



Safer Recruitment Policy

Mission Statement

'To educate young people to meet the challenges of life courageously, to use their talents to the full and to live the values of Christ's Gospel'

Aims – Thornton College aims to keep all children safe in their care.

Policy Statement

Thornton College ("the 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. This Policy should be read in conjunction with the School's Child Protection and Safeguarding Policy and the KSCIE.

The School aims to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010. Thornton College is committed to Equality, Diversity and Inclusion. The Senior Leadership Team and Head's PA are all trained in Safer Recruitment. All queries on the School's Application Form and recruitment process must be directed to the Headteacher's PA.

It is vital that Thornton College creates a culture of safe recruitment and, as part of that, adopts recruitment procedures that help deter, reject or identify people who might abuse children. Thornton College acts reasonably in making decisions about the suitability of the prospective employee based on checks and evidence including: criminal record checks (DBS checks), barred list checks and prohibition checks¹ together with references and interview information.

Thornton College takes note of and follows all the KSCIE guidelines in Safer Recruitment when recruiting staff and refers to the content therein [[Part three: Safer recruitment \(keepingchildrensafeineducation.co.uk\)](#)] All of those who are regularly involved with recruitment and employment are trained in safer recruitment. All interviews are conducted by at least one interviewer that has completed safer recruitment training. Our safeguarding Governor and a number of other Governors/Trustees are trained in safer recruitment.

An enhanced DBS check with barred list information will be required as the majority of staff will be engaging in regulated activity or have contact directly with children. A person will be considered to be in 'regulated activity' if as a result of their work they:

- are responsible, on a regular basis, in any setting for teaching, training, instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly where that work provides an opportunity for contact with children, or is for the purposes of the school; or

¹Regulations 12 and 24 of the School Staffing (England) Regulations 2009, for maintained schools, applied to the management committee of pupil referral units through the Education (Pupil Referral Units) (Application of Enactment) (England) Regulations 2007. The Education (Independent School Standards) (England) Regulations 2014, Schedule 1, Part 4 apply to independent schools, including free schools and academies.

- engage in intimate or personal care or overnight activity, even if this happens only once.

For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate. This includes contractors that would have the opportunity for contact with children and who work under a temporary or occasional contract. This is not considered regulated activity.

At Thornton College a **supervised** volunteer who regularly teaches or looks after children but is not involved in personal care, is not in regulated activity. The Department for Education (DfE) has published separate statutory guidance on supervision and regulated activity which Thornton College has regard to when considering which checks are undertaken on volunteers. This is set out at Annex D.²

Volunteers must be:

- supervised by a person who is in regulated activity;
- supervised regularly and day to day; and
- supervised in a way that must be “reasonable in all the circumstances to ensure the protection of children”.

Our risk assessment justifying why we need full DBS checks for volunteers has been completed following the guidance at 289 of KCSIE. It is considered that our volunteers have unsupervised access to children and some are new to regulated activity.

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 have produced a factual note on Regulated Activity in relation to Children: scope³

Regulated activity includes:

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

Work under (a) or (b) is regulated activity only if done regularly.⁴ Some activities are always regulated

² ‘Supervised’ and ‘unsupervised’ have a particular meaning in relation to regulated activity.

³

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf

⁴ The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and applying a duty on the Secretary of State to issue guidance to assist regulated activity providers, to decide what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity, which would be a regulated activity if it was unsupervised, the statutory guidance must be followed. Updates in September 2012 -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118974/

activities, regardless of their frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
 - personal care includes helping a child, for reasons of age, illness or
 - disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;⁵
 - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

In addition to the DBS checks described, anyone who is appointed to carry out teaching work requires an additional check to ensure they are not prohibited from teaching. This will be recorded in the Single Central Register. See the pre-appointments section which follows.

