

## **Recruitment Policy and Procedure**

### **1. Recruitment Policy Statement**

Emanuel School is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority. It is of fundamental importance that the school attracts, recruits and retains staff, workers and volunteers of the highest calibre who share this commitment.

The purpose of the school's recruitment policy is:

- to ensure that the best possible staff are recruited based on their qualifications, abilities and suitability for the position,
- to create a culture of safe recruitment, by consistently using recruitment procedures that help to deter, reject or identify people who might abuse children,
- to ensure that all job applicants are considered fairly and consistently,
- to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010, including on the basis of race, colour, nationality, ethnic or national origin, pregnancy/maternity leave, religion or religious belief, gender, gender reassignment, 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 2023) (KCSIE), 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 safeguard and promote the welfare of children and young people by carrying out all necessary pre-employment checks.

Any queries on the school's recruitment process must be directed to Sarah Buxton, HR director.

### **2. Scope**

This policy sets out the duties and responsibilities of all staff in relation to recruiting and vetting staff, contractors or volunteers or any individual working in any capacity at or visiting the school.

The policy applies in relation to everyone who works at the school including those who may not have direct contact with children as a result of their job.

### **3. Recruitment of Ex-Offenders Policy Statement**

The school will not unfairly discriminate against any applicant for employment based on conviction or other details revealed. The school makes appointment decisions based on 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 the procedure.

The procedure on the recruitment of ex-offenders is described in appendix I.

### **4. Recruitment and Selection Procedure**

#### *Application Form*

All applicants for employment will be required to complete an application form including the

following details:

- personal details, current and former names, current address and national insurance number,
- details of their present (or last) employment and reason for leaving,
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment,
- qualifications, the awarding body and date of award,
- details of referees/references (see below for further information), and
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

Applicants will also be offered the opportunity to divulge their profile names for any social media accounts or online presence and disclose any other publicly available online information of which the school should be made aware.

Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form but may also be submitted.

Applicants will receive a job description/person specification for the role applied for. All internally and externally advertised posts should include specific selection criteria. Selection criteria will depend on the nature of the role but will usually include educational qualifications, relevant training, experience, knowledge and skills, and interpersonal skills.

Application forms, job descriptions/person specifications and the school's *Child Protection and Safeguarding Policy* are available to download via the school's website and the TES portal. The school will make candidates aware that all posts in the school involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post.

#### *Equal Opportunities Monitoring Form*

Emanuel School recognises and is committed to ensuring applicants and employees from all sections of the community are treated equally regardless of race, gender, disability, age, sexual orientation, religion or belief, gender reassignment, marital and civil partnership status, or pregnancy and maternity.

For equality monitoring purposes only, we invite applicants to complete a confidential *Equal Opportunities Monitoring Form* on TES which is detached from the application. There is no obligation to complete this form, but it is helpful to the school in maintaining equal opportunities.

#### *Shortlisting and Invitation to Interview*

Applicants will be shortlisted based on the evidence provided about the relevance and applicability of their professional attributes and personal qualities to the role. At least two people (*who will also be involved in the interview process*) will carry out the shortlisting exercise, consider any inconsistencies, look for gaps in employment and reasons given for them, and explore all potential concerns.

Shortlisted candidates will be asked to complete a self-declaration form in relation to their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. 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. Applicants will be asked to sign a declaration confirming that the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at the point of interview.

Where possible, the school will obtain references prior to the interview. This allows any concerns raised to be explored further with the referee and can be taken up with the shortlisted candidate at interview.

In addition, the school may carry out an online search as part of our due diligence on the shortlisted candidates. This may help identify any incidents or issues that are publicly available online, which we may want to explore with the applicant at interview. The online check forms part of the school's wider safeguarding due diligence which aims to prevent and/or deter individuals who may be unsuitable to work with children from working in a school environment.

Every recruitment exercise must involve a member of the HR team, the bursar or the headmaster who will support and guide the recruiting manager through the process and ensure compliance with legal requirements, official guidance and school policy. At least one member of a selection panel must hold a certificate of safer recruitment training. Interviewers involved will be required to state any prior personal relationship or knowledge of any candidates and a judgement will be made by the headmaster as to whether an interviewer should withdraw from the selection process.

Shortlisted applicant(s) will then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail. Interviewers may use a range of selection techniques to identify the most suitable person for the role. For some roles, it will be appropriate to observe the candidate's interaction with pupils, such as an example teaching session, under appropriate supervision. A practical test may be deemed appropriate for some roles.

The recruitment process will always include an interview exercise which tests the candidate's suitability to work with children, which will explore the candidate's motivation to apply for the post, experiences of working with children, and gaps in employment or education history.

