



St Paul's School  
FOUNDED 1509

# Safer Recruitment Policy

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**This policy is available on the Handbook page of the School Intranet and policies page of the School website and can be made available in large print or other accessible format if required; such requests can be made by email to [policyquery@stpaulsschool.org.uk](mailto:policyquery@stpaulsschool.org.uk)**

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## 1. Introduction

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

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

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position
- to ensure that all job applicants are considered equally and consistently
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, pregnancy or maternity, sex or sexual orientation, marital or civil partner status, gender reassignment, disability or age
- to ensure compliance with all relevant legislation, recommendations and guidance including the Education (Independent School Standards) Regulations 2014 (**ISSRs**), the statutory guidance published by the Department for Education (**DfE**), *Keeping children safe in education (KCSIE)*, the Prevent Duty Guidance for England and Wales (**Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

## 2. Data Protection

The School is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to the School to enable the School to carry out the checks that are applicable to their role. The School will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency. Failure to provide requested information may result in the School not being able to meet its employment, safeguarding or legal obligations. The School will process

personal information in accordance with its Privacy Notice for Job Applicants and Staff Privacy Notice.

### **3. Recruitment and Selection Procedure**

- 3.1. An advertisement for a role will include the School's commitment to safeguarding and promoting the welfare of children and will make it clear that safeguarding checks will be undertaken in respect of any applicant. Applicants will receive a job description and person specification for the role applied for. This will include information about the role's safeguarding requirements. A copy of the [School's Child Protection and Safeguarding Policy](#), and this policy are available to download on the School's website or in hard copy format to applicants, on request.
- 3.2. All applicants for employment will be required to complete an application form containing questions about their personal details, academic and full employment history, details of referees and their suitability for the role. Where a role involves engaging in regulated activity (see 5.4.2 for definition of regulated activity) relevant to children, the application form (or elsewhere in the information provided to applicants) will include a statement that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

The School will only consider applicants who have completed the application form in full. Incomplete application forms may be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form but may be submitted in addition to the completed application form.

Applicants will also be asked to provide information regarding any periods of overseas residence so that a decision can be made as to whether overseas police check or additional references are required.

The School will conduct a shortlisting exercise by reviewing all application forms received in order to determine which applicants will be invited for interview. The shortlisting exercise will be conducted by at least two members of staff.

All shortlisted applicants will be required to complete a self-declaration form prior to interview in which they will be asked to provide information about their criminal records history and other factors relevant to their suitability to work with children. This information will be considered and discussed with applicants at interview. Where the applicant electronically signs the declaration, they are required to physically sign a hard copy at the point of interview.

In addition, as part of the shortlisting process, the School may carry out an online search as part of their due diligence on the shortlisted applicants in order to identify any incidents or issues that are publicly available online and the School may wish to explore with the applicant at interview.

The School will, where possible obtain references prior to interview. This allows any concerns raised to be explored further with the referee and can be taken up with the shortlisted applicant at interview.

All applicants invited to interview are required to bring ID documents, educational/professional qualifications and their DBS certificate (if registered with the update service).

- 3.3. Shortlisted applicants may be invited to initial on-line interviews as part of the recruitment process but before any offer of employment is made, will then be invited to attend a formal, in-person interview at which their relevant skills and experience will be discussed in more detail. Applicants will also have a separate interview focussed on questions relating to child protection and safeguarding to ascertain the level of their knowledge and the suitability of their answers. It is recognised that not all interviewees will have child protection experience within schools. In such cases, questions will be adapted to test applicants' responses to hypothetical safeguarding scenarios. At least one member of every appointment panel will have received safer recruitment training. In addition, any member of staff responsible for assessing pre-employment checks will have received the relevant training. (Relevant staff normally undergo refresher safer recruitment training every 2 years). Pupils should be involved in the recruitment process in a meaningful way. All information considered in decision-making should be clearly recorded along with decisions made.
- 3.4. If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:
- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment;
  - a pre-employment immigration check (the necessary documents that must be shown before any employment may start) confirming the right to work in the UK;
  - verification of the applicant's identity (where that has not previously been verified);
  - verification of professional qualifications which the School deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified);
  - verification of the applicant's employment history;
  - 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 two references (one of which must be from the applicant's most recent employer/educational provider if this is their first job) which the School considers to be satisfactory;
  - for all positions, information about whether the applicant is, or has ever been, the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (**TRA**), which, in the School's opinion, renders them unsuitable to work at the School. The School carries out these checks via the Gov.UK website (DfE).
  - for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of

the teaching profession in any other country which, in the School's opinion, renders them unable or unsuitable to work at the School;

- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory. In the unlikely event that the position does not amount to "regulated activity" (for example where volunteers are regularly supervised) the School will carry out the relevant DBS check which will ordinarily be an enhanced check without barred list;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List\*. The School carries out these checks via the Gov.UK website (DfE).
- information about whether the applicant is, or has ever been, subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children or which otherwise, in the School's opinion, renders them unsuitable to work at the School (checked via DBS certificate);
- for management positions information about whether the applicant is, or has ever been, the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unsuitable to work at the School; (NB the School will also carry out this check for staff promoted internally to positions of management)
- confirmation that the applicant is not disqualified from acting as a charity trustee or charity senior manager. Currently only applicable to the roles of High Master, Finance Director, Clerk to the Governors and members of the Governing Body.
- verification of the applicant's medical fitness for the role.
- any further checks that the School deems appropriate as a result of the applicant having lived or worked outside of the UK, which may include an overseas criminal records check, certificate of good conduct or professional references.

\*A check of the Children's Barred List is not permitted if an individual will not be undertaking "regulated activity". Whether a position amounts to "regulated activity" must therefore be considered by the School in order to decide which DBS checks are appropriate. It is however likely that in nearly all cases an enhanced DBS check and a Children's Barred List check will be carried out.

#### **4. Artificial Intelligence**

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

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

In accordance with the recommendations set out in KCSIE, the requirements of the ISSRs and the National minimum standards for boarding schools (September 2022) the School carries out a number of pre-employment checks in respect of all prospective staff.

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 reasonably 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, disability or age.

### **5.1. Online Searches**

In accordance with KCSIE, online searches are carried out on shortlisted applicants. The online searches the School carries out may include searches of internet search engines, websites and social media platforms. Applicants are not required to provide account passwords or to grant the School access to social media or professional networking account content that is not publicly available. However, if information (such as profile pictures and / or account bios) is publicly available when a social media or professional networking site account is locked and can therefore be viewed by the School, it may be taken into account as part of the online search.

Online searches may be carried out at the shortlisting stage or after an offer of employment has been made (but prior to work commencing). The School will not carry out online searches as part of its initial sift of applications.

In carrying out online searches the School is looking for any publicly available information about an applicant that:

- may be relevant to their suitability to carry out the role for which they have applied;
- may be relevant to their suitability to work at the School or in an education setting;
- is of a safeguarding nature; and / or
- may have an impact on the School's reputation (whether positive or negative)

Any relevant information generated will be provided to the interview panel for discussion with shortlisted applicants at or post interview but prior to work commencing.

In evaluating any online information for relevance, the School will use the following criteria:

- whether the information is relevant to the position applied for;
- whether the information is relevant to the applicant's suitability to work at the School or in an education setting;
- whether the information could have an impact on the School's reputation (whether positive or negative);

- whether the information calls into doubt the applicant's willingness or ability to uphold the School's commitment to safeguarding and promoting the welfare of children;
- the length of time since the information became publicly available and whether the applicant's circumstances have changed since the information was published;
- whether the information reveals a pattern of concerning behaviour; and
- the relevant circumstances and the explanation(s) offered by the applicant.

## **5.2. Verification of Identity, Address, Right to Work in the UK and Qualifications**

All applicants who are invited to an interview will be required to bring with them evidence of their identity, right to work in the UK, address and qualifications.

The School asks for this information at interview to ensure that the person attending the interview is who they claim to be, that they are permitted to work for the School if appointed and that they hold appropriate qualifications.

### **5.2.1. Identity & Address**

All applicants must bring with them to interview, three original documents which evidence their identity as prescribed in the DBS identity checking guidelines [found here](#).

Applicants are requested to provide their birth certificate as one form of identity, where this is available.