Types of check

Disclosure and barring service (DBS checks)

The DBS is responsible for administering three types of checks:

- **Basic DBS check** – this provides details of convictions and conditional cautions considered to be ‘unspent’ under the terms of the Rehabilitation of Offenders Act 1974
- **Standard:** a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings;
- **Enhanced:** a check of the PNC records as above, plus other information held by the police that is considered relevant by the police and
- **Enhanced with barred list information:** for people working in regulated activity

with children. This adds checks of the DBS Children’s Barred List to the enhanced check.⁶ In addition, this check can also include information as to whether an individual is subject to a section 128

More information is available on the DBS website.⁷

When the DBS has completed its check of an applicant’s PNC record and, if appropriate, whether or not they are on the barred list, the relevant information is recorded on a certificate (the DBS certificate) that is sent to the applicant. The applicant must show the DBS certificate to Thornton College before they take up post or as soon as practicable afterwards. If Thornton College allows an individual to start work in

eaaflet-england-wales.pdf

⁵ It is not intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.

⁶ The DBS maintains ‘barred lists’ of individuals who are unsuitable for working with children and adults. The DBS lists replace the lists maintained by the former Independent Safeguarding Authority.

⁷ <https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

regulated activity before the DBS certificate is available then we ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

If Thornton College knows or has reason to believe that an individual is barred, we commit an offence if we allow the individual to carry out any form of regulated activity.⁸ There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.⁹

In addition to all our current recruitment checks, for candidates, who will be carrying out teaching work, who have lived or worked overseas, the School needs to be satisfied if there is a need to obtain a criminal record check from those countries in which they have worked/lived and/or whether we need to obtain a letter from the Professional Regulating Authority confirming that they have not imposed any sanctions or restrictions and/or that there are any reasons why they may be unsuitable to teach. Applicants can access this using the link on the Government website for Criminal records checks for overseas applicants and finding the relevant country: [Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants) [Previously EEA checks were carried out using the TRA Teacher Services' System.] Consideration into how long they have worked in a continuous capacity teaching in other schools within the UK and if any vetting gives cause for concern, will be reviewed in making any decision. If considered necessary a risk assessment will be completed by the school before appointment to support making an informed decision on whether to proceed with appointment.

Secretary of State Prohibition Orders

Teacher Prohibition Orders

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England.¹⁰ A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. A check of any prohibition can be carried out using the Teacher Services' System and/or by selecting the job title as 'Independent School' on the DBS application electronic process. Prohibition orders are described in the Teaching Regulation Agency (TRA) publication, Teacher Misconduct: the Prohibition of Teachers.¹¹

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if he considers that it is in the public interest to do so.

Section 128 direction

A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited, is unable to participate in any management of an independent school such as: a management position in an independent school, academy or free school as an employee; a trustee of an academy or free school

⁸ Section 9, Safeguarding Vulnerable Groups Act 2006.

⁹ Section 7, Safeguarding Vulnerable Groups Act 2006.

¹⁰ Prohibition orders are made by the Secretary of State under section 141B of the Education Act 2002. Those made by the General Teaching Council for England (GTCE) prior to April 2012 have the same effect.

¹¹ <https://www.gov.uk/government/publications/teacher-misconduct-the-prohibition-of-teachers--3>

trust; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities. A check for a section 128 direction will be carried out using the Teacher Services' System and/or by selecting the job title as 'Independent School' on the DBS application electronic process. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction. In particular for non-teaching staff, Governors and Trustees this check is carried out through @atlantic data. This check will be automatically done if the position selected is "Independent School".

Pre-appointment checks

All new appointments to regulated activity

An offer of appointment to a successful candidate, including one who has lived or worked abroad, must be conditional upon satisfactory completion of pre-employment checks.

When appointing new staff, Thornton College will:

- verify a candidate's identity, preferably from current photographic ID and proof of address except where, for exceptional reasons, none is available;
- obtain (via the applicant) a copy of the original certificate for an enhanced DBS check with barred list where the person will be engaging in regulated activity;¹²
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
- for candidates whom have worked overseas, a separate check will be actioned by the candidate to verify that they do not have a criminal record overseas or that they have been barred for professional misconduct. If this is not available a risk assessment will be completed by the school before appointment to support making an informed decision on whether to proceed with appointment. These checks **could** include where available CR checks or a letter from Professional Regulating Authority.
- check that a candidate to be employed as a teacher (this includes teaching assistants, peripatetic teachers, coaches and instructors) is not subject to a prohibition order issued by the Secretary of State, using the Teacher Services' System. The school will access the lists of teachers who have been prohibited from teaching, teachers who may be the subject of a suspension or conditional order that is still current and teachers who have failed to successfully complete their induction or probation period.
- check that a person taking up a management position is not subject to a section 128 direction by the Secretary of State.
- verify the candidate's mental and physical fitness to carry out their work responsibilities.¹³ A job

