



SAFER RECRUITMENT POLICY

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

This policy is compliant with Veale-Wasbrough-Vizards advice and is based upon their Compliance Toolkit as at 30 September 2016.

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The Peterborough School

Safer Recruitment Policy – Version Control & Amendments

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The Peterborough School

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Recruitment, selection and disclosure policy and procedure

1 Introduction

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

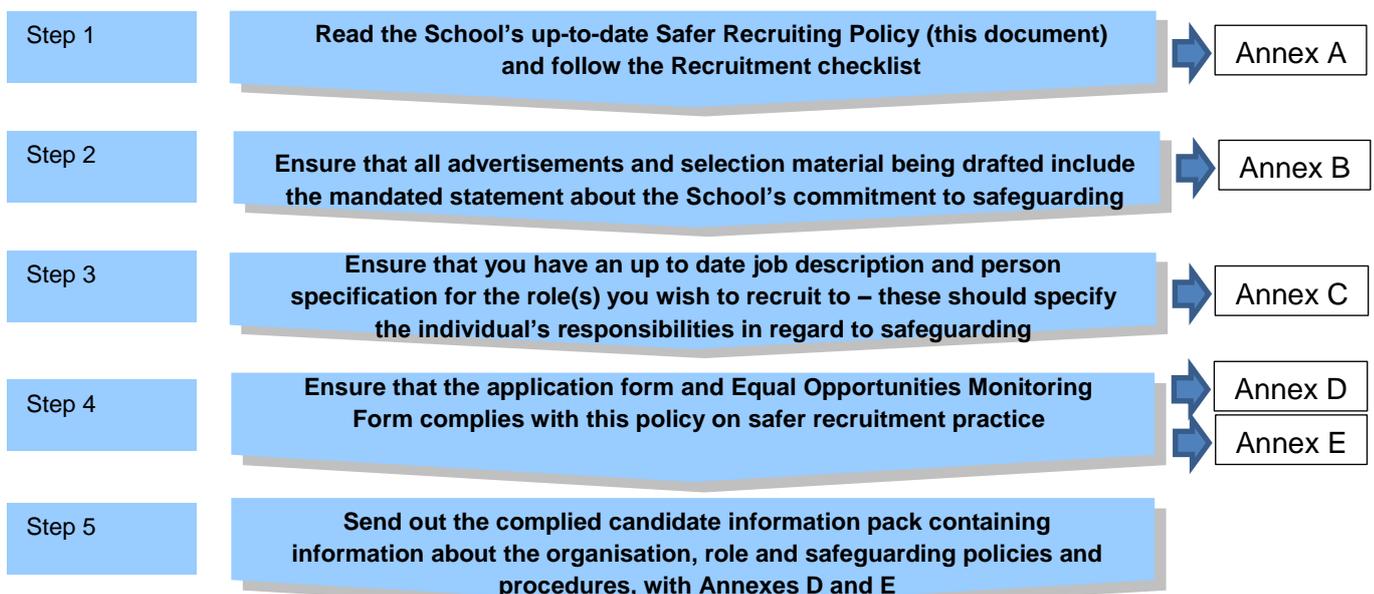
The aims of the School's recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), *Keeping children safe in education* (September 2016) (KCSIE), *Disqualification under the Childcare Act 2006* (DUCA), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

This policy supports, and is complementary to, the School's Safeguarding and Child Protection Policy dated September 2016.

The school's recruitment process can be summarised as follows:

Stage 1 – Before you Recruit



Stage 2 – Before you Interview

Step 6	Ensure that each application is scrutinised in an objective and systematic way by a panel before shortlisting and sending invitations for interview	Annex F
Step 7	Invite selected applicants to interview. Confirm documentation to be brought to the interview – DBS, identity and Right to Work in UK.	Annex G

Stage 3 – Interview and selecting the Preferred Candidate

Step 8	Conduct a face-to-face interview for ALL shortlisted applicants based on objective assessment of the candidate’s ability to meet the person specification, job description and suitability to work with children	Annex H Annex I Annex J
Step 9	Select preferred candidate and make offer. Ensure preferred candidate is informed that the offer is conditional on receiving satisfactory references and clearances.	Annex K