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

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

Should an applicant attend interview without the correct documentary evidence, without good cause, the interview may be cancelled and the School may choose not to progress their application further even upon subsequent submission of the documentation.

From September 2024, for European identity documents, HR may use [PRADO](#) that is a website created by the EU to help identify genuine identity documents with examples from across the world.

### **5.2.2. Right to Work in the UK**

All applicants must also bring to interview a valid form of evidence which confirms their right to work in the UK. Valid forms of evidence can be found in the Home Office

['Right to Work Checklist'](#). Applicants issued with an eVisa will be required to provide a share code to enable HR to conduct a Home Office online right to work check.

### **5.2.3. Qualifications**

All applicants must bring to interview original documents which evidence any educational and professional qualifications referred to in their application form and / or which the School requests.

### **5.2.4. Retention of Records**

The School will retain copies of the documents used to verify applicants' identity, right to work and qualifications in accordance with the School's Data Retention Policy. Information and Records Retention policy.

## **5.3 References and Employment History**

5.3.1 References will be taken up on shortlisted applicants prior to interview where possible. References may however be taken up after interview by exception or agreement.

5.3.2 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 or educational provider (if this is their first job). If the current/most recent employment does/did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. If the applicant has never worked with children, the School must ensure they obtain a reference from their current employer. Neither referee should be a relative or someone known to the applicant solely as a friend and references must be from a senior person with appropriate authority.

5.3.3 All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will be sent a copy of the job description and person specification for the role which the applicant has applied for. 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, sickness\* and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be, unsubstantiated, unfounded, false or malicious;
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious; and
- whether the applicant could be considered to be involved in "extremism".

(\*questions about health or sickness records will only be asked after the offer of employment has been made.)

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

5.3.5 The HR Department will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information (e.g. specific questions not answered satisfactorily, any expression of concern about the suitability of the applicant, any doubt about the validity of the reference) will be followed up appropriately by the School's HR department.

If factual references are received i.e. those which contain limited information such as job title and dates of employment, this will not necessarily disadvantage an applicant although additional references may be sought before an appointment can be confirmed.

References received from a school or college must be countersigned by the Head/Principal or senior person with the appropriate authority.

5.3.6 The School will make telephone contact with referees to verify the authenticity of all references. When verifying references, the School will contact referees via the referee's work telephone number and not private mobile numbers. The process of verbally verifying the reference will also ensure that electronic references originate from a legitimate source.

5.3.7 Any information about past disciplinary action or allegations that are disclosed will be considered carefully when assessing the applicant's suitability for the post.

5.3.8 It is a criminal offence to falsify references. Any applicants or referees who are found to have submitted false references to the School will be referred to the Local Area Designated Officer (LADO).

5.3.9 Suitability references may be sought for internal applicants applying for new positions within the School.

5.3.10 The School will ensure that any concerns are resolved satisfactorily before an appointment is confirmed.

#### **5.4 Enhanced Disclosure and Barring Checks**

##### **5.4.1 DBS Filtering Rules**

With effect from 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. For further information regarding filtering rules see the guidance document [here](#).

#### 5.4.2 **Regulated Activity**

The School applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the School which amount to "regulated activity" as defined in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 (as amended).

The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. Regulated activity includes teaching, training, instructing, caring for 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. Any position undertaken at, or on behalf of, the School, will amount to "regulated activity" if it is carried out:

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

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

It is for the School to decide whether a role amounts to "regulated activity" considering all the relevant circumstances. However, nearly all posts at the School amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the School office outside of term time or voluntary posts which are supervised. Barred list information must not be requested on any person who is not engaging in or seeking to engage in regulated activity.

#### 5.4.3 **The DBS Disclosure Certificate**

The relevant DBS check is carried out as a matter of priority once a conditional job offer has been accepted.

If the offer of employment is made more than three months before the start date, the school will either:

- Complete a new DBS check, register it with the Update Service and carry out an Update Service check within three months of the start date; or
- Wait until three months before the commencement date to apply for a new DBS check.

In the event that an applicant subscribes to the DBS Update Service, the School will:

- Obtain consent to carry out an online check to view the status of the certificate;
- View the original certificate to ensure that:
  - It matches the individual's identity
  - It is at an Enhanced level and contains a check of the children's barred list
- Check there have not been changes since the issue of the certificate.