¹² Regulations 17 and 24 of the School Staffing (England) Regulations 2009 for maintained schools also applied to the management committee of pupil referral units through the Education (Pupil Referral Units) (Application of Enactment) (England) Regulations 2007. The Education (Independent School Standards) (England) Regulations 2014, Schedule 1, Part 4 apply to independent schools, including free schools and academies.

¹³ Education (Health Standards) (England) Regulations 2003 see also [fitness to teach circular](#)
Reviewed and adopted September 2021
To be reviewed September 2022

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;¹⁴

- verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the GOV.UK website;
- if the person has lived or worked outside the UK, make any further checks the School consider appropriate (see relevant sections below); and
- verify professional qualifications, as appropriate.

A DBS certificate will be obtained from the candidate before or as soon as practicable after appointment. Alternatively, if the applicant has subscribed to it and gives permission, Thornton College may undertake an online update check through the DBS Update Service. Individuals can join the DBS Update Service when applying for a new DBS check; this will allow them to re-use this check when applying for similar jobs.

With the individual's consent, Thornton College can go online and carry out a free, instant check to see if a new certificate is required.¹⁵ Confirmation of identity will be matched with the certificate and it will be examined to ensure that the appropriate level DBS check has been undertaken.

There is **no requirement** to obtain an enhanced DBS check if, in the three months prior to beginning work in their new appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or in any post in a school since 12 May 2006; or
- in a college in England in a position which involved the provision of education and regularly caring for, training, supervising or being in sole charge of children or young people under the age of 18.

Nonetheless Thornton College **will** request an enhanced DBS check with barred list information for all, if in a regulated activity, and bearing in mind the duty the school has not to allow a barred person to work in regulated activity.

All staff, who undertake regulated activity will be required to undergo Induction Safeguarding training. This will take place at school INSET or, as required, with the DSL.

