fair and consistent manner. A written record of the interview will be kept, documenting reasons for any gaps in the employment history and periods of employment outside of the United Kingdom to comply with standards, along with an assessment by the interviewer(s).

3.9 Once all interviews have been completed the applicants will again be reviewed against the selection criteria and a decision made. The successful applicant will initially be verbally offered the position subject to the satisfactory completion of all pre-employment checks.

4.0 Pre-employment checks

Paragraphs 4.1 to 4.3 apply to **ALL** roles

Paragraphs 4.4 to 4.7 only apply to specific roles. Full details of these checks and the types of roles to which they apply are outlined in Appendices A to D (*pgs. 11 to 15*) of this policy.

4.1 Pre-employment checks can occur at different stages in the two recruitment processes, often due to logistical considerations. In fulfilling its obligations, the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, gender reassignment, marital or civil partner status, disability or age.

4.2 Many of these checks are also required for the School's volunteers and people working on behalf of the School such as the self-employed, contractors and agency staff who have frequent or intensive contact with children and young persons. They include the following:

4.2.1 *Verification of Identity, Address Qualifications and Employment History:*

All applicants who are invited to an interview will be required to bring with them evidence of their identity, address, the right to work in the UK and qualifications. Where an applicant has changed their name by deed poll or any other means then they will be required to provide documentary evidence of the change. The School also asks for the date of birth of all applicants (and proof of this) to enable the School to verify the identity of the applicant and check for any unexplained discrepancies in the employment and education history of all applicants.

Verification of the applicant's full employment history;

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 whether a requirement for the role or not.

4.2.2 *References:*

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

All referees will be asked whether they have any reason to believe that the applicant is unsuitable to work with children as well as the job for which they have applied. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism" as defined in KCSIE. 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 the current, or past employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title/duties, reason for leaving, performance, sickness* and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated, or malicious;
- whether any allegations or concerns, have been raised (whether formally or informally)
- about the applicant relating to the safety and welfare of children or young people or behaviour towards children or young people, except where allegations were found to be false, unsubstantiated, or malicious; and
- Whether the applicant could be considered to be involved in "extremism".

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

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

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

All internal candidates who apply for a new role at the School will have their application assessed in accordance with this procedure. A minimum of one reference from a senior member of staff with knowledge of the applicant's background and work will be taken up on all internal candidates as part of the application process. References for internal applicants, to include appointments to roles with responsibility allowance, can be provided from within the School as the most recent employer.

4.2.3 *Medical Fitness:*

The School is legally required to verify the medical fitness of applicants after an offer of employment has been made, but **before** the appointment can be confirmed. All applicants will be required to complete a Health Questionnaire, to be reviewed by the School's medical advisor, in relation to the Job Description and Person Specification for the role, together with any other physical or mental requirements of the role e.g. proposed timetable, extracurricular activities, layout of the school, etc.

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role.

If the School's medical advisor has any doubts about an applicant's fitness then the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

In accordance with its obligations under the Equality Act 2010, no job offer will be withdrawn without first consulting with the applicant, obtaining medical advice and considering reasonable adjustments and suitable alternative employment.

4.2.4 *Criminal Records Checks and DBS Disclosures:*

The School applies for an enhanced disclosure from the DBS and a check of the Children's Barred List in respect of all positions which amount to "Regulated Activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended) and outlined under subparagraphs 4.2.4 i to 4.2.4 iv below. The majority of roles within the School are deemed "Regulated Activity".

Regulated Activity and DBS checks

4.2.4 i Any position undertaken at, or on behalf of, the School whether paid or unpaid will amount to "Regulated Activity" if it is carried out:

- Frequently, meaning once a week or more; *or*
- Overnight, meaning between 02:00 and 06:00; *or*
- Satisfies the "period condition", meaning 4 times or more in a 30 day period; *and*
- Provides the opportunity for contact with children.

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

4.2.4 ii Certain activities are always Regulated Activities, regardless of their frequency or whether they are supervised or not. This includes:

- relevant personal care, or health care provided by or provided under the supervision of a health care professional; or
- personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

4.2.4 iii 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 and governors who will be engaging in Regulated Activity. However, the School can also carry out 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.

4.2.4 iv It is for the School to decide whether a role amounts to "Regulated Activity" taking into account all the relevant circumstances. However, nearly all posts at the School amount to Regulated Activity. It is the School's policy to carry out both an enhanced DBS check and a check of the Children's Barred List on all applicants who are appointed to work in Regulated Activity.

4.2.5 The purpose of carrying out the Enhanced Check for Regulated Activity is to identify whether any applicant is barred from working with children by inclusion on the Children's Barred List and to obtain any other relevant suitability information.

The DBS Disclosure Certificate will be issued to the individual who will be required to present the original Disclosure certificate to the School for verification. The School must be in receipt of a DBS disclosure which the School deems satisfactory.

Failure to present the original Disclosure Certificate to the Human Resources Department within 28 days of receipt may lead to the offer of employment being withdrawn by the School.