Stage 4 – After the Offer, but before Employment

Step 10	Request references in writing. Once received, check them verbally	Annex L
Step 11	Send selected candidate health questionnaire / declaration	Annex M Annex N
Step 11	Start DBS process and other checks as appropriate / allowed	Annex O
Step 13	Send rejection letters to other candidates	Annex R

Stage 5 – On Employment

Step 14	<i>If no DBS in place at start of employment: Headmaster’s permission; Barred List Check; Risk Assessment in place</i>	Annex P Annex Q
Step 15	Induction complete – in employment / on probation	Annex S Annex T

Stage 1 – Before You Recruit

2 Recruitment Checklist

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy. A full School recruitment and induction checklist is at **Annex A**.

3 Application Packs

Any advertisement for a post at The Peterborough School must adhere to the policy at **Annex B**.

Applicants will receive a job description and person specification for the role applied for. These are to be available on either the School's website or can be printed and forwarded to applicants on request. An example is at **Annex C** and should be used as a template.

All applicants for employment will be required to complete an application form (**Annex D**) containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

All applicants should also be sent an Equal Opportunities Monitoring Form (**Annex E**) with a separate envelope marked 'Equal Opportunities Monitoring Form – not to be opened by School Staff until recruitment process is complete'. This completed form should be kept securely and not read until the recruitment process is complete.

Stage 2 – Before You Interview

4 Shortlisting

Once the closing date has passed, the School will convene a shortlisting panel. The composition of this panel is at the discretion of the Headmaster, but must consist of at least two people, one of whom must be safer recruitment trained.

The panel will review all applications and complete a short-listing form (**Annex F**) for each candidate. Those who are successfully shortlisted will then be invited to interview.

5 Invitation to Interview

The short-listed applicant may then be invited to attend a formal interview at which his / her relevant skills and experience will be discussed in more detail. The letter should be based upon the template at **Annex G**.

6 Pre-employment checks

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

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

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

6.1 Verification of identity and address

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

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

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

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

6.2 References

References will be taken up on short listed candidates prior to interview using the templated letter at **Annex L**. No questions will be asked about health or medical fitness prior to any offer of employment being made, and references should therefore use the forms at **Appendix 1** and **3** (as appropriate) to Annex L.

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

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism" (see the definition of "extremism" at section 18 below). All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, sickness¹ and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated or malicious;
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious;
- whether the applicant could be considered to be involved in "extremism".

The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.

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

The School will make telephone contact with any referee to verify the details of the written reference provided.

¹ Questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.

Stage 3 – Interview and Selecting the Preferred Candidate

7 Interviews

The School will conduct a panel-based interview with every short-listed applicant.

7.1 Composition of Interview Panels.

The composition of an interview panel is at the discretion of the Headmaster and will be tailored to ensure professional competencies are covered. However, it will always include an individual who has been trained, and is deemed current, in Safer Recruiting. The following are (at the time of writing) trained and current in Safer Recruitment:

Appointment	Name	Remarks
Headmaster	Adrian Meadows	
Bursar	Nigel Johnson	
Deputy Headmaster	Ross Cameron	
Head of Preparatory School	Anne-Marie Elding	
Head of Pastoral Care	Elizabeth Rivers	
Nursery Manager	Pauline Bellamy	
Domestic Bursar	Zana Clark	
Headmaster's PA	Jo Farrow	
HR Administrator	Zelie Vickers	

7.2 Interview Assessment.

The aim of every interview is to best match an applicant's qualities and qualifications with the person and job description. Assessment forms to assist panel members are at **Annex I** (Teaching Posts) and **Annex J** (Support Staff Posts) respectively. Interviews should be free-flowing and allow the opportunity for the candidate to demonstrate their strengths, and questions should accordingly be open-ended. Notwithstanding such, questions which seek answers to the following 14 questions (PUMP DOG SLAMMER) are illegal and must *never* be asked in interview:

P Physical characteristics such as height and weight

The Equality Act 2010

U Union membership

The Trade Union and Labour Relations (Consolidation) Act 1992

M Marital status (includes civil partnerships)

The Equality Act 2010 / The Marriage (Same Sex Couples) Act 2013

P Pregnancy

The Sex Discrimination Act 1975 (Amendment) Regulations 2008 / The Equality Act 2010