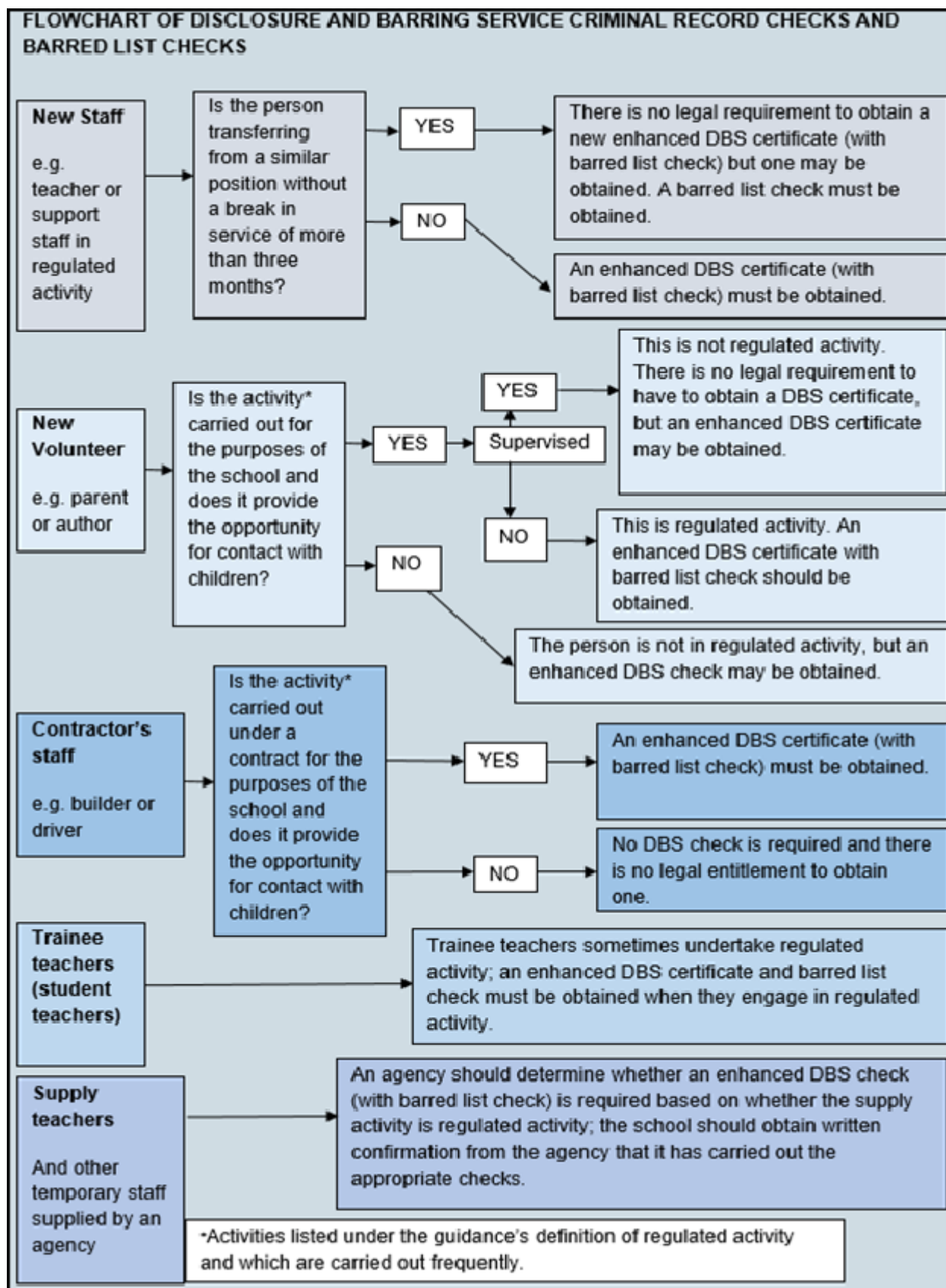
Should there be an adult over 16 living on the boarding premises and not employed by the school, an enhanced DBS and barred list check is required. En-suite facilities will be provided and the adult's accommodation will be outside the boarding sleeping area.

Thornton College **will not** request an enhanced DBS check with barred list check for anyone working in the school who is not in regulated activity, but may request an enhanced DBS check **without** a barred list check. It should be noted that in most cases an enhanced DBS with barred list will be

¹⁴ Section 60 of the Equality Act 2010.

¹⁵ <http://www.gov.uk/dbs-update-service>

considered appropriate to enable volunteers and contractors to operate freely on site and to protect the safeguarding of the students.



Employment history and references

Thornton College will always ask for written information about previous employment history and check that information is not contradictory or incomplete. If a candidate for a teaching post is not currently employed as a teacher, we will check with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References will always be obtained, scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed. They will always be requested directly from the referee and we will not rely on open references, for example in the form of 'to whom it may concern' testimonials.

References will be sought on all short-listed candidates, prior to interview, so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview. References can be in the form of a telephone reference where appropriate but in all cases safeguarding questions are asked; however, telephone references must be followed up with an email to the referee with an outline of the verbal reference given and advising that a signed reference is needed for the file to follow. References for internal candidates will be already be in place on file therefore any additional references may be taken up with the candidate's Line Manager if it is considered necessary.

On receipt, references will be checked to ensure that all specific questions have been answered satisfactorily. The referee must be contacted to provide further clarification as appropriate: for example if the answers are vague. They must also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies will be taken up with the candidate.

Any information about past disciplinary action or allegations will be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Employer Access Online checks referred to previously).

Single Central Record

Thornton College keeps a single central record, referred to in the regulations (described in the following paragraph) as the register. The single central record covers the following people:

- all staff (including supply staff) who work at the school
- all others who work in regular contact with children in the school, including volunteers; and
- the Trustees and Governors.
- regular contractors

Generally, the information to be recorded on these individuals is whether or not the following checks have been carried out or certificates obtained, and the date on which the checks were completed:

