

# Safer Recruitment Policy and Procedures

including EYFS & Wrap-around Care

A Foundation Safeguarding Policy  
ISI Regulatory Policy

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## Safer Recruitment Policy and Procedures

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## **Safer Recruitment Policy and Procedures**

### **1. Context**

The Princethorpe Foundation is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. This Safer Recruitment Policy applies to all age ranges including Nursery, Early Years, the Prep Schools and Senior School.

It is essential that we create and maintain a culture that safeguards and promotes the welfare of our pupils and ensures a safe environment in which our pupils can blossom and thrive. To assist in achieving this, the Foundation has adopted this Safer Recruitment policy which applies to everyone who works in our schools, including unpaid volunteers. This policy should be read in conjunction with the Foundation's Safeguarding Policy and other relevant policies (including the Staff Code of Conduct and Whistleblowing Policy).

If staff TUPE transfer into the Foundation, checks will be made to ensure that the Foundation can satisfy itself that all the safer recruitment checks have been undertaken, if any information is missing then that will be gathered. If staff are transferred out under TUPE (and where the information is complete) information gathered as part of the Foundation's safer recruitment process will be passed to the new employer and a note made on the Single Central Record to that effect.

### **2. Aims**

The Foundation aims to:

- a) attract the best possible applicants to vacancies, based on merit, ability and suitability for the position;
- b) deter, identify and reject applicants who are unsuitable to work with children and young people for, or securing, employment or volunteering for opportunities within the Foundation;
- c) operate such procedures consistently, fairly and thoroughly to ensure that no applicant is discriminated against;
- d) ensure compliance with all relevant guidance from the Department for Education (DfE) including '*Keeping Children Safe in Education*' (KCSIE) and any relevant code of practice published by the Disclosure and Barring Service (DBS)
- e) ensure that the necessary pre-employment checks are conducted in line with the commitment to safeguarding and promoting the welfare of children;
- f) act reasonably when making recruitment decisions of staff and volunteers, based on the evidence available, including DBS checks, barred list checks and prohibition from teaching and management of independent school checks, references and interview information; and
- g) ensure an on-going safe and secure environment for children by ensuring all staff are suitably trained in recognising and responding to signs of abuse.

### **3. Elements of Safer Practice**

Safer practice in recruitment means thinking about and including issues to do with child protection and safeguarding and promoting the welfare of children at every stage of the process. It starts by planning the recruitment exercise and requires a consistent and thorough process of obtaining, collating, analysing and evaluating information from and about applicants. Safer practice continues beyond recruitment and requires everyone to be vigilant, to maintain an environment which deters and prevents abuse and challenges inappropriate behaviour.

Employees and trustees involved in the recruitment and selection of staff and volunteers are responsible for reading and complying with this policy.

#### **4. Main elements of the recruitment process:**

The main elements of the recruitment process include but are not limited to the following:

- a) ensuring that advertisements, job descriptions and person specifications refer to the responsibility for safeguarding and promoting the welfare of children; the safeguarding requirements and responsibilities of the role; our commitment to safeguarding and promoting the welfare of children; and whether the post is exempt from the Rehabilitation of Offenders Act 1974 and relevant Exemptions Order (see further below). Advertisements should also refer to the need for the successful applicant to undertake the relevant safer recruitment pre-employment checks, as well as the usual details of the post, salary, qualifications required, etc.;
- b) including a specific reference to suitability to work with children in the person specification;
- c) where the role involves engaging in regulated activity, a clear statement to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children;
- d) requesting applicants who are shortlisted to complete a self-declaration of any information that would make them unsuitable to work with children;
- e) obtaining and scrutinising comprehensive information from applicants to determine their suitability and taking up and resolving any discrepancies or anomalies;
- f) obtaining independent professional references that answer specific questions to help assess an applicant's suitability to work with children and following up any concerns, having regard to KCSIE guidance on references;
- g) a face-to-face interview that explores the candidate's suitability to work with children as well as their suitability for the post; and
- h) conducting all pre-employment checks, as required and detailed below.

It is crucial that everyone working at the Foundation is aware of child protection and safeguarding issues and the need to adopt appropriate practice and ways of working. It is important for all members of the school community to feel able to raise concerns about poor or unsafe practice by colleagues and that those concerns are listened to and taken seriously.

#### **5. Application Form**

All applicants need to complete the application form in full to provide:

- a) full identifying details of the applicant including current and former names, date of birth, current address, and National Insurance number;
- b) details of their present (or most recent) employment, notice period, and reason for leaving;
- c) a statement of any academic and/or vocational qualifications the applicant has obtained that are relevant to the position for which they are applying with details of the awarding body and date of award; applicants will be asked to bring proof of qualifications to interview;
- d) a full employment history in chronological order since leaving secondary education, including periods of any post-secondary education/training, part-time and voluntary work as well as full time employment, with start and end dates, explanations for periods not in employment or education/training and reasons for leaving employment. There should be no unexplained gaps in their employment history;
- e) a declaration of any family or close relationship to existing employees or employers (including trustees of the Foundation);
- f) details of referees (see details below);
- g) a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how she/he meets the person specification.