Interviewers will probe any potential areas of concern such as

- the implication that adults and children are equal,
- a lack of recognition and/or understanding of the vulnerability of children,
- inadequate understanding of boundaries between adults and children, or
- inappropriate idealisation of children.

Any concerns the interviewer holds by the end of the interview will be made known to the chair and considered in the decision to appoint.

Interviews will usually be conducted in person but may be conducted using Zoom or Teams. All candidates invited to an interview will be asked to bring original copies of:

- a current passport or driving licence including a photograph and a full birth certificate,
- a utility bill or financial statement issued within the last 3 months, or a council tax bill within 12 months, showing the candidate's name and address,
- original documents confirming any educational or professional qualifications that are required

- or the post<sup>1</sup>,
- where appropriate, any documentation evidencing a change of name; and
- where applicable, proof of entitlement to work and reside in the UK.

Candidates with a disability who are invited to interview should inform the school of any reasonable adjustments that should be made to assist them attending the interview.

#### *Conditional Offer of Appointment - Pre-Appointment Checks*

Following the selection process, the appointment, salary level and other terms and conditions of employment must be discussed and agreed with the headmaster or bursar. If it is decided to make an employment offer following the formal interview, offers will be conditional on:

- 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 this has not previously been verified),
- verification of the applicant's employment history,
- the receipt of at least two satisfactory references (one from the applicant's most recent employer),
- the school being satisfied that any information generated through online searches does not make the applicant unsuitable to work at the school,
- the receipt of a satisfactory enhanced disclosure from the DBS,
- confirmation that the applicant is not named on the Children's Barred List<sup>2</sup>,
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002,
- evidence of satisfactory medical fitness for the role,
- verification of the applicant's right to work in the UK; and
- verification of academic, professional or other qualifications which required for the post, or which the applicant cites in support of their application. The Teaching Regulation Agency's (TRA) Employer Access Service will be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation; and
- any further checks which the school decides are necessary, including an overseas criminal records check, certificate of good conduct or additional references where an applicant has lived or worked outside of the UK, so that any relevant events that occurred outside the UK can be considered.

For teaching roles, or support roles that include an element of teaching work, offers will additionally be conditional on:

- a check that the candidate is not subject to a prohibition order issued by the Secretary of State or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012; and
- 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

---

<sup>1</sup> Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

<sup>2</sup> 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. 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. Each position 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.

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 countries in the form of a letter of professional standing where appropriate.

For senior management and head/deputy head of department roles, offers will additionally be conditional on:

- 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.

For headmaster and bursar roles, offers will additionally be conditional on:

- receipt of a signed 'senior charity manager positions: automatic disqualification declaration' 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.

## **5. Pre-Employment Checks**

In accordance with the recommendations set out in *KCSIE 2023* and the requirements of the Education (Independent School Standards) Regulations 2014 and related guidance, 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.

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, gender reassignment, disability or age.

The school's single central register (SCR) is used to record the checks undertaken for each member of staff and their outcome, as well as the checks undertaken for governors, volunteers, contractors, supply staff and self-employed workers undertaking work at the school. Personnel files for directly employed staff include a starter checklist to record the dates and results of the pre-employment checks.

### *Verification of identity, address, right to work and qualifications*

All applicants invited to an interview will be required to bring with them evidence of identity, birth certificate (if available), right to work in the UK, verification of current address and verification of any qualifications relevant to the role. Where an applicant has changed their name from the documentation provided by any 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 2023*. Proof of date of birth is necessary so that the school may verify the applicant's identity, and check for any unexplained discrepancies in their employment and education history. The school does not discriminate on the grounds of age.

### *Medical Fitness*

The school is legally required to verify the physical and mental fitness of anyone appointed, after an offer of employment has been made but before the appointment can be confirmed.

All applicants to whom an offer of employment is made, must complete a declaration and a health questionnaire. The school will arrange for the information to be reviewed by the school's medical advisor where any data disclosed indicates that this is required. This information will be reviewed against the physical or mental requirements of the role i.e. proposed timetable, extra-curricular activities, layout of the school etc. The medical advisor may recommend 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.

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.

### References

References will usually be taken up on shortlisted candidates prior to interview. 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 (where possible). Neither referee should be a relative or someone known to the applicant solely as a friend. The school will ensure electronic references originate from a legitimate source, such as an organisational email account.