- an identity check;
- a barred list check;
- an enhanced DBS check;
- a prohibition from teaching check; [paragraph 234-236 of KCSIE 2021]
- a section 128 check [for management positions as set out in paragraph 237 of KCSIE];
- further checks on people living or working outside the UK; (this policy recognises the changes to EEA checks previously in place prior to January 2021) [paragraph 262-267 of KCSIE 2021];
- a check of professional qualifications; and
- a check to establish the person's right to work in the United Kingdom.
- where relevant, disqualification from childcare (DUCA check). The arrangements predominantly apply to individuals working with children aged 5 and under, including reception classes, but also apply to those working in wraparound care for children up to the age of 8, such as breakfast clubs and after school care. The School will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare Disqualification Regulations 2018.
- Medical (mental and physical declaration or check)

For details of records that must be kept, see:

- for maintained schools: Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) Amendment Regulations 2013 for student referral units through <http://www.legislation.gov.uk/uksi/2009/2680/contents/made>
- for independent schools, (including academies and free schools and alternative provision academies and free schools): under <http://www.legislation.gov.uk/uksi/2010/1997/contents> <http://www.legislation.gov.uk/uksi/2012/2962/contents>
- for colleges: <http://www.legislation.gov.uk/uksi/2006/3199/contents>¹⁶

Thornton College will keep copies of DBS certificates for 6 months as a minimum, but a record will be kept on the SCR of when received, in order to fulfil our duty of maintaining the single central record. To comply with the requirements of the Data Protection Act we will not retain the copy of the certificate content for longer than six months (although the DBS/ICO does allow this); however, past SCRs are kept in our archive. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications will be kept on the personnel file.

Individuals who have lived or worked outside the UK

Individuals who have lived or worked outside the UK will undergo the same checks as all other staff at

¹⁶ 16-19 academies and free schools are covered through their funding agreements.

Thornton College. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. Following the UK's exit from the EU, from January 2021, the School will apply the same approach for any individuals, who have lived or worked outside the UK, regardless of whether or not it was in an EEA country or the rest of the world. In addition, we will make any further checks we think appropriate so that any relevant events that occurred outside the UK can be considered.

Please note that holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children. These further checks should include a check for information about any teacher sanction or restriction, that the professional regulating authority in the country (or countries) in which the applicant has worked, confirms 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. Prior to January 2021 EEA checks were complete using the NCTL Teacher Services' system. Although restrictions imposed by another overseas regulating authority do not prevent a person from taking up teaching positions in England, we will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

Agency and third-party staff

Thornton College will obtain written notification from any agency, or third-party organisation we use, that the organisation has carried out all the relevant checks on an individual who will be working at the school that the school would otherwise perform. This must include, as necessary, a barred list check if appropriate, prior to appointing that individual, whether any enhanced DBS check certificate has been provided in respect of the member of the supply staff, and the date that confirmation was received. We will also check that the person presenting themselves for work is the same person on whom the checks have been made. Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school, which has disclosed any matter or information, or any information was provided to the employment business, the school must obtain a copy of the certificate from the agency. The School must see the copy of the enhanced DBS certificate with barred list check

Trainee/student teachers

Applicants for initial teacher training who are salaried by Thornton College, will also have the necessary checks. As trainee teachers can undertake regulated activity, sometimes unsupervised, an enhanced DBS certificate and barred list check will be obtained. Where trainee teachers are fee-funded, it will be the responsibility of the initial teacher training provider to carry out the necessary checks.¹⁷

Existing staff

If Thornton College has concerns about an existing staff member's suitability to work with children, we will carry out all relevant checks as if the person were a new member of staff, in addition to following procedures outlined in staff Disciplinary Policy and CP Policy. If there has been a break in service of 12

¹⁷ National College for Teaching and Leadership -
<https://www.gov.uk/government/publications/initial-teacher-training-criteria/initial-teacher-training-itt-criteria-and-supporting-advice>
<https://www.gov.uk/government/publications/initial-teacher-training-criteria>

weeks or more; or similarly, if a person working at Thornton College moves from a post that was not regulated activity, into work which is regulated activity, the relevant checks for the regulated activity will be carried out.³² Apart from these circumstances, Thornton College is not required to request a DBS check or barred list check.

Thornton College has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe the member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual.