The application form should include an explanation as to whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020\* and therefore whether certain spent convictions and cautions are 'protected' and need not be declared.

Candidates who have been shortlisted for interview are required to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children, including but not limited to -that the person is not on the Children's Barred List (formally List 99), disqualified from working with children, or subject to sanctions imposed by the Secretary of State or other regulatory body, and either has no convictions, cautions, or bind-overs, or has attached details of their record in a sealed envelope marked confidential.

*\*The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account. All guidance and criteria on the filtering of these cautions and convictions can be found in the DBS filtering collection - <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>*

The application form should record that:

- a) where appropriate, the successful applicant will be required to provide an enhanced DBS certificate;
- b) where appropriate, prohibition from teaching and prohibition from management checks will be conducted by the Foundation;
- c) the Foundation will seek references on short-listed candidates and may approach previous employers for information to verify particular experience or qualifications and that the Foundation will carry out online checks as part of the short-listing process and before interview;
- d) if the applicant is currently working with children, on either a paid or voluntary basis, their current employer will be asked about disciplinary offences relating to children, including any in which the penalty is "time expired" (that is, where a warning could no longer be taken into account in any new disciplinary hearing for example) and whether the applicant has been the subject of any child protection concerns and if so, the outcome of any enquiry or disciplinary procedure. If the applicant is not currently working with children but has done so in the past, that previous employer will be asked about those issues. Where neither the current nor previous employment has involved working with children, the Foundation will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the Foundation may request character references which may include references from the candidate's school or university; and
- e) providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected and may also lead to a referral to the police.

Applicants for teaching posts should also be asked:

- to provide their DfE reference number; and
- whether they have Qualified Teacher Status (QTS).

## **6. Information Pack to Candidates**

The pack will include a copy of:

- a) the application form;
- b) the job description and person specification;
- c) information about the school, its ethos and the relevant department;
- d) a child protection statement; and

- e) copies of the following policies: ***Equality, Diversity and Inclusion policy***; ***Recruitment of ex-offenders policy*** (at Appendix A to this policy); and ***Safeguarding policy***.

## **7. Job Description**

This will clearly state:

- the main duties and responsibilities of the post; and
- the individual's responsibility for promoting and safeguarding the welfare of children they are responsible for or come into contact with.

## **8. Person Specification**

This will:

- include the qualifications and experience and any other requirements needed to perform the role in relation to working with children;
- include the competencies and qualities that the successful candidate should be able to demonstrate; and
- where appropriate, explain how these requirements will be tested and assessed during the selection process. Candidates will be advised of this in the invitation to interview.

## **9. Scrutinising and Short-listing**

All applications will be considered by at least two appropriate senior members of staff to ensure that:

- a) they are fully and properly completed;
- b) the information provided is consistent;
- c) the information provided does not contain any discrepancies or inconsistencies;
- d) any gaps in employment are identified; and
- e) any potential concerns are identified and explored.

Incomplete applications will not be accepted and will be returned for completion.

As well as reasons for gaps in employment, the reasons for a history of repeated changes of employment without any clear career or salary progression, or a mid-career move from a permanent post to supply teaching or temporary work, will also be noted and will need to be explored and verified during the later stages of the process.

All candidates will be assessed equally against the criteria contained in the person specification and a short-list will be drawn up.

Applications that are considered fraudulent or to contain false information will be reported to the Secretary of State via the DfE and may also be reported to the police.

Shortlisted candidates will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children and will be asked to sign a declaration confirming that the information they have provided is true. The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at the point of interview.

## 10. References

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. At least 2 references will be sought directly from referees for all short-listed candidates, including internal candidates.

Wherever possible, these will be obtained before the interview so that any issues of concern can be explored further with the referee and taken up with the candidate at interview.

One referee should be the applicant's current or most recent employer. If the applicant has previously worked or volunteered with children, one reference must be from the most recent employer or organisation.

References should always be requested directly from the referee and from a senior person with appropriate authority, not just a colleague.

For appointments with a key responsibility for the Catholic ethos of the school, a reference from the candidates' Parish Priest will be required.

It is up to the person conducting the recruitment process to decide whether to accede to a candidate's request to approach their current employer only if she/he is the preferred candidate after the interview, but it is not recommended as good practice.

A copy of the job description and person specification for the post for which the person is applying should be included with all requests for a reference and should enquire about:

- a) the referee's relationship with the candidate, e.g. did they have a working relationship and if so what and how long has the referee known the candidate and in what capacity;
- b) whether the referee is satisfied that the person has the ability and is suitable to undertake the job in question and for specific comments about the applicant's suitability for the post and how they have demonstrated that they meet the person specification; and
- c) whether the referee is satisfied that the candidate is suitable to work with children and, if not, for specific details of the referee's concerns and the reasons why the referee believes the person might be unsuitable.

The referee should be asked to provide a reference that is relevant, accurate and factual, without any material misstatement or omission. Reference requests should state that references may be discussed with the applicant and that the referee may be contacted to clarify any aspect of the reference.