If the candidate does not wish the school to take up references in advance of the interview, they should notify the school at the time of applying.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied, whether they have any reason to believe that the applicant is unsuitable to work with children and to provide facts of any substantiated safeguarding concerns/allegations that meet the harm threshold set out in Part 4 of *Keeping Children Safe in Education 2023*. All referees will be sent a copy of the job and person specification. 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, absence record<sup>3</sup> and disciplinary record<sup>4</sup>,
- 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, and
- 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"<sup>5</sup>.

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

---

<sup>3</sup> Absence records will only be requested from references sought after an offer of employment has been made

<sup>4</sup> Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.

<sup>5</sup> ""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." (KCSIE, 2023)

References received from a school will be countersigned by the Head.

The school will compare references with information given on the application form. Any inconsistencies will be discussed with the applicant and the referee before an appointment is confirmed. The school may at its discretion make telephone contact with a referee to verify any details provided.

If factual references are obtained containing limited information such as job title and employment dates, this will not necessarily disadvantage an applicant although additional references may be sought before an appointment can be confirmed.

#### *Criminal Record Checks: Disclosure and Barring Service ("DBS")*

The school applies for an enhanced disclosure<sup>6</sup> from the DBS and a check of the Children's Barred List in respect of all positions at the school which amount to 'regulated activity' as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended)<sup>7</sup>. This includes circumstances in which the successful candidate has little or no history of residence in the UK. Nearly all directly employed posts at the school amount to regulated activity, with limited exceptions including support posts undertaken on a temporary basis outside of term time. The school will refer to Appendix 2 for Flowchart of Disclosure and Barring Service Criminal Record checks and Barred List checks where there is doubt regarding the level of disclosure required.

The Children's Barred List Check identifies whether an applicant is barred from working with children by inclusion on the Children's Barred List and provides other relevant suitability information. Barred List information will not be checked on any person not engaged to perform regulated activity, and will only be sought separately to a DBS certificate in the following circumstances<sup>8</sup>

- A) for newly appointed staff in regulated activity, pending the receipt of an enhanced DBS check with Children's Barred List information. If there is a delay in receiving a DBS disclosure the headmaster or bursar has discretion to allow an individual to begin work pending receipt of the

---

<sup>6</sup> The DBS and Home Office have developed filtering rules for spent old/minor convictions as follows:

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

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

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

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

<sup>7</sup> In summary, a person will be engaging in regulated activity with children if, as a result of their work, they:

- will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children
- will be working on a regular basis in a specified establishment, such as a school, or in connection with the purposes of the establishment, where the work gives opportunity for contact with children, or
- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

<sup>8</sup> In both circumstances, all other relevant pre-employment checks must have been carried out prior to employment



certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed, a full risk assessment is carried out and appropriate supervision has been put in place.

- B) for newly appointed staff joining the school from another school in England (with less than a three month gap between roles), in a role that brought them regularly into contact with children/young persons, may start without a new enhanced DBS certificate. The existing DBS certificate must be brought to the school, and all other pre-appointment checks (including a barred list check for those in regulated activity) must be completed.

The DBS issues a disclosure certificate to the subject of the check only, rather than the school. It is a condition of employment that the original disclosure certificate is provided to the school prior to the start of work. Employment is conditional upon the original certificate being provided and it being considered satisfactory by the school.

If an individual holds the appropriate level of DBS check and is subscribed to the DBS Update Service, the school will obtain their consent to carry out an online check to view the status of an existing DBS check in lieu of applying for a new certificate. For this check to be valid, the individual must present the original disclosure certificate. Results of the online check will be stored safely and securely in the personnel file.

#### *Criminal Records Check: Overseas Information*

Where an applicant has lived overseas after the age of 16 and a DBS check is not considered sufficient, the school will carry out further appropriate checks, such as a criminal record check from the relevant jurisdiction(s), and/or a certificate of good conduct (as applicable). These checks are carried out with reference to Home Office advice on overseas criminal records checks, and in most instances, the individual must make the application themselves and this must be done before they start work at the school. The overseas check must be considered alongside all other checks to satisfy the school that the applicant is suitable for the role they have been appointed to.<sup>9</sup> Where the country or jurisdiction in question does not provide such services, or if the school is not satisfied by the nature and detail of the information provided, the school will seek to obtain alternative further checks – usually in the form of additional references.

Where a criminal record check or certificate of good conduct is not received before the individual starts, the school will consider whether to delay the applicant's proposed start date, or to put in place appropriate measures until the checks are completed. If no information is available from a particular country, the school may allow an applicant to commence work if they are considered suitable based on all the information obtained during the recruitment process. A proportionate, risk-based decision will be made by the school and recorded using a written risk assessment.