Where a teacher's employer, including an agency, ceases to use the services of a teacher because of serious misconduct, or would have dismissed them had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

Volunteers

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

For new volunteers in regulated activity who will regularly teach or look after children on an unsupervised basis or provide personal care on a one-off basis Thornton College must obtain an enhanced DBS certificate with barred list check.

For new volunteers not in regulated activity Thornton College will obtain an enhanced DBS certificate.

For existing volunteers who provide personal care, Thornton College will obtain an enhanced DBS certificate with barred list check.

For other existing volunteers who are unsupervised and continuing with their current duties, unless there is cause for concern Thornton College will not request a DBS check with barred list check because the volunteer should already have been checked.

For existing volunteers not in regulated activity there is **no requirement** to request an enhanced DBS check. However Thornton College may choose to request one as we judge necessary, but **will not** request a check of the barred list.

If a volunteer is not engaging in regulated activity, Thornton College will undertake a risk assessment, and use professional judgement and experience, when deciding whether to seek an enhanced DBS check. We will consider:

- the nature of the work with children;
- what Thornton College knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;

- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- whether the role is eligible for an enhanced DBS check.

The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and applying a duty on the Secretary of State to issue guidance to assist regulated activity providers such as Thornton College, to decide what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity which would be regulated activity if it was unsupervised, the statutory guidance will be followed. The guidance issued following this change requires that:

- there must be supervision by a person who is in regulated activity;¹⁸
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

Thornton College is not legally allowed to request a barred list check on a volunteer who, because they are supervised, is not in regulated activity.

Governors

Governors who are volunteers should be treated on the same basis as other volunteers, that is, an enhanced DBS check with barred list check will only be requested if the governor will be engaged in regulated activity. At Thornton College, as all our Governors are invited into the School and could therefore have unsupervised access with children, an enhanced DBS check with barred list is completed for all Governors/Trustees and a section 128 check is also completed, as part of the appointment process for governors. No Governor/Trustee is allowed unsupervised access to the site until these such checks are completed.

Contractors

Thornton College has arrangements in place with contractors to make sure that the contractor, or any employee of the contractor, working at the school has been subject to the appropriate level of DBS check, if any such check is required (for example because the contractor is carrying out teaching or providing some type of care for or supervision of children regularly).

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

If a contractor working at the school is self-employed, we will obtain a DBS check, as self-employed

¹⁸ If the work is in a specified place such as a school, paid workers remain in regulated activity even if supervised.

people are not able to make an application directly to the DBS on their own account. The Bursar will use their professional judgment about the need to escort or supervise contractors and if required a risk assessment will be completed.

Should a DBS certificate be seen containing no information, a grey lanyard will be issued and the contractor will not need to be continually supervised. If no DBS certificate is available or the DBS contains information, then a red lanyard will be issued. If the DBS certificate contains information then this will be referred to the Bursar for judgement on the contractor's risk to the safety of children. All children and staff know that a red lanyard implies that they should be accompanied.

Thornton College will always check the identity of contractors and their staff on arrival at the school.

Visitors

Thornton College does not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's relatives or other visitors attending a sports day). The Headteacher will use their professional judgment about the need to escort or supervise visitors. Should a DBS certificate be seen containing no information, a grey lanyard will be issued. If no DBS certificate is available a red lanyard will be issued. If the DBS certificate contains information then this will be referred to the Headteacher/Bursar for judgement on the visitor's risk to safety of children. All children and staff know that a red lanyard implies that they should be accompanied.

In accordance with the KCSIE paragraph 283 "Headteachers should use their professional judgement about the need to escort or supervise such visitors." This covers children's relatives and other visitors attending sports day for example, where we should not ask to see a DBS.

Visiting Speakers invited by staff or by the pupils into school, will be considered appropriately supervised in line with Prevent Guidance. Any such visitor invites cannot go ahead without further consideration of their suitability and confirmation of their attendance by the Headteacher/Deputy Headteacher.

Adults who supervise children on work experience

When organising work experience placements Thornton College will ensure that policies and procedures are in place to protect children from harm. For work placements off-site this is organised by the Head of PSHEE. For work placements on-site this is organised by an appropriate member of SLT depending on the area within school.

Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement.¹⁹ The school will consider the specific circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child will be:

¹⁹ Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, which came into force on 10 September 2012.