D Disability and health status (includes HIV, cancer, multiple sclerosis, sickness absence record)

Disability Discrimination Act 2005 / The Equality Act 2010

O Offender status (includes bankruptcy) – **but see 7.3 below for schools' exemption**

The Rehabilitation of Offenders Act 1974 / The Rehabilitation of Offenders Act. (Exceptions) Order 1975

G Gender (includes gender reassignment)

The Sex Discrimination Act 1975 / The Sexual Discrimination (Gender Reassignment) Regulations 1999

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/ The Sex Discrimination (Indirect Discrimination and Burden of Proof) Regulations 2001 / European Gender Directive 2004/113/EC / The Gender Recognition Act (2004) / Employment Equality (Sex Discrimination) Regulations 2005 / The Sex Discrimination Act 1975 (Amendment) Regulations 2008 / The Equality Act 2010

S Sexual orientation

The Employment Equality (Sexual Orientation) Regulations 2003, as amended by the Employment Equality (Sexual Orientation) (Amendment) Regulations 2003 / The Equality Act (Sexual orientation) Regulations 2006 / The Equality Act 2010

L Lifestyle choices (vegetarianism, consumption of alcohol, tobacco or recreational drugs, affiliations / clubs / political / Reserve Forces' commitments / environmental and other beliefs)

The Human Rights Act 1998 / The Employment Equality (Religion or Belief) Regulations 2003 / Coleman v Attridge Law (2008) / The Equality Act 2010 / Grainger plc v Nicholson [2010]

A Age

The Employment Equality (Age) Regulations 2006 / The Equality Act 2010

M Mental health (repeals laws that stop people becoming an MP, Company Director or juror)

Disability Discrimination Act 2005 / The Equality Act 2010 / Mental Health (Discrimination) Act 2013

M Maternity (includes paternity, adoptive parent status, childcare arrangements)

The Sex Discrimination Act 1975 (Amendment) Regulations 2008 / The Equality Act 2010

E Ethnicity (includes citizenship status, parents' or own birthplace, native language, gypsies & travellers)

The Race Relations Act 1976 / The Race Relations Act 1976 (Amendment) Regulations 2003 / The Equality Act 2010

R Religious preference or belief (includes atheism)

The Employment Equality (Religion or Belief) Regulations 2003 / The Equality Act 2010

7.3 Safer Recruitment Questions.

All interviews should be 'value-based', and seek to understand 'how' and 'why' any applicant makes choices in work and seeks to explore reasons for their behaviour (Warner 1992). You should seek to understand an applicant's values and whether they align with our values, as well as their values to safeguarding children. Questions that the Safer Recruitment-trained person will wish to explore are shown at **Annex J**.

7.4 Rejection.

Those who are unsuccessful at interview and/or assessment should be sent a rejection letter based on the template at **Annex R**.

Stage 4 – After the Offer but before Employment

8 The Offer

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

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;
- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by, the National College for Teaching and Leadership (NCTL) which renders them unable or unsuitable to work at the School;
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by, a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School;
- where the position amounts to "regulated activity (see section 11 below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- where the position amounts to "regulated activity" (see section 11 below) confirmation that the applicant is not named on the Children's Barred List²;
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School;
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008, which renders them unable or unsuitable to work at the School;
- confirmation that the applicant is not disqualified from working in connection with early or later years' provision (if applicable, see section 11.1 below);
- verification of the applicant's medical fitness for the role (see section 0 below);
- verification of the applicant's right to work in the UK;
- any further checks which the School decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references; and
- verification of professional qualifications which the School deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

The templated offer letter is at **Annex K**.

² The School is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently. Whether a position amounts to "regulated activity" must therefore be considered by the School in order to decide which checks are appropriate. It is however likely that in nearly all cases the School will be able to carry out an enhanced DBS check and a Children's Barred List check. If in any doubt, you must check with the Bursar.

9 References

In the event that the selected candidate did not provide references before the interview (for example, because they did not want their current employer to know they were applying for another job), the references must now be obtained using the templated letter at **Annex L** and the form at **Appendix 2** or **4** (as appropriate).