#### *Prohibition from Teaching Check*

The school is required to check whether staff appointed to carry out 'teaching work'<sup>10</sup> are

---

<sup>9</sup> <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

<sup>10</sup> The Teachers' Disciplinary (England) Regulations 2012 state that the following activities amount to 'teaching work':

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

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the headmaster. 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 & teaching assistants.



prohibited from doing so. The school uses the Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel.

This information must be provided to fully assess the suitability of an applicant for a role which involves 'teaching work'. Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the Teaching Regulation Agency (TRA) (or 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 for roles which involve 'teaching work'. In addition, for appointments where an applicant has carried out teaching work outside of the UK after the age of 18, 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 profession in countries in which they have carried out teaching work. This will include, where possible, checking for the existence of any sanctions issued by regulators of the teaching profession in other countries.

#### *Prohibition from Management Check ("Section 128" 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 taking up a management position in an independent school (a section 128 direction).

The school's policy is that the check applies to internal and external appointments to the following roles:

- headmaster,
- teaching and support posts on the senior leadership team, and
- teaching and support posts which carry a departmental head role.

It also applies to proprietorial appointments to the governing body. It may be obtained through the Teacher Services system or disclosed through an enhanced DBS certificate with Children's Barred List information.

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.

## **6. Staff on Short Term / Seasonal Contracts**

Some staff, such as sports professionals or admissions interviewers do not work all year round at the school and may have a gap of employment from the school of longer than three months. When first joining, the school will carry out all recruitment checks in the same way as a permanent member of staff. When returning after a gap, an update to their employment history and medical fitness will be requested.

Those staff 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 they participate. Where required, an updated DBS is necessary before staff can commence work at the school. See Appendix 5 for further details.

## **7. Governors**

Checks on potential school governors will be carried out by the United Westminster and Grey Coat Foundation on behalf of the school before their appointment is confirmed. These checks include:

- identity check,
- evidence of their entitlement to work in the UK (*where relevant*),
- evidence that the Governor has not been prohibited from participating in the management of independent schools (section 128 check),
- enhanced DBS with barred list,
- overseas check (*as required*),
- Charity Commission self-declaration checks.

The United Westminster and Grey Coat Foundation will share information about the completed checks with the school's HR director. Risk assessments will be completed as required.

### *Chair of Governors Checks*

If the chair of governors is to change, the Foundation will ensure that the Department for Education (DfE) obtains an enhanced criminal record check, and checks both the individual's identity and right to work in the UK before he/she takes up the appointment. Further overseas checks are required if the person lives or has lived outside the UK. The Chair of Governors' disclosure application must be performed by the DfE.

The Foundation will ensure that these checks are completed by the DfE even if the chair of governors has previously served as school governor and checks were previously completed by the Foundation.

## **8. Supply Staff and Agency Workers**

Teaching staff agencies engaged by the school must complete the same checks on supply teachers that the school is required to complete for its own staff. The same rule applies to other agency staff who are not engaged to carry out teaching work. The school requires written confirmation that these checks have been completed before supply teachers or agency staff can commence work at the school.

The school will independently verify the identity of teaching supply staff or agency staff and will require the provision of the original DBS disclosure certificate before they can commence work at the school.

## **9. Employees of Contractors or Third Parties, and Self-Employed Staff**

In all cases, where the school uses contractors or third parties to provide services to the school, the safeguarding requirements pertaining to the staff will be stipulated in the contract. Contractors and third parties must complete the appropriate checks for their employees. The school requires written confirmation from the contractor that these checks have been completed before the individuals can commence work at the school.

The school will determine the level of checks appropriate to the nature of the work the individual(s) will be carrying out. At a minimum, this will include:

- If the contractor is engaged to carry out regulated activity, a DBS enhanced check including Children's Barred List information.
- If the contractor is not engaged to carry out regulated activity, but whose work provides an opportunity for regular contact with children, an enhanced DBS check without Children's Barred List information will be required.
- If the contractor does not have opportunity for regular contact with children, a basic DBS certificate will be required,

The school will independently verify the identity and DBS certificate if not clear (so a risk assessment can be carried out) of staff before they can commence work at the school.

The school may, in its discretion, require the contractor to perform all employment checks that would be required of the directly employed staff.

Where a contractor is unable to carry out the checks themselves, for example due to the size of their organisation, or if the contractor is self-employed, the school will be able to complete the checks.

*Please refer to appendix 3 for details on the procedure for checking employees of third parties, and appendix 4 for details on the procedure for checking contractors managed by the estates department.*

### **10. Trainee/Student Teachers**

The school will undertake all the usual checks for a member of new teaching staff for any trainee teacher who is salaried by the school.