- Carry out a children's barred list check.

An Enhanced DBS check with children's barred list information allows an additional check, to be made, about whether the person appears on the children's barred list, along with a check of the Police National Computer records plus additional information held by the police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for or activities being undertaken must be eligible for an enhanced DBS check and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check can also include information as to whether an individual is subject to a section 128 direction.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the original disclosure certificate is seen by the School. A convenient time and date for doing so should be arranged with the Human Resources Department as soon as the certificate has been received. Employment will remain conditional upon the original certificate being provided, seen and it being considered satisfactory by the School.

The HR Department will notify the High Master immediately if a DBS check identifies a criminal record. The School will then refer to its policy on the Recruitment of Ex-Offenders, as detailed in Appendix 1 of this policy. The School will assess cases fairly, on an individual basis.

DBS certificates do not expire and there is no requirement for the School to re-check current employees. However, all staff are required to register with the DBS update service and the School renews DBS checks on a three-yearly basis for all staff (using the DBS update service where applicable). Before using the DBS update service, the School obtains consent from staff to carry out an online check to view the status of an existing standard or enhanced DBS check.

#### **5.4.4 Starting Work Pending Receipt of the DBS Certificate**

If there is a delay in receiving a DBS disclosure the High Master has discretion to allow an individual to begin work pending receipt of the disclosure. This will only be allowed if all other checks, including a separate, clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place (full details of the procedure to be followed are covered in the School's Policy on Staff Commencing Employment Pending a DBS Disclosure).

#### **5.4.5 Applicants with Periods of Overseas Residence**

In addition to DBS checks, applicants with periods of overseas residence and those with little or no previous UK residence will also be asked to provide further information, including a criminal record check (or equivalent) or a letter (via the applicant) from the professional regulating authority (this is often the Department/Ministry of Education but varies across the world) 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.). A DBS check will still be required even if the individual has never been to the UK.

The School's policy is to request such information from each overseas country in which the applicant has lived for a period of three months or more in the previous 10 years.

Where a member of staff has worked in a school in the UK since moving from overseas, without going back overseas, it is not necessary to repeat the overseas checks for subsequent appointments. However, the School will assess each case individually and assess what overseas checks the previous school carried out prior to deciding whether to carry out further / repeat checks.

The School refers to Home Office guidance on what checks are available from different countries.

The School recognises that formal checks are not available from some countries, that they can be significantly delayed or that a response may not be provided. In such circumstances the School will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country.

Where an applicant has carried out teaching work outside of the UK, the School may ask the applicant to provide proof of their past conduct as a teacher by obtaining a letter of professional standing (as above) from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher. The School will also ask the applicant (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction or restriction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work.

The School may allow an applicant to commence work pending receipt of a formal check from a particular country if it has received a reference and/or letter of professional standing from that country and considers the applicant suitable to start work. Decisions on suitability will be based on all of the information that has been obtained during the recruitment process. Unless expressly waived by the School, continued employment will remain conditional upon the School being provided with the outcome of the formal check and it being considered satisfactory.

If no information is available from a particular country the School will carry out an assessment of whether the applicant is suitable to work at the School on the basis of all other suitability information that has been obtained during the recruitment process. The School will take proportionate risk-based decisions on a person's suitability in such circumstances. All suitability assessments are documented and retained on file.

If the formal check is delayed and the School is not satisfied about the applicant's suitability in the absence of that information, the applicant's proposed start date may be delayed until the formal check is received.

## 5.5 Prohibition from Teaching Check

5.5.1 The School is required to check whether staff who carry out "teaching work", are prohibited from doing so. The School applies this check to all positions (effective May 2024). The School uses the [Gov.uk](https://www.gov.uk) website (effective May 2024) to check whether successful applicants are the subject of a prohibition, or interim prohibition, order issued by a professional conduct panel on behalf of the Teaching Regulation Agency.

- In addition, the School asks all shortlisted applicants to declare whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency, or any other equivalent body in the UK.