10 Medical fitness

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

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

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 (**Annex N**). If an applicant prefers to discuss this with the School instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the Bursar so that appropriate arrangements can be made.

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

11 Criminal Records Check

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

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

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

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

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

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

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

For those aged under 18 at the time of an offence

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

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

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

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

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

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

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

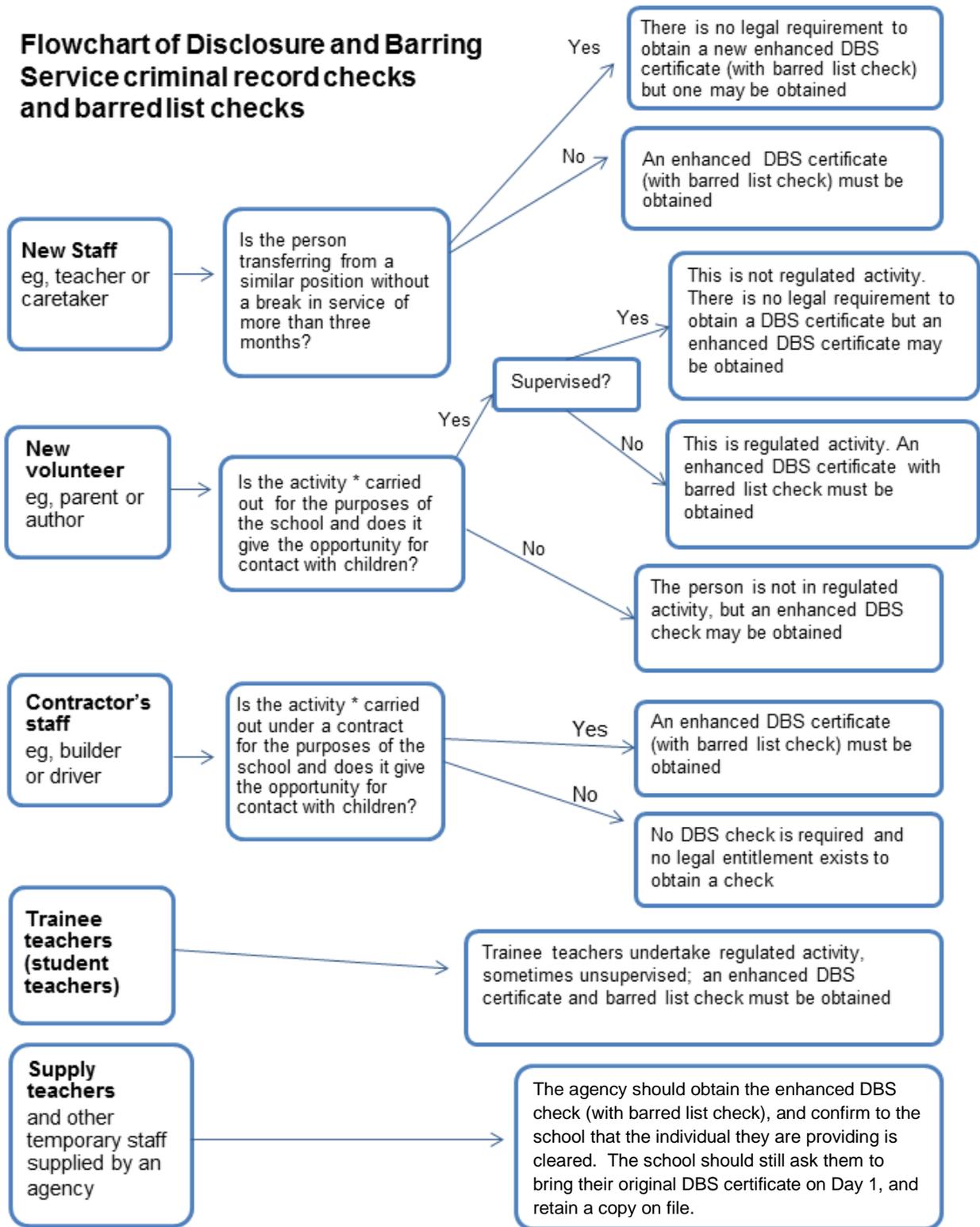
The School applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the School which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended).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

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

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

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

Flowchart of Disclosure and Barring Service criminal record checks and barred list checks



* Activities listed under the guidance's definition of regulated activity and which are carried out 'frequently'

Figure 1 - DBS Flowchart

If in doubt, consult the Bursar.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School within two weeks of it being received by the applicant. Original certificates should not be sent by post. Applicants must bring the original certificate into the Bursar

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within two weeks of it being received. A convenient time and date for doing so should be arranged with the Bursar as soon as the certificate has been received. Applicants who are unable to attend at the School (for example, they are on holiday or employed elsewhere) to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to the Bursar. 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 School in accordance with the assessment form at **Annex O**.