The Disclosure Certificate will state if the individual is registered on the Children's Barred list. It will also contain details of convictions and cautions as detailed in The Police Act 1997 and amended for England and Wales under The Order 2013 to covering the filtering of information. Further details regarding "Regulated Activity" and criminal record checks are outlined below and can also be found in the School's Recruitment of Ex-Offenders policy.

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

The School reserves the right to repeat DBS checks and therefore encourages all new starters to subscribe to the DBS update service.

4.3 *Criminal Records Checks for 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.

Applicants with periods of residency and working overseas are required to provide Certificates of Good Conduct or equivalent documentation from the relevant authorities and/or references from any employment held, alongside the Enhanced criminal records check undertaken by the School.

The School takes into account the position adopted by the ISI which observes that best practice is to carry out the checks for those who have lived or worked overseas for more than three months in the last ten years. However, the School recognises that Education (Independent School Standards) Regulations 2014 do not specify that a minimum period of overseas residence is required. The School therefore assesses each applicant's situation on its individual facts.

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. The School recognises that the length of time to obtain a Certificate of Good Conduct varies dependent on the country. Therefore, a reasonable timeframe will be given from the Human Resources Department for each Certificate of Good Conduct and failure to provide the documentation within this timeframe may lead to a withdrawal of the offer of employment.

4.4 *Prohibition from Teaching Checks:*

The School is required to check whether staff carrying out "teaching work" are prohibited from doing so. In doing so the School applies the definition of "teaching work" set out in The Teachers' Disciplinary Regulations (England) 2012. *See Appendix A for full details.*

4.5 *Prohibition from Management checks:*

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**). *See Appendix B for full details.*

4.6 *Childcare Disqualification*

The Childcare Act 2006 (Act) 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. *See Appendix C for full details.*

4.7 *Disqualification from acting as a Charity Trustee or Senior Manager*

Under the Charities Act 2011 it is a criminal offence for a person to act as a trustee or senior manager of a charity when disqualified from doing so. 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. 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. *See Appendix D for full details.*

5.0 **Contractors, Self-employed and Agency Staff**

The School must complete the same checks for contractors (and their employees) and agencies who supply staff to the School, as it does for its own staff where the frequency or intensive nature of the work undertaken provides them with access to children and young persons and thereby constitutes Regulated Activity.

The School requires written confirmation from the contractor that these checks have been completed on all those individuals whom it intends will work at the School before they can commence work at the School.

The School will independently verify the identity of individuals supplied by agencies or contractors. This will not usually apply to delivery and emergency maintenance personnel who are supervised.

6.0 **Visiting Speakers and the Prevent Duty**

6.1 The Prevent Duty Guidance requires the School to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised. The School is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in Regulated Activity at the School or perform any other regular duties for or on behalf of the School.

6.3 All visiting speakers will be subject to the School's Visitors Policy. This will include signing in and out at either the Bursary, Admissions or the Brereton Rooms, the wearing of a visitors' badge at all times and being escorted by a fully vetted member of staff between appointments.

6.4 The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the School. In doing so, the School will always have regard to the School's Suitability of

Visiting Speakers Policy, the Visitors Policy, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE.

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

7.0 Volunteers

7.1 The School welcomes those who wish to assist the day to day operations of the Schools on a volunteer basis.

There are three main types of Volunteer:

- Occasional Volunteers – these are people who volunteer once, or perhaps a few times a year, e.g. accompanying school day trips (even if paying for their trip).
- Regular Volunteers – these are people who take on a particular task, on an ongoing basis, e.g. listening to infant readers on a weekly basis.
- Committee members – e.g. parent committees, fundraising committees.

The School will assess whether the individual will be undertaking "Regulated Activity" and whether the individual is a regular volunteer (*see sub-paragraphs 4.2.4 i to 4.2.4 iv above*).

Occasional Volunteers are usually classed as supervised visitors and are accompanied at all times by a fully checked member of staff. However, occasional volunteers such as those accompanying school trips involving overnight travel in a coach with pupils, or overnight stay, are considered to be in Regulated Activity, even if this only happens once, and will therefore require additional checks (*as outlined under sub-paragraphs 4.2.4 i to 4.2.4 iv above*).

Regular Volunteers and Committee members (referred to as Regular Volunteers) are unsupervised and have greater potential for access to pupils. Therefore, the School considers them to be in Regulated Activity.

7.2 The School requires the following checks for new regular volunteers who are undertaking "Regulated Activity":

- Completion of an application form
- Enhanced DBS checks
- Children's Barred List Information check
- Informal interview
- Two references which are considered satisfactory by the School
- There are no contrary indications, or concerns, from the school community
- Health Declaration if appropriate for the role

7.3 The School requires the following checks for new regular volunteers who are not undertaking "Regulated Activity":

- Completion of an application form
- Enhanced DBS checks
- Informal interview
- Two references which are considered satisfactory by the School
- There are no contrary indications, or concerns, from the school community
- Health Declaration if appropriate for the role

7.4 It is the School's policy that a new DBS certificate is required for regular volunteers who have not been involved in any activities with the School for three consecutive months or more. Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with pupils.