The School recognises that a prohibition from teaching order may not last indefinitely. The School also notes that professional conduct panels do not always impose sanctions on the subject of the hearing. However, in order to fully assess the suitability of an applicant the School considers it important that all such information is made available during the recruitment process. Where an applicant is not currently prohibited from teaching, but has been the subject of a professional conduct hearing whether 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 existence of any relevant information is not a bar to employment with the School.

## 5.6 Prohibition from Management of Independent Schools Direction ('Section 128 Direction')

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

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

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

- All Core Strategy members
- Teaching and Support staff posts which carry a head of department role
- Governing Body members

It is important to note that the individual's job title is not the determining factor and whether other individuals such as teachers with additional responsibilities could be considered to be 'taking part in management' depends on the facts of the case.

5.6.3 The relevant information is contained in the enhanced DBS disclosure certificate (which the School obtains for all posts at the School that amount to regulated activity). It can also be

obtained through the GOV.UK website. The School will use either, or both, methods to obtain this information.

5.6.4 In addition the School asks all shortlisted applicants to declare whether they have ever been the subject of a referral to the Department for Education, or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.

5.6.5 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.

5.6.6 If a member of staff is promoted internally to a management position, then the School will check that the member of staff is not subject to a Section 128 direction prior to the promotion.

## **5.7 Disqualification from Acting as a Charity Trustee or Charity Senior Manager**

### **5.7.1 Background**

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

### **5.7.2 Who is Covered**

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

Senior managers include those employees who report directly to the charity trustees or have responsibility for the overall management and control of the charity's finances. At the School the disqualification rules will be applicable to all governors, the High Master and the Finance Director.

### **5.7.3 Self-Declaration**

Relevant staff are required to read and complete a declaration confirming that they are not, to the best of their knowledge, subject to any of the disqualification criteria.

All those who are required to complete a self-declaration form are also under an ongoing duty to inform the School if there is a change in their circumstances that results or may result in them becoming disqualified from acting as a governor or senior manager.

## **5.8 Medical Fitness**

- 5.8.1 The School has a statutory responsibility to verify the medical fitness of anyone to be appointed to a post at the School, after an offer of employment has been made but before the appointment can be confirmed. The School must verify the applicant's mental and physical fitness to carry out their work responsibilities. 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.
- 5.8.2 It is the School's practice that all applicants to whom an offer of employment is made (as an employee) must complete a Health Questionnaire and sign a declaration of medical fitness to confirm that they know of no reasons, on grounds of mental or physical health, why they should not be able to discharge with due care and skill the responsibilities required by the post in question. The School will arrange for the information contained in the Health Questionnaire to be reviewed by the School's Doctor. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed timetable, extra-curricular activities, layout of the School etc. If the School's Doctor has any doubts about an applicant's fitness the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment. All other individuals engaged by the School (non-employees) are required to sign a declaration of medical fitness only.
- 5.8.3 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.

## **6 Third Party Contractors and Supply Staff**

- 6.1 The School will assess the appropriate level of checks required for contractors on a case by case basis depending on contractors engaging in regulated activity and opportunity for regular contact with children and carry out a risk assessment as required. Contractors engaged by the School, who are not engaged in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, must complete the same checks for their employees that the School is required to complete for its staff. The School requires confirmation (in writing) that these checks have been completed before employees of the Contractor can commence work at the School. Where external contractors do not have access to the necessary database to do the relevant checks, the School will do the missing check(s) themselves, where it applies (e.g. prohibition from teaching).
- 6.2 "Supply staff" are staff supplied by an "employment business" (agency) to work under the control of the School. Agencies who supply staff to the School must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires confirmation in writing that these checks have been completed before an individual can commence work at the School. Where an "employment business" provides supply staff (to work under the control of the school) then the DBS certificate must be seen by the School (whether or not it discloses any information) and the DBS must be less than three months old when the person

starts work at the School (unless the agency worker has been working in a school in the last three months or has an Enhanced DBS Certificate with children's barred list, registered with the DBS Update Service).

6.3 The School will independently verify the identity of individuals supplied by contractors and agencies on arrival at the School.

## **7 Individual Self-Employed Contractors**

7.1 The School will assess the appropriate level of checks required for self-employed contractors on a case by case basis depending on whether the contractors are engaging in regulated activity and have the opportunity for regular contact with children. If the contractor is in regulated activity, they would be required to complete the same vetting checks as for staff.