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

11.1 Prohibition from teaching check

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

In addition, the School asks all applicants for roles which involve "teaching work" (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the NCTL 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 NCTL (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

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

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

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

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

regulators of the teaching profession in other EEA countries using the NCTL Teacher Services system.

11.2 Prohibition from management check

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

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

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

It also applies to appointments to the governing body.

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

- In addition, the School asks all applicants for management roles to declare in the application form whether they have ever been the subject of a referral to the Department for Education, or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.
- It is the School's position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

12 Referrals to the DBS and National College for Teaching and Leadership (NCTL)

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

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

If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the NCTL.

13 **Childcare disqualification requirements**

The Childcare Act 2006 (Act) and the Childcare (Disqualification) Regulations 2009 (Regulations) state that it is an offence for the School to employ anyone in connection with our early year's provision (EYP) or later years' provision (LYP) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP.

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

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

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

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

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

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

- having been cautioned (after 6 April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;
- various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;
- having been refused an application for registration of a children's home or having had any such registration cancelled;
- having been prohibited, restricted or disqualified from private fostering; or
- living in the same household as another person who is disqualified from EYP or LYP, or living in a household where a disqualified person is employed (disqualification by association). A household is deemed to cover anyone sharing "living space", including the

use of a shared kitchen.

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 (**Annex X**) confirming whether they, or anyone in their household, 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, or anyone in their household, must also provide the following information:

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

Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 11 above).

Applicants must not ask for information about spent convictions from any member of their household.

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 and members of their household "to the best of their knowledge".

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

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

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

Stage 5 – On Employment

14 The Single Central Register

If there is a delay in receiving a DBS disclosure the Headmaster alone 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 references and a clear check of the Children's Barred List (where the position amounts to regulated activity, have been completed and once appropriate supervision has been put in place. The risk assessment at **Annex P** (volunteer) or **Q** (staff) must be completed.

On commencing employment and being loaded into PASS, the Single Central Register should be updated to reflect the date of clearances and checks, and who performed them. The template for the SCR is shown at **Annex S**.

15 Induction

The induction checklist and self-certification at **Annex T** must be completed by the new employee. Additionally, if the employee is working with children under the age of 8 then the childcare disqualification certification at **Annex U** must be completed and retained.

Other Policy Requirements

16 Contractors and Agency Staff

Contractors engaged by the School must complete the same checks for their employees that the School is required to complete for its staff. The School requires confirmation that these checks have been completed before employees of the Contractor can commence work at the School (**Annex V and W**).

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

The School will independently verify the identity of staff supplied by contractors or an agency in accordance with section 6.1 above and will require the provision of the original DBS disclosure certificate before contractor or agency staff can commence work at the School.

17 Volunteers

The School will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the School (the definition of regulated activity set out in section 11 above will be applied to all volunteers).

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

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

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

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

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

18 Visiting speakers and the Prevent Duty

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

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

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

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vettted member of staff between appointments. Approval for any visiting speaker **must** be sought from the Head of Pastoral Care (Mrs Elizabeth Rivers) and Form VS1 (**Annex Y**) must be completed.

Clear guidelines will be provided to the speaker for the content of the speaker's input which will inform the planning of the visit and any preparatory or follow up work.

- The speaker will be provided with information on ability, age, number of pupils in the group and any special needs requirements.
- The date, time and duration of the session will also be confirmed. As will resources and equipment required.
- The speaker will clearly outline in advance the aims and outlines of their session with methods, content and approaches.
- The speaker should be made aware of any relevant school policies and procedures.