8.0 Appointment of Staff

8.1 All offers of employment are subject to the satisfactory receipt and completion of all pre-employment checks as detailed in paragraphs 4.0 to 4.7. If applicants do not complete the pre-employment checks in a timely manner, the School reserves the right to withdraw the offer.

8.3 All paperwork relating to identity, qualifications, DBS Disclosures, for unsuccessful applicants will be shredded and disposed of securely, immediately after the successful applicant has been formally confirmed. All other recruitment paperwork relating to unsuccessful applicants will be stored for a period of six months and then shredded and disposed of securely.

8.4 The successful applicant will be issued with an offer letter, terms and conditions of employment, pension information, life assurance information, a health declaration form, Health and Safety Policy, and the list of policies outlined in the Safeguarding Policy.

9.0 Dismissal

9.1 All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must declare previous cautions and/or convictions that would be declared and not filtered on an Enhanced check for Regulated Activity as outlined in the School's Recruitment of Ex-Offenders Policy. Failure to disclose a previous conviction or any related information 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.

9.2 It is unlawful for the School to employ anyone who is barred from working with children. It is a criminal offence for anyone who is barred from working with children to attempt to apply for a position at the School. The School will 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

All of the above are likely to lead to an application being rejected, or a summary dismissal.

10.0 Recruitment on Ex-Offenders and Assessment of DBS Disclosures

The School holds a separate Recruitment of Ex-Offenders policy, which can be viewed on the School's website or can be obtained on request from a Line Manager or the Human Resources Department. The Recruitment of Ex-Offenders policy is issued at the point of application.

11.0 Confidential handling of DBS Disclosure Information

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

Appendix A Prohibition from Teaching Checks

The School is required to check whether staff carrying out "teaching work" are prohibited from doing so. In doing so the School applies the definition of "teaching work" set out in The Teachers' Disciplinary Regulations (England) 2012 which states that the following activities amount to "teaching work":

- planning and preparing courses for pupils,
- preparing and 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.

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

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

It is the School's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves "teaching work".

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

In addition, for all appointments made on or after 18 January 2016, where an applicant has carried out teaching work outside of the UK the School will ask the applicant (and their referees) whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work. This will include checking for the existence of any sanctions issued by regulators of the teaching profession in other EEA countries using the TRA Teacher Services system.

Appendix B

Prohibition from Management checks

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

This check applies to appointments to the Governing Body and the following positions made on, or after 12 August 2015 (From May 2018, this includes internal promotions to these positions):

- Head;
- teaching posts on the leadership team;
- teaching posts which carry a departmental head role;
- support staff posts on the leadership team; and
- the School will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support roles which carry additional responsibilities

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

In addition, the School asks all external 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. For internal candidates, the same checks are undertaken and are outlined in their offer letter; confirmation of their appointment into the management role is subject to these checks being cleared.

It is the School's position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information.

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

All recruitment processes within the School are detailed and held by the Human Resources Department.

Appendix C Childcare Disqualification

The Childcare Act 2006 (Act) 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.

Definitions

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

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

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 Head, and may also include other members of the leadership team as well as those involved in the day to day management of EYP or LYP at the School. DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations. Some roles at the School may involve the provision of childcare in EYP or LYP on an occasional basis. They will not automatically be within the scope of the Regulations and the School will therefore consider whether they do on a case by case basis. The Regulations only apply to a limited number of roles within the School but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP.

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:

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

- having been refused an application for registration of a children's home or having had any such registration cancelled; or
- having been prohibited, restricted or disqualified from private fostering

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 School will decide whether a role is relevant and within the scope of EYP or LYP by having regard to the guidance in DUCA. Employment with the School in any relevant role will be conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified.

The School cannot permit any person who is currently disqualified to start work in a relevant role. The School also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the School, any information disclosed in the Self-Declaration Form renders that person unsuitable to work at the School. Applicants who have any criminal records information to disclose about themselves must also provide the following information:

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

Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see the School's Recruitment of Ex-offenders policy). For the avoidance of doubt the School does not require applicants to request any criminal records information directly from the DBS. The School only requires applicants to provide relevant information about themselves.

Waiver of a Disqualification:

Where a person discloses information which appears to disqualify them from working in early or later years provision then the School is required to notify Ofsted. The person may apply to Ofsted for a waiver of the disqualification. The School may withdraw an offer of employment at its absolute discretion and is under no obligation to await the outcome of an Ofsted waiver application. If a waiver application is rejected the School will withdraw the conditional offer of employment.

Retention of Disqualification information:

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

Continuing duty to disclosure change in circumstances:

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

Appendix D

Disqualification from acting as a Charity Trustee or Senior Manager

Background

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

Who is Covered

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

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 their appointment 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.

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:

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

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.