Where a trainee teacher is fee-funded, the initial teacher training provider will carry out the necessary checks and provide the school with written confirmation that it has carried out all pre-appointment checks that the school would otherwise be required to perform and that it judged the individual to be suitable to work with children.

The school will independently verify the identity of trainee/student teachers before they can commence work at the school.

### **11. Volunteers**

The school will undertake a written risk assessment and use their professional judgement and experience when deciding what checks for volunteers, if any, are required. The risk assessment considers:

- the nature of the work with children, especially if it constitutes regulated activity (see appendix 2), including the level of supervision,
- what the school knows about the volunteer, including formal and informal information offered by staff, parents and other volunteers,
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability, and whether the role is eligible for a DBS check, and if it is, the level of check, for volunteer roles that are not in regulated activity.

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

The school will request an enhanced DBS disclosure and Children's Barred List information for all volunteers undertaking regulated activity with pupils at or on behalf of the school (*the definition of regulated activity set out in annex E of KCSIE – see Appendix 6 - will be applied to all volunteers*). It is for the school to decide whether a role amounts to 'regulated activity' considering all the relevant

circumstances.

Unchecked volunteers are subject to appropriate level of supervision. The school considers supervision as appropriate when:

- the volunteer is supervised by a member of staff (who is a person in regulated activity relating to children),
- the supervision is regular and day to day,
- the supervision is reasonable in all circumstances to ensure the protection of children.

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.

### **12. Visiting Professionals**

From time to time the school will invite individuals who attend the school in connection with the pupils and who have a professional role, i.e. educational psychologists, social workers, support workers or health related professionals.

Before visiting professionals are able to work at the school, the member of staff making the arrangements must ensure that they receive written confirmation from the employing body that a clear DBS check of an appropriate level has been completed.

The level of DBS check required will depend on the type of work carried out. In most instances the school will ask that an enhanced DBS check is completed. Where the activities include personal care (washing, dressing or health care), a children's barred list check must also be carried out. If visits to the school become more regular, the school may ask for additional safeguarding checks to be completed.

When a visiting professional arrives, staff must check their ID to ensure imposters do not gain access to children.

### **13. Visiting Speakers**

Emanuel School has a clear procedure for ensuring that any visiting speakers, whether invited by staff or by pupil themselves, are suitable and appropriately supervised.

The school will undertake a risk assessment before agreeing to a visiting speaker to attending the school. This will take into account any vetting requirements considered appropriate in the circumstances and may include a DBS check if relevant. The school may also conduct research on the visiting speaker and/or their organisation, as appropriate.

The school will not use a visiting speaker where any link is found to extremism, such as extremist groups and movements.

Please refer to the school's *Visiting Speaker Policy* for further information.

### **14. Retention of Records and Disclosure Information**

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 will be used to verify the candidate's mental and physical fitness to carry out their work responsibilities, and 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 during the successful applicant's employment with the school. It will be retained in accordance with the *Retention Policy* after termination of employment. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after 6 months.

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

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, with access restricted to members of the school's HR and senior management team,
- not retain disclosure information (such as copies of disclosure certificates) or any associated correspondence for longer than is necessary, and for a maximum of six months. 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 decision taken,
- ensure that any disclosure information is destroyed securely by shredding, and
- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

### **15. Whistleblowing**

All staff understand they are expected and encouraged to raise concerns, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during their employment in accordance with the school's policies (including the *Whistleblowing Policy*, the *Safeguarding and Child Protection Policy* and the *Staff Code of Conduct*).

### **16. Referrals to the DBS and Teacher Regulation Agency (TRA)**

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that 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 to the school despite being barred from working with children; or
- has been removed by the school from working in regulated activity (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 TRA.

## **17. Responsibilities**

- All applicants must complete the recruitment documentation honestly and completely, declaring any relevant issue as outlined in the policy.
- Recruiting managers must ensure that selection processes are fair and effective, seeking advice and support from the HR team as appropriate.
- The HR team have responsibility for undertaking checks on all employees, volunteers and contractors according to the policy, and enforcing the requirements.
- Managers appointing contractors or sessional workers must ensure that details are passed to the HR team to process those checks in sufficient time.
- The designated safeguarding lead has a responsibility for ensuring that this policy and procedure meets the safeguarding needs of the school.
- The headmaster and bursar with the HR director, have a responsibility to fairly and consistently apply the policy and procedure to ensure fair, safe recruitment practices.
- The governors have a responsibility to ensure that statutory obligations around employment and safeguarding are reflected in this policy.

## **18. Policy Review and Approval**

The policy will be reviewed and updated on a regular basis and at least annually to meet statutory requirements.