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 – this will include searches on-line to ascertain character (i.e Google, Linked-in, Twitter feeds etc). In doing so the School 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. Terrorist groups very often draw on extremist ideas developed by extremist organisations.

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

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

19 Policy on recruitment of ex-offenders

19.1 Background

The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The School makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the School. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 19.2 below.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 11 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.

NOT FOR DISCLOSURE

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

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

19.2 Assessment criteria

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

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

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

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

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

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

19.3 Assessment procedure

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

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

19.4 Retention and security of disclosure information

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

In particular, the School will:

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

20 Retention of records

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

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. It will be retained in accordance with the School's retention of records policy after employment terminates. **At the time of writing (September 2016), this is indefinitely.** The Independent Inquiry into child sexual abuse led by Lord Justice Goddard officially opened on Thursday 9 July 2015. As part of the Inquiry letters have been sent to many organisations warning us not to dispose of any documents or records that are:

- connected with child protection
- connected with child sexual abuse
- related to individuals working with children.

This has important implications for records management arrangements and the School may be asked to provide information as the Inquiry progresses. The duration of the Inquiry is estimated to be 5 - 7 years, although it could last longer. The suspension of the disposal of relevant records will be for the life of the Inquiry. The Inquiry will look back as far as it needs to - there is no cut-off date. Essentially, this means that information which may be relevant to the Inquiry **must not be destroyed** until further notice. The Inquiries Act 2005 makes it a criminal offence for anyone to knowingly destroy, alter or conceal records and information which is or may be relevant to the Inquiry. Employees may also face disciplinary action.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

The same policy applies to any suitability information obtained about volunteers involved with School activities.

21 **Whistleblowing and exit interviews**

All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the School's policies (including the Whistleblowing Policy contained in the Staff Handbook, the Safeguarding Policy and the Staff Code of Conduct). Safeguarding children is at the centre of the School's culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at an exit interview which are held with all leavers.

Exit interviews must be conducted with departing staff by their Line Manager using the template at **Annex Z**. In addition to being a trait of a 'good employer', the purpose of an exit interview is to provide staff who are leaving, and therefore not constrained by false loyalty, the opportunity to speak openly about their experiences at The Peterborough School. It is an opportunity to learn the reasons for the person's departure, on the basis that criticism is a helpful driver for organizational improvement.

During this interview, the Line Manager should remind the interviewee of the School's Whistleblowing policy, specifically in regard to safeguarding.

22 **Queries**

Any queries should be addressed to the Bursar.

Appendix 1 List of valid identity documents

Group 1: primary identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence (photo card with paper counterpart; full or provisional; UK / Isle of Man / Channel Islands and EU)
- birth certificate (UK & Channel Islands; issued at the time of birth (within 42 days of date of birth); full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces)
- adoption certificate (UK and Channel Islands)

Group 2a: trusted government documents

- current driving licence (paper version; UK / Isle of Man / Channel Islands and EU; full or provisional)
- current driving licence (photo card; all countries; full or provisional)
- current non-UK driving licence (valid for up to 12 months from the date the applicant entered the UK)
- birth certificate (UK and Channel Islands; issued at any time after the date of birth by the General Registrar Office / relevant authority i.e. Registrars)
- marriage / civil partnership certificate (UK and Channel Islands)
- HM Forces ID card (UK)
- fire arms licence (UK, Channel Islands and Isle of Man)

Group 2b: Financial and social history documents

- mortgage statement (UK or EEA) **
- bank / building society statement (UK and Channel Islands or EEA) *
- bank / building society account opening confirmation letter (UK) *
- credit card statement (UK or EEA) *
- financial statement - e.g. pension, endowment, ISA (UK)**
- P45 / P60 statement (UK and Channel Islands) **
- council tax statement (UK and Channel Islands) **
- work permit / visa (UK; valid up to expiry date)
- letter of sponsorship from future employment provider (non UK / non EEA only; valid only for applicants residing outside the UK at the time of application; must be valid at 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 authority giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service, HM Revenue & Customs, Job Centre, Job Centre Plus, Social Security (UK and Channel Islands) *
- EU national ID card (must be valid at time of application)
- cards carrying the PASS accreditation logo (UK and Channel Islands; must be valid at time of applications)
- letter from Head or College Principal (for 16-19 year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at 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