## **8 Volunteers**

8.1 Under no circumstances will a volunteer, in respect of whom no safeguarding checks have been undertaken, be left unsupervised with children or allowed to engage in regulated activity.

8.2 Prior to engaging a volunteer to carry out any activities for or on behalf of the School, the Head of Department with responsibility for the volunteer appointment will discuss the proposed activities to be undertaken by the volunteer with the HR Department so that a risk assessment can be completed and a decision can be made as to what vetting checks are required. Appendices 1 & 2 of the School's separate [Volunteers - Vetting Checks and Risk Assessments](#) policy will be used to determine which checks are necessary.

## **9 Governors**

Governors are subject to an Enhanced DBS check (either including or not including barred list information as appropriate), confirmation of identity, confirmation of right to work in the UK, prohibition from management check (section 128 direction) and overseas police background checks as appropriate. (The Chair of Governors is required to undergo these checks via the DfE). The School's policy is also to carry out prohibition from teaching checks for members of the Governing Body. Members of the Governing Body are required to complete a disqualification from acting as a charity trustee or charity senior manager declaration.

The above checks are not mandatory for Associate members who are appointed by the governing body to serve on one or more governing body committees. However, the School will assess them under the volunteer's risk assessment policy to determine if the nature of the work on the committees necessitates checks.

Further details can be found in the separate [Governing Body – vetting checks policy](#).

## **10 Visitors**

An ID check will normally be carried out for all visitors to the School and they will be appropriately supervised during their visit.

Details regarding visiting speakers may be found in the [Visiting Speakers' Policy](#).

## **11 Policy on the Recruitment of Ex-offenders**

### **11.1 Background**

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

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

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

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

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

### **11.2 Assessment criteria**

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

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

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

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or

- serious class A drug related offences, robbery, burglary, theft, deception or fraud.

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

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

### **11.3 Assessment procedure**

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

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

## **12 Retention and Security of Disclosure Information**

Copies of documents used to verify the successful applicant's identity, right to work and required qualifications are kept on their HR file as per the advice at [gov.uk](http://gov.uk).

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information. [See here for further information.](#)

In particular, the School will:

- only retain a copy of a DBS certificate where it has a valid reason for doing so;
- where such information is retained, it will be stored in locked, non-portable storage containers, access to which will be restricted to members of the School's senior management team and the Human Resources Department;
- not retain disclosure information or any associated correspondence for longer than is necessary, which is generally for a period of up to six months. If, in very exceptional circumstances it is considered necessary to keep certificate information for longer than six months, we will give consideration to the Data Protection and Human Rights of the individual before doing so. The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate.

### **13 Recording Information**

The School maintains a Single Central Register of pre-appointment checks. The single central record covers all staff, agency staff, third-party contractor staff, self-employed contractors, governors and volunteers.

The single central record indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained in respect of staff members:

- An identity check;
- A standalone children's barred list check;
- An enhanced DBS check (with children's barred list check) requested/certificate provided;
- A prohibition from teaching check;
- 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 UK;
- Details of the section 128 checks undertaken for those in management positions;
- Medical verification;
- Receipt of two references which the School considers satisfactory;
- Receipt of a complete employment and education history;
- Satisfactory online searches through publicly available information (with effect from 1 September 2024); and
- Safeguarding induction training completed at appointment stage.

For agency staff and third party contractor staff, the School includes written confirmation has been received that the employment business supplying the individual has carried out the relevant checks, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.

### **14 Referral to the DBS and Teaching Regulation Agency**

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

- an individual has applied for a position at the School despite being barred from working with children; and / or

- an individual has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

The DBS will consider whether to impose sanctions on that individual which may restrict or prevent them from working with children in future.

In addition, if a teacher is dismissed because they are found to have committed serious misconduct, or they have breached the Teachers' Standards, or they resign prior to dismissal on such grounds, the School will make a referral to the Teaching Regulation Agency.

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

## **15 Queries**

If an applicant has any queries regarding this policy, they should contact the Human Resources Department [humanresources@stpaulsschool.org.uk](mailto:humanresources@stpaulsschool.org.uk).