Policy Owner	HR Director
Date of last review	August 2023
Approved by	Cabinet: September 2023 Personnel Committee: 3 <sup>rd</sup> October 2023
Responsible Committee	Personnel
Date of next review	Summer 2024

## **19. Related Documents**

- Staff Disciplinary Policy
- Data Protection Policy
- DfE Keeping Children Safe in Education 2023
- Recruitment Privacy Notice
- Retention Policy
- Risk Assessment Policy
- Safeguarding and Child Protection Policy
- Teaching Standards and Misconduct Guidance
- Visiting Speaker Policy
- Whistleblowing Policy
- Equal Opportunities and Disability Policy and Procedure (Staff)

## **20. Related Forms**

- Application form (paper and TES)
- Reference request forms (pre and post interview)
- Starter Checklist
- Safeguarding Interview Template for Teaching Staff
- Safeguarding interview template for Support Staff
- Health Questionnaire

## **21. Risk Assessments**

- Risk Assessment for starting prior to issue of a DBS certificate
- Risk Assessment for starting prior to issue of an overseas certificate
- Risk Assessment for a DBS or overseas certificate that contains disclosures
- Risk Assessment for volunteers

## **22. Appendixes**

- Appendix 1: Procedure on the Recruitment of Ex-Offenders
- Appendix 2: DBS Flowchart
- Appendix 3: Checks for Employees of Contractors / Third Parties
- Appendix 4: Checks for Employees of Contractors / Third Parties managed by the Estates Department
- Appendix 5: Checks for Staff on Short Term / Seasonal Contracts
- Appendix 6: Regulated Activity

If an applicant has any queries on how to complete the application form or any other matter related to the policy s/he should contact the HR department.



### **Appendix I: Procedure on the Recruitment of Ex-Offenders**

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 filtered in accordance with the DBS filtering rules. 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 for gross misconduct. A failure to disclose a previous conviction may amount to a criminal offence.

It is unlawful for the school to employ anyone 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/disqualified 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.

#### Assessment Criteria

If relevant information is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the school will carry out a written risk assessment in order to consider the following factors before reaching a recruitment decision:

- whether the conviction or 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 matters,
- whether the applicant has accepted responsibility for their actions,
- whether the applicant's circumstances have changed since the offending behaviour or other matters, and
- the circumstances around the offence and explanation(s) offered by the applicant.

For teaching posts only, the school will consider the incident in the context of the Teacher's standards and the Teacher misconduct guidance.

The assessment form must be signed by the headmaster or bursar before a position is offered or confirmed.

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

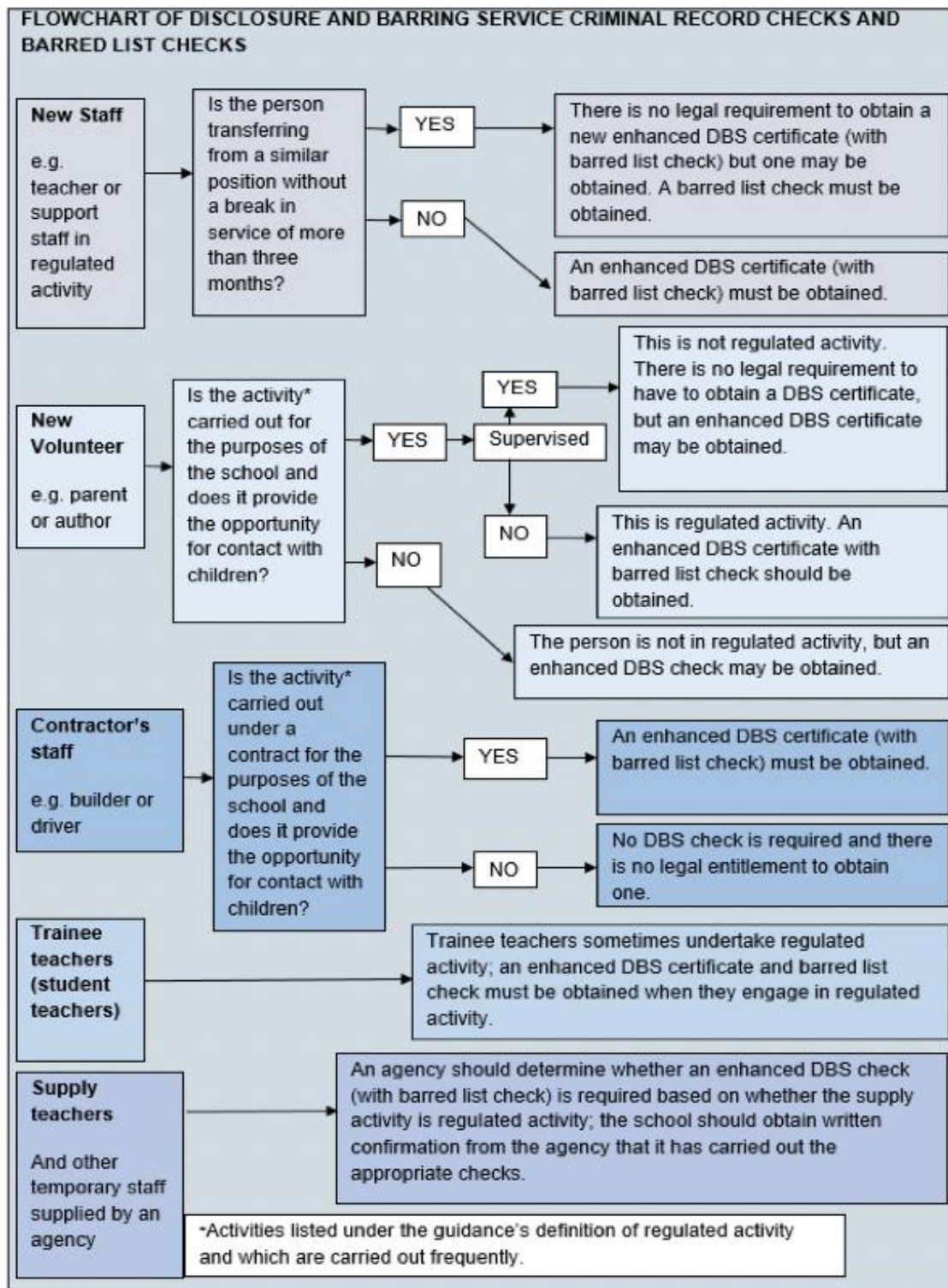
- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the school's 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 driving responsibilities, it is the school's policy to consider it a high risk to employ anyone who has been convicted of drink driving.