In addition to the above, requests addressed to a candidate's current employer, or a previous employer in work with children, should also seek:

- a) confirmation of details of the applicant's current post and salary;
- b) specific verifiable comments about the applicant's performance history and conduct;
- c) details of any disciplinary procedures the applicant has been subject to in which the disciplinary sanction is current;
- d) details of any disciplinary procedures the applicant has been subject to involving issues related to the safety and welfare of children or young people, including any in which the disciplinary sanction has expired and the outcome of those; and
- e) details of any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of children or behaviour towards children and the outcome of those concerns e.g. whether the allegations or concerns were investigated, the conclusion reached and how the matter was resolved. Referees should provide facts (not opinions) of any substantiated safeguarding allegations/concerns that meet the harms threshold but

should not include information about allegations which are unsubstantiated, unfounded, false or malicious.

If the applicant has worked with children previously, the most recent employer (or organisation if the role was in a voluntary capacity) should be contacted to establish the reasons for leaving. If the applicant has previously worked in an education setting, the Foundation will also check with the school or college at which the applicant was most recently employed to confirm the details of their role and reasons for leaving. This will be done as part of or in addition to the references being sought. The Foundation will not accept open references (eg to whom it may concern) or references from friends or relatives.

Upon receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. Verbal contact is to be made with the referee who is the current or most recent employer to confirm that their reference is authentic and to clarify any points in the reference that are vague or unspecific. Where there are vague or unspecific points in other references then these should also be verbally checked. In the case of volunteers then a verbal check should be made with at least one referee.

In relation to support staff roles, references will be sought prior to interview, where possible.

All information should be compared with the application form to ensure that the information provided about the candidate and their previous employment by the referee is consistent with the information provided by the applicant on the form. Any discrepancy in the information should be taken up with the applicant at the interview.

Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.

Where there is good reason and an appointment needs to be made with speed then references may be taken by telephone. In such cases, which will be rare and only for the benefit of the pupils, rather than for the Foundation, any appointment must be conditional and telephone references must be followed up in writing as soon as practicable thereafter. Appropriate documentary evidence should be retained, usually on the member of staff's personnel file, in accordance with the ***Foundation's Retention of Records policy***. If a reference is taken over the telephone, detailed notes should be taken, dated and signed.

## **11. Online Checks**

As part of the shortlisting process, the Foundation will carry out an online search on shortlisted candidates as part of its due diligence. This may help to identify any incidents or issues that have happened, and are publicly available online, which the Foundation may want to explore with an applicant at interview. Shortlisted candidates will be notified that this search is being carried out. Information relating to the online checks will only be passed to the interview panel if the searches yield information that needs to be explored further with the candidate during interview.

An online check will consist of a search on the candidate's name, location and current employer, and may include social media platforms, including but not limited to, X, YouTube, Facebook, Instagram, TikTok, and LinkedIn.

The online checks will be carried out by the Recruitment team for Princethorpe and the Head's PA for the Junior Schools.

## **12. Other Checks before Interview**

If a short-listed applicant claims to have a specific qualification or previous experience that is particularly relevant to the post for which they are applying that will not be verified by a reference, it is good practice to verify the facts before interview so that any discrepancy can be explored at interview. The qualification or experience can usually be verified quickly by telephoning the relevant previous employer and asking for written confirmation of the qualification and/or experience.

## **13. Involving Pupils**

Observing short-listed candidates' interaction with pupils is part of the interviewing process for teaching posts and procedures will vary according to the vacancy. Wherever possible, short-listed candidates for a teaching post will be observed teaching at least one lesson and will be shown round the school by two Sixth Form pupils at Princethorpe College. At Crackley Hall and Crescent School, pupils conducting a tour will be accompanied by a member of staff or a trustee.

## **14. Invitation to Interview**

The invitation will inform candidates about how the interview will be conducted and the areas it will explore, including suitability to work with children. Candidates will also be reminded that the successful candidate will need to satisfy a series of pre-employment checks, as listed in paragraph 16 below.

Consequently, all candidates should be instructed to bring with them documentary evidence of their identity that will satisfy DBS requirements, for example: either a current driving licence including a photograph or passport and a full birth certificate, plus a document such as a utility bill or financial statement which has been issued within the last three months that shows the candidate's current name and address. Where appropriate, any documentation evidencing change of name and proof of entitlement to work and reside in the UK must also be provided.

Please note that originals of the above are necessary. Photocopies or certified copies will not be accepted.

Candidates will also be asked to bring documents confirming any educational and professional qualifications that are necessary or relevant for the post. If the successful candidate cannot produce original documents or certified copies, written confirmation of their relevant qualifications must be obtained from the awarding body.

A copy of the documents used to verify the successful candidate's identity and qualifications will be kept for the personnel file.

Should a candidate require any reasonable adjustments to allow them to fully participate in the interview to the best of their ability, they will be provided with details of how to do this. The Recruitment team will process the request.

## **15. Interview Panel**

A panel of at least two people will conduct the interview. It is required that at least one person on the appointment panel will have undertaken safer recruitment training.

## **16. Interviews**

The interview process will assess the merits of each candidate against the job description and person specification. All interviewers should receive copies of the full application form, letter of application and any available written references for each candidate prior to interview.

A list of questions and matters to explore at interview should be created for each candidate prior to interview. This list will not be exhaustive. Assessment sheets may be used and questions relating to safeguarding and child protection are mandatory and will be asked.

In addition, the interview panel should also explore:

- a) the candidate's attitude towards, and motivation for working with, children;
- b) their ability to support the school's ethos which naturally encompasses safeguarding and promoting the welfare of children;
- c) gaps in the candidate's employment history or where the candidate has changed employment or location frequently;
- d) concerns or discrepancies arising from the information provided by the candidate and/or a referee and/or from online checks; and
- e) if the candidate wishes to declare anything in light of the requirement for a DBS check.

If references are not obtained before the interview, the candidate should be asked at the interview if there is anything they wish to declare/discuss in light of the questions that have been (or will be) put to their referees.

A meeting will be held post interview to discuss the candidate's suitability for the role.

All interview records will be held securely and for six months' post interview, all information for unsuccessful candidates will be confidentially disposed of.

## **17. Conditional Offer of Appointment: Pre-Appointment Checks**

An offer of appointment to the successful candidate will be conditional upon the satisfactory completion of pre-employment checks, including:

- a) the receipt of at least two satisfactory references;
- b) verification of the candidate's identity and professional qualifications (and evidence of right to work in the UK, where appropriate), if not already received;
- c) a satisfactory enhanced DBS check (including with barred list information where a person will be engaging in a regulated activity with children - defined below);
- d) a separate barred list check if the candidate is to start work in a regulated activity before the full DBS check is available;
- e) checking that a candidate applying for teaching work (as defined by The Teachers' Disciplinary (England) Regulations 2012) is not subject to a prohibition order issued by the Secretary of State, or any direction, disqualification or restriction (using the DfE Check a teacher's record website), including the date on which such check was completed;
- f) checking that a candidate applying for a management position is not subject to a section 128 direction prohibiting them from managing an independent school;
- g) where the individual has lived or worked outside the UK, such further checks and confirmations as the Foundation may consider appropriate so that any relevant events that occurred outside the UK can be considered. This shall include the candidate providing the Foundation with proof of their past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which they have worked;
- h) checking that a candidate applying to provide early years or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 and

those who are directly concerned in the managed of that childcare, is not disqualified from working in these settings under the Childcare Disqualification Regulations 2018<sup>1</sup>;

- i) verification of the candidate's medical (mental and physical) fitness to fulfil the role. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role. Each candidate will be asked to complete a medical questionnaire. The information contained in the questionnaire will then be held by the Foundation in strictest confidence and in accordance with the Foundation's data protection obligations. 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 workload, extra-curricular activities, layout of the school. External, professional medical advice may be sought if the Foundation considers it necessary in the circumstances. A disability or health problem does not preclude consideration for employment. The Foundation is an equal opportunities employer and will only take this information into account when considering adjustments necessary to enable you to achieve normal job performance. No job offer will be withdrawn without first consulting with the candidate, considering medical evidence and considering the Foundation's obligations under the Equality Act 2010 (including our reasonable adjustments duty);
- j) verification of professional qualifications, as appropriate;
- k) verification of the right to work in the UK, including EU nationals; and
- l) Candidates will also be asked to confirm:
  - their National Insurance number;
  - verification of professional status; and
  - successful completion of any statutory induction period.

## **18. Section 128 direction: prohibition from leadership and management of an independent school**

Further to paragraph 16(f) above, a "management position" is taken to include a role involving, or very likely to involve, management of a school in the Foundation include (but are not limited to): Heads, all staff on the senior leadership team (including non-teaching staff), teaching positions with departmental headship, trustees of the Foundation.

If an existing member of staff is promoted internally to a management position, they will need to be checked to see whether they are subject to a section 128 direction.

Where the person will be engaging in regulated activity, an enhanced DBS barred list check will also identify any section 128 direction provided that 'child workforce independent schools' For those not eligible for a children's barred list check then the check can be done using - <https://www.gov.uk/government/collections/individuals-prohibited-from-managing-or-governing-schools>

Note: Certain individuals are automatically disqualified from acting in senior management positions within a charity. Whether an individual falls into the category of a senior management position is judged using the following criteria:

- A person who is accountable only to the trustees, and who carries overall responsibility for the day-to-day management and control of the charity. At the Foundation schools, this would be the Head.

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<sup>1</sup> Successful candidates who are disqualified from childcare or registration may apply to Ofsted for a waiver from disqualification. Such individuals may not be employed in the areas in which they are disqualified or involved in the management of those settings, unless and until such a waiver is confirmed.

- A person who is accountable only to the Head or the trustees, and who is responsible for the overall management and control of the charity's finances. At the Foundation, this would be the Foundation Head of Business Services.