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

**Appendix 2: DBS Flowchart (KCSIE 2023)**



### Appendix 3: Checks for Employees of Contractors / Third Parties

To comply with *Keeping Children Safe in Education (September 2023)* and The Education (Independent Schools Standards) Regulations (2014) and its related guidance, the school must carry out checks on anyone who works for the school. No employee of third parties can start work at Emanuel without the relevant safeguarding checks being completed.

Where HR is not involved in the recruitment process, on appointment the recruiting manager must:

- Inform HR and provide:
  - contact details for contractor,
  - contact details for employee of contractor who will be working at the school,
  - date employee of contractor will first work at school,
  - description of schedule / length of service (*if known*),
  - details of any qualifications required for the role,
- HR will contact the contractor and request specific checks are confirmed.

Type of Check	How / By whom
Appropriate level of DBS check* and whether clear / information included	written confirmation from contractor
Barred list check for regulated activity	written confirmation from contractor
Role-specific checks (e.g. qualifications)	written confirmation from employer
Overseas checks ( <i>as required</i> )	written confirmation from contractor

\* *in most cases this will be an enhanced DBS*

- Where a DBS certificate is not clear – HR will view the certificate and carry out a written risk assessment.
- Once the contractor has confirmed the checks, HR will confirm with the manager that the individual can start work.
- On arrival, the employee of contractor must visit HR for final checks. Where the first day is a weekend, the final checks must be completed beforehand.

Type of Check	How / By whom
Identity (A <i>photographic ID such as a valid passport, UK biometric residence permit or current UK driving licence is required.</i> )	School (on arrival)

#### **Appendix 4: Checks for Employees of Contractors / Third Parties managed by the Estates Department**

The school engages a number of contractors and third parties to undertake specialised work relating to building and maintaining the school estate. The estates director is responsible for appointing the contractor organisations and ensuring that suitable contracts are in place and the vetting of contractors complies with the school's policies and procedures.

Due to the size of the site and the nature of building/maintenance work, contractors may have opportunity for regular contact with children.

Under no circumstances will the school allow a contractor, on whom no checks have been obtained, work unsupervised or engage in regulated activity relating to children.

##### *Unsupervised Work*

The school requires confirmation that appropriate criminal record checks (see below) have been completed before employees of the contractor or third party can commence unsupervised work at the school. When appointing new buildings and works contractors, the estates department will ask for written and signed confirmation from the employer that appropriate checks have been completed. This confirmation must include the date of when the DBS check has been completed and if the DBS check is clear. Where a contractor is unable to carry out the checks themselves, the school will be able to complete the required checks.