Being disqualified means that a person cannot take on, or stay in, a senior manager position – even on an interim basis, unless the Charity Commission has removed (or 'waived') the disqualification. This means that for a candidate to be employed into a senior management position, receipt of a signed "senior charity manager positions: automatic disqualification declaration" is required confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities.

## **19. DBS Checks and the Update Service**

As a general rule, the Foundation will obtain the relevant DBS check for a new member of staff no more than 3 months before their agreed start date. The Foundation reserves the right to apply for a new DBS check regardless of whether a valid check is already in place for the applicant. If the candidate has subscribed to the electronic DBS Update Service and has given permission, the employer may undertake an online check.

Once the relevant DBS checks are complete, the DBS will send the DBS certificate to the candidate. The candidate must show the original DBS certificate to the Foundation before they take up the post or as soon as practicable afterwards.

The Foundation will compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process. When assessing any disclosure information on a DBS certificate the Foundation will take into consideration the explanation from the applicant, including for example: the seriousness and relevance to the post applied for; how long ago the offence occurred; whether it was a one-off incident or a history of incidents; the circumstances around the incident; and whether the individual accepted responsibility for their actions. The Foundation will also consider the incident in the context of the Teachers' Standards and Teacher misconduct guidance, if the applicant is applying for a teaching post.

Where the Foundation allows an individual to start work (but without confirming the appointment) in a regulated activity before the DBS certificate is available, the Foundation will ensure that appropriate safeguards are in place (e.g. the individual is supervised) and that all other checks, including a barred list check and a risk assessment, have been satisfactorily completed.

The Foundation must see the DBS for supply and agency staff if there has been any disclosed information

## **20. The Single Central Record (SCR)**

In addition to the various staff records kept in each school and in individual personnel files, a SCR of recruitment and vetting checks is maintained. The SCR will register whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained for staff members (including teacher trainees on salaried routes):

- an identity check
- a standalone children's barred list check, where required;
- an enhanced DBS check (with children's barred list) requested/certificate provided;
- a prohibition from teaching check where required, where it is not required N/A on SCR;
- further checks on people who have lived or worked outside the UK;

- a check of professional qualifications, where required;
- a check to establish the person's right to work in the United Kingdom; and
- details of the section 128 checks undertaken for those in management positions.

The SCR also records:

- dates on which safeguarding and safer recruitment training was undertaken;
- the name of the person who carried out each check;
- whether relevant staff have been informed of their duty to disclose relevant information under the childcare disqualification arrangements.

For agency and third-party supply staff, the SCR will include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.

This is kept up to date and retained by:

- a) the Recruitment Co-ordinator at Princethorpe;
- b) the Head's PA at Crackley Hall; and
- c) the Head's PA at Crescent.

The SCR records information on:

- all staff who are employed to work at the school (including agency and third-party supply staff, and teacher trainees on salaried routes);
- trustees of the Foundation;
- all others who have been chosen by the school to work in regular contact with children. This will cover volunteers, trustees of the Foundation who also work as volunteers within the school, and people brought into the school to provide additional teaching or instruction for pupils but who are not staff members, e.g. a specialist sports coach.

The Foundation does not have to keep copies of DBS certificates in order to fulfil the duty of maintaining this record. Where the Foundation does retain a copy, it will not be retained for longer than six months and will then be confidentially disposed of.

A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications will be kept on the personnel file.

All checks should be:

- a) made by checking original or certified copies only. Photocopies are not acceptable;
- b) confirmed in writing; and
- c) documented and retained on the personnel file.

Instances in which an enhanced DBS check may not be required include, if the candidate has in the last 3 months prior to their appointment worked in a school in England in a post:

- a) which brought them into regular contact with children;
- b) in which the person was appointed on or after 12 May 2006 and which did not bring the person regularly into contact with children or young persons; or
- c) worked in a college in England in a position which involved the provision of education and regular caring for, training, supervision or being in sole charge of children or young people under the age of 18.

The Foundation reserves the right to request a DBS check in these circumstances if there is any cause for concern or to make sure that they are holding up to date information.

## **21. Regulated Activity**

The majority of appointments will be of staff who undertake what is referred to as “regulated activity”.

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,
- b) work for a limited range of establishments (known as ‘specified places’, which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly. See further paragraph 22.

Some 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. 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.

## **22. Regular Activity**

The activity will be regular if the activity is undertaken by the same individual or if the period condition is satisfied. The period condition is satisfied if the individual carrying out the activity does so as follows:

- a) once a week or more; or
- b) on three or more days in a 30-day period; and
- c) for the purposes of the work referred to at a) in paragraph 21, apart from driving a vehicle for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

## **23. Volunteers**

There will be people who offer their services to the Foundation and are regarded as volunteers. The term “volunteer” is defined in the Police Act 1997 (Criminal Records) Regulations 2002, as ‘any individual engaged in an activity which involves spending time, unpaid (except for travel and other approved out of pocket expenses), doing something which aims to benefit some third party and not a close relative’.

A volunteer cannot therefore:

- a) receive payment (except for travel or other approved out of pocket expenses); or
- b) be on a work placement; or
- c) be on a course that requires them to do this job role.

All new appointments of volunteers will require the same checks as a paid employee, and will follow the safer recruitment process.

For new volunteers undertaking regulated activity, the Foundation will obtain an enhanced DBS certificate with barred list check.

Under no circumstances will a volunteer, in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

## **24. Supervised Volunteers**

Those people who assist the school as supervised volunteers may regularly teach or look after children, but they are not considered to fall into the category of someone who is in regulated activity.

A DBS check is therefore not required and, in such situations, where individuals are acting as supervised volunteers, the Foundation will ensure:

- a) supervision is conducted by a person who is in regulated activity relating to children and has been through the full recruitment and checking process themselves;
- b) supervision is regular (on-going) and day to day; and
- c) the supervision is “reasonable in all the circumstances to ensure the protection of children”.

## **25. Reasonableness**

The decision relating to what is “reasonable” will be determined by the Head or Foundation Director of Business Services or Designated Safeguarding Lead and will consider the following:

- a) the age of the children concerned;
- b) the number of children that they will be working with;
- c) whether or not there are other carers/adults helping to look after the children;
- d) the nature of their work or contact with children;
- e) the vulnerability of the child/ren;
- f) the experience of the person, and the checks that have been carried out; and
- g) the number of volunteers being supervised.

## **26. Agency and Supply Staff**

The Foundation operates the same procedures and practices for the engagement of agency and third-party supply staff as listed above. The Foundation will obtain written confirmation that the business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.

The Foundation will require sight of One an enhanced DBS certification obtained by the business before the person is due to begin work, where a disclosure has been made. Information disclosed as part of a DBS check will be treated as confidential. Where the position requires a children’s barred list check, this will be obtained by the agency or third party, prior to appointing the individual.

The Foundation will conduct an ID check to confirm that the person presenting themselves for work is the same person on whom the checks have been made.

A person will not begin work at the school unless the Foundation is satisfied that the person is suitable for the work for which they are supplied. The decision about suitability to appoint ultimately rests with the Foundation and a written agreement may be obtained from the agency that a disclosure must be shared with the Foundation in order for that decision to be made.

(Please see the ***Safeguarding policy– Contractors & Agency Staff policy*** for further details.)

## **27. Peripatetic Staff**

The Foundation operates the same procedures and practices for the engagement of peripatetic staff as listed above for employees of the Foundation. However, for the purposes of creating the record of checks for peripatetic staff (for music, sports etc.) the Foundation will carry out all necessary checks and ensure that the appropriate DBS requirements are fulfilled.

## **28. Contractors**

The Foundation has arrangements in place with contractors (including a written contract) to make sure that the contractor, or any employee of the contractor, working at the Foundation has been subject to the appropriate level of checks including DBS check, if any such check is required. Contractors engaging in regulated activity relating to children will require an enhanced DBS check with barred list information. For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required. In cases where the contractor does not have opportunity for regular contact with children, the Foundation will decide on whether a basic DBS disclosure would be appropriate.

Contractors and contractors' employees for whom an appropriate DBS check has not been undertaken should be supervised if they will have contact with children.

The Foundation will check the identity of contractors on arrival. Unchecked contractors will under no circumstances be allowed to work unsupervised in school. The Foundation will determine the appropriate level of supervision depending on the circumstances.

(Please see the **Safeguarding Policy & Procedures – Contractors & Agency Staff policy** for further details.)

## **29. Visiting speakers, visiting professionals and other visitors**

The Foundation has a duty to ensure that any visiting speakers or visitors, whether invited by staff or by pupils to present to the school(s) are suitable speakers and are appropriately supervised.

For visitors who are here in a professional capacity we will check ID and be assured the visitors have had the appropriate DBS checks, or that the visitors employer has seen the DBS.

Any requests for visiting speakers and visitors should be made to the Head of the School or Foundation Director of Business Services and will be approved after appropriate consideration of the educational value of the content proposed, the age appropriateness of what will be delivered and any relevant safeguards that may be necessary in the circumstances to ensure the safety and welfare of pupils.

If speakers are invited to deliver a one-off presentation, they will be treated as visitors to the school and the usual procedure for visitors will apply: they should sign in at Reception and be appropriately supervised during their visit.

If speakers are invited to appear on a more frequent basis, in each case, the Foundation will consider whether they will fall into the category of either: volunteer; supervised volunteer or contractor (please see the above requirements) and the appropriate safer recruitment checks will be undertaken.

### **30. Foundation Trustees**

Before an individual becomes a Trustee of the Foundation, the Chair of Trustees will ensure that:

- an enhanced DBS check is carried out, and an enhanced DBS certificate obtained. In addition, a barred list check should be requested if the Trustee will be engaged in regulated activity;
- ID is confirmed before or as soon as reasonably practicable after, they take up the position;
- their right to work in the UK;
- they are not subject to s128 direction;
- the individual is not disqualified from acting as a trustee for a charity or a company director;
- such further checks as appropriate are undertaken (e.g. disqualification from childcare and prohibition from teaching checks); and
- such further checks as the Chair considers appropriate are carried out where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS check is not sufficient to establish an individual's suitability to work in a school.
- online checks

For the appointment of the Chair, in addition to the above checks, if the individual lives or has lived outside of the UK and applying for an enhanced check is insufficient, such other checks as the Secretary of State considers appropriate will be conducted.