Once a satisfactory confirmation has been received, employees of contractors will be added to the school's 'Approved Contractors List'. Contractors likely to work on site during term time will be required to hold an enhanced DBS (no barred list information). If they are likely to work more than 3 times within a 30-day period, an enhanced DBS with children's barred list information will be required.

##### *Supervised Work*

Where a contractor is required to work on site and is likely to come into contact with children (i.e. during term time) but is not on the Approved Contractor List, a member of the estates department will supervise the contractor. For example, to conduct an emergency repair.

The level of supervision required will be agreed by the estates director in each circumstance, with due consideration to the opportunity for contact with children.

Out of term time, a risk assessment will be undertaken if contractors do not hold an enhanced DBS certificate and if likely to come into contact with children, they will be supervised at all times.

##### *Supervised Work within a "Compound"*

During large-scale building works, the school may engage a number of third party contractors to undertake works within a sealed off "compound" that is inaccessible to pupils and most employees of the school. No checks are required of the individuals who work exclusively within the compound and who therefore have no opportunity for regular contact with pupils.

The compounds are supervised by contractors who are on the approved contractor list, and school when outside of the compound, they are supervised by employees within the estates team. The estates director will ensure that no individual engaged to work within a compound gains an ID card or access to the school outside of the compound, until he/she is added to the 'Approved Contractor List'.

##### *Process*

Type of Check	How / By whom	Timescale
Estates department engages the contractor and includes the safeguarding requirements in the contract.	Estates director (or delegate).	Prior to commencing work onsite.

The type of work undertaken by the employees of the contractor/third party is established.	Estates director (or delegate), in consultation with HR Director or Compliance Manager.	Prior to commencing work onsite.
Contractor is issued with a template and returns with safeguarding data complete for the employees of whom this is required.	Contractor to return form and estates director (or delegate) to check the form for any concerns.*	Prior to commencing work onsite.
<i>*If a DBS is not clear, the certificate needs to be viewed and a written risk assessment be undertaken. Work can only commence onsite if the risk assessment has been approved by the bursar.</i>		
Employees of the contractor to be added to the Approved Contractor List.	Estates director (or delegate).	On the first day of work (after ID check).
Identity of the contractor to be checked on arrival against information provided and issued a school ID card and safeguarding summary card. Photographic ID such as a valid passport, UK biometric residence permit or current UK driving licence is required. The member of the security team will add the date of the security check to the Approved Contractor List.	A member of the security team.	On the first day of work onsite.

## **Appendix 5: Checks for Staff on Short Term / Seasonal Contracts**

To comply with *Keeping Children Safe in Education (September 2023)* and The Education (Independent Schools Standards) Regulations (2014) and its related guidance, the school must carry out checks on anyone who works for the school. No individual can start work at Emanuel without the relevant safeguarding checks being completed.

### **New Staff**

Where HR is not involved in the recruitment process, on appointment HoDs must:

- Inform HR and provide:
  - contact details for individual,
  - date individual will first work at school,
  - description of schedule / length of service (as far as known),
  - any qualifications required to carry out the role.
- HR will contact the individual to carry out the same safeguarding checks as a permanent member of staff.
- Once the checks have been completed, HR will confirm with the HoD that the individual can start work.

### **Returning Staff**

When an individual has previously worked at Emanuel but not in the past 3 months, they will be treated as returning staff. On a returning appointment HoDs must:

- Inform HR and provide:
  - contact details for individual,
  - confirm individual has previously worked at school,
  - date individual will first work at school,
  - description of schedule / length of service (as far as known).
- HR will contact the individual to ask them to complete a short form (and DBS if required).
- Once the checks have been completed, HR will confirm with the HoD that the individual can start work.

### DBS Checks for Returning Staff

Returning staff are strongly encouraged to sign up to the DBS Update Service as this allows a quick online check to be carried out each year rather than a new DBS application. Where an individual has worked in a school in the past three months, the school may accept their existing DBS. In both scenarios above, the individual must visit HR before their start date to show their original DBS certificate and identity (passport or driving licence). Where the first day is a weekend, they must come in beforehand.



## Appendix 6: Regulated Activity (KCSIE 2023)

### Regulated activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

HM Government has produced [Factual note on regulated activity in relation to children: scope](#).

Regulated activity includes:

- teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
- 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.<sup>71</sup> Some activities are always regulated activities, regardless of 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 with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability;<sup>72</sup>
  - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Regulated activity will not be:

- paid work in specified places which is occasional and temporary and does not involve teaching, training; and
- supervised activity which is paid in non-specified settings such as youth clubs, sports clubs etc.

---

<sup>71</sup> The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if “it is carried out frequently by the same person” or if “the period condition is satisfied”. Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), apart from driving vehicle only 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.