If a newly appointed Trustee will not be engaged in regulated activity, a barred list check may not be obtained via the DBS.

### **31. Work Experience Students**

Appropriate arrangements will be made when organising work experience placements to ensure that the work experience placement has policies and procedures in place to protect children from harm.

Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. The Foundation will consider the specific circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child will be:

- unsupervised themselves; and
- providing the teaching/training/instruction frequently (more than three days in a 30-day period, or overnight).

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. If so, the Foundation can ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

The Foundation is not able to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience.

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases, and where the child is 16 years of age or over, the Foundation will consider whether a DBS enhanced check should be requested for

the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

### **32. Host Families**

The Foundation may make arrangements for children to have learning experiences where, for short periods, the child may be provided with care and accommodation off-site by a host family to which they are not related. This might happen, for example, as part of a foreign exchange visit or sports tour, often described as 'homestay' arrangements. Such arrangements can have the potential to amount to "private fostering" under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, or both. A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer.

When arranging a homestay, the Foundation will consider the suitability of the adults in the respective families who will be responsible for the visiting child during the stay.

In circumstances where we are arranging for a visiting child to be provided with care and accommodation in the UK (including where we engage a third party to make those arrangements) in the home of a family to which the child is not related, the responsible adults will be engaging in regulated activity for the period of the stay. In such cases and where we have the power to terminate such a homestay we would be the regulated activity provider.

Where the child's parent(s) or a pupil themselves arranges their own homestay, this would be a private arrangement therefore, we would not be the regulated activity provider.

When arranging a homestay, we consider all relevant intelligence and information available to us, to best inform our assessment of the suitability of the adults in the host families who will be responsible for the visiting child/children during the stay. We will use our professional judgement in deciding all factors we consider relevant. To help inform that assessment, we will obtain a DBS enhanced certificate with children's barred list information. This check will not only establish whether the adults are barred from engaging in regulated activity relating to children, but where criminal record information is disclosed, it will also allow the school or college to consider, alongside all other intelligence that it has obtained, whether the adults would be suitable hosts for a child.

Where private fostering arrangements may come to the attention of school staff through the normal course of their interaction, and promotion of learning activities, with children (and the Foundation is not involved in the arrangements), the Foundation will notify the local authority to check the arrangement is suitable and safe for the child.

Where the parents make the host family arrangements themselves, this will be a private matter between the child's parents and the host parents and in these circumstances the Foundation or third party will not be the regulated activity provider.

When the Foundation arranges for pupils to stay with host families overseas, it will work with partner schools abroad to ensure that similar assurances are undertaken prior to a visit. The DBS cannot access criminal records held overseas and the Foundation will contact the foreign embassy or High Commission of the country in question to find out if similar checks can be undertaken in that country, if it is deemed necessary to do so.

### **33. Checks on Overseas Staff**

Individuals who have lived or worked outside the UK will undergo the same checks as all other staff, as detailed at paragraph 20 above. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, the Foundation may make any further relevant checks on staff and volunteers from overseas so that events that occurred outside the UK can be considered.

These further checks could include, where available, criminal records checks for overseas applicants; obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.

Where this information is not available the Foundation may seek alternative methods of checking suitability and/or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Where a member of staff has travelled outside the United Kingdom for 6 months or more and/or has visited a number of countries, for example on an extended holiday or gap year, then the Foundation will determine whether overseas police checks are required.

Where a member of staff has been employed in a school in the United Kingdom since working abroad and the school confirms in writing that appropriate overseas checks were carried out by that organisation, the Foundation is not required to make further overseas checks, but may still do so if considered appropriate. Overseas checks must be received prior to the commencement of employment. Where overseas checks are not received, the Foundation will make further checks they feel to be appropriate so that any relevant events which occurred outside the UK can be considered.

The DBS does not have any involvement in applications to overseas authorities. Employers should also be aware that they may have to arrange for information returned from overseas authorities to be translated into English. In cases where a DBS check is not possible, particular care should be taken with the other required checks, including identity, qualifications and satisfactory references. It may also be appropriate to conduct a risk assessment and/ or arrange for the appropriate supervision of the successful candidate until the checks are available.

### **34. Post Appointment Induction**

Candidates are required to confirm acceptance of their post in writing and commence work for an initial probationary period. A contract of employment should be signed within the first few weeks of employment, if not before.

There is an induction programme for all staff and volunteers newly appointed at The Foundation, regardless of previous experience.

The purpose of induction is to:

- a) provide training and information about the Foundation's ethos, policies and procedures;
- b) support individuals in a way that is appropriate for the role for which they have been engaged;
- c) confirm the conduct expected of staff within the school;
- d) provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities; and,

- e) enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately.

The content and nature of the induction process may vary according to the role. The programme will include safeguarding and child protection training (including online safety and an understanding of the expectations, applicable roles and responsibilities in relation to filtering and monitoring – see **Safeguarding policy** for further information) at the appropriate level and should include information and training regarding:

- a) policies and procedures, including: **Safeguarding policy** (which includes the Foundation's policy and procedures to deal with child on child abuse, children who are absent from education or children missing from education), **Staff Code of Conduct** (including the Foundation's whistleblowing procedure and the **Acceptable Use policy**, low level concerns, online safety, staff/pupil relationships and communications including the use of social media), **Images of Pupils policy**, pupil **Anti-bullying and Harassment policy and Behaviour and Relationship policy**, **Equal Opportunities**, **Physical intervention/restraint Intimate care policy and Acceptable Use of ICT policy**;
- b) safer practice and the standards of conduct and behaviour expected of staff and pupils in the establishment;
- c) provision of a copy of part one (or where appropriate Annex A) of KCSIE;
- d) school leaders and staff who work directly with children will also be required to read and sign for Annex B and Part Five of KCSIE;
- e) how and with whom any concerns about those issues should be raised (including the role and identity of the designated safeguarding lead and any deputies); and,
- f) other relevant personnel procedures, including: disciplinary, capability and whistleblowing.

Copies of the above policies will be provided to staff at induction.

If a pre-employment check or disclosure is delayed, it is at the Head's discretion as to whether a short period of work is allowed under controlled conditions. A satisfactory check of the barred list is required as a minimum and appropriate supervision arrangements should be put in place and reviewed every two weeks. A note should be kept of the measures put in place, the staff member informed, and a note made in the SCR that interim arrangements are in place.

### **35. Further checks and considerations**

If the Foundation has concerns about an existing staff member's suitability to work with children, or there has been a break in service of 12 weeks or more, all relevant checks should be carried out, as if the person were a new member of staff. Similarly, if a person working at The Foundation moves from a post that was not regulated activity, into work which is regulated activity, the relevant checks for the regulated activity must be carried out.

### **36. EYFS**

The Foundation caters for children under the age of 3 at Little Crackers Nursery and must therefore obtain an enhanced DBS check for every person over 16 who:

- a) works directly with children;
- b) lives on the premises on which the childcare is provided; or
- c) works on the premises on which the childcare is provided (unless that work is not in the part of the premises where the childcare takes place, or it is not at times when the children are present).

The Foundation must not allow people whose suitability has not been checked to have any unsupervised contact with children being cared for. If a new member of staff starts work before the disclosure is available, the school must ensure that appropriate supervision is in place at all times and that all other checks (including barred list check) have been completed satisfactorily.

### **37. Rehabilitation of Offenders**

All posts within the Foundation are exempt from the Rehabilitation of Offenders Act 1974. Applicants will be required to declare spent and unspent convictions, cautions and bind-overs that are not 'protected', and have an enhanced DBS check. Such disclosures will be considered as part of the short-listing process. If shortlisted the disclosures will become part of the interview process in order to allow the candidate the opportunity to discuss the matter. Such information will not necessarily bar a candidate from employment. If the candidate is not successful, then the information will not be retained and will be destroyed after six months.

The amendments to the Exceptions Order 1975 (2013 and 2020) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account.

All guidance and criteria on the filtering of these cautions and convictions can be found in the DBS filtering collection:

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

The DBS has published a Code of Practice with accompanying explanatory guide for information. The Foundation is committed to ensuring that it meets the requirements in relation to the processing, handling and security of Disclosure information.

### **38. Monitoring and Reporting**

Monitoring of both the recruitment process and induction arrangements will allow for future recruitment practices to be better informed. It should cover: staff turnover and reasons for leaving; and attendance of new recruits at child protection training.

In cases where an allegation of serious misconduct is substantiated and the person is dismissed or the Foundation ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the Foundation will consider whether to refer the matter to the Teaching Regulation Agency (TRA) to consider prohibiting the individual from teaching.

The Foundation will make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in relevant conduct in relation to children and/or adults, and/or
- satisfied the harm test in relation to children and/or vulnerable adults; and/or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

Referrals should be made as soon as possible, when an individual is removed from regulated activity. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned. This referral will be made by the Head of the relevant school.

The Foundation will, through the Head of the relevant school, inform the ISI Safeguarding division of the same circumstances.

## **Appendix A - Recruitment of Ex-Offenders Policy**

This policy reflects the ethos and values contained in the *Foundation's Equal Opportunities policy*.

A copy of this policy can be given to DBS applicants at the outset of the recruitment process.

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

Under the relevant legislation, it is unlawful for the Foundation to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the Foundation to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006".

All candidates should be aware that the provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the Foundation. The Foundation will report the matter to the Police and/or the DBS if:

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

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 Foundation will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- 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;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence, and the explanation(s) offered by the convicted person.

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

The Foundation will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Privacy Notice and the Data Protection Policy.

**FLOWCHART OF DISCLOSURE AND BARRING SERVICE CRIMINAL RECORD CHECKS AND BARRED LIST CHECKS**