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

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

Thornton College is not able to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience.²⁰

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases and where the child is 16 years of age or over, the work experience provider should consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.²¹

Proprietors of Thornton College

For any potential proprietor or chair of governors of Thornton College, the Secretary of State will:²²

- carry out an enhanced DBS check;
- confirm the individual's identity; and
- if the individual lives or has lived outside of the UK, making an enhanced check insufficient, such other checks as the Secretary of State considers appropriate.

The chair of the Trustees at Thornton College must ensure that enhanced DBS certificates are obtained for the other members of the body and that identity checks are completed before, or as soon as practicable after, any individual takes up their position. Visits by new Governors will always be supervised until vetting has been completed and a DBS is in place. Further checks as the chair considers appropriate will be undertaken where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS check is not sufficient to establish his or her suitability to work at Thornton College.

Disqualification Under the Childcare Act 2006 (DUCA)

To whom does this apply?

²⁰ The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 was amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) (England and Wales) Order 2012 so that employers may no longer request checks in these circumstances.

²¹ Under the Police Act 1997, an individual must be 16 or over to be able to make an application for a DBS check.

²² Education (Independent School Standards) (England) Regulations 2014, Schedule 1, Part 4.

- Staff who provide early year's childcare (EYFS) (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception age). This includes education in nursery and reception classes and/or supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range.
- Staff who provide later years childcare (this covers students above reception age but who have not attained the age of 8 - in nursery, primary or secondary school). This does not include education or supervised activity for children above reception age during school hours but it does include before school settings such as breakfast clubs and after school provision;
- Staff who are directly concerned in the management of such childcare.

We are required to advise all relevant staff to read and adhere to the rules of this Policy. Please refer to your Designated Safeguarding Lead if you have any questions of the applicability of this Policy to you.

The term School(s) referred to throughout this Policy means Catholic Schools and Academies and specifically for us, Thornton College.

'Information on Disqualification from Childcare and the Recruitment of Ex-Offenders' [Appendix 1] is sent out to all Short-Listed Candidates. This guidance also applies to existing staff who will be annually asked to sign a fresh Self Declaration Form.

Recruitment Procedures

These procedures herewith refers and applies to staff directly recruited and employed by the School. In the Education (Independent Schools Standards) (England) Regulations 2010, staff are defined as:

Any person working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer.

In the case of agency or contract workers, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. Identity checks will also be made on site at the school during interview.

Any staff who TUPE (Transfer of Undertakings Protection of Employment) transfer into the School's staff, will be required to undertake the statutory requirements with regard to safer recruitment checks. If their details are fully in order, they will be entered onto Thornton's Single Central Register, including the number and date of the DBS checks and a note will be added to the Register that the details have been accepted under TUPE arrangements. There must have been no three month break in employment, however, if information is incomplete, it may be necessary to undertake a new DBS and include all other necessary checks.

3. Procedure for New Appointments

This is a critical process, which is usually carried out under pressure of time. It is essential that the procedure is carefully followed, not only to be sure that we have the best chance of employing the most suitable candidate but also to be sure that we have complied with KCSIE 2021 regulations and to avoid misunderstandings in the early months of employment.

Below is a schedule for the smooth running of the process but it does not reflect the importance of individual items.

It should be noted that the Headteacher, Deputy Head and Bursar positions are Trustee appointments and these appointments will follow a similar pattern below, as defined by the Trustees. The appointment of these positions shall be in accordance with Articles 10.1 – 10.5 of the Articles of Government. At the meeting of Governors convened to formulate the advertisement the Governing Body shall make whatever practical arrangements are deemed necessary at that time.

1. When a vacancy occurs the Executive Team agree whether this person is to be replaced or if a restructuring is appropriate. They decide the most satisfactory replacement to meet the current needs of the school. Consideration will be made at this stage into whether this will be externally advertised or will be an internal appointment. [This will depend on teaching allocations to avoid over-staffing]
2. The Executive Team consult with the relevant HOD or team leader and agree dates of application process, interviews and start dates. The vacancy is advised to the Chair of C&P. For senior positions this needs the Chair of C&P's approval.

3. A recruitment pack, including job description, is agreed with the Executive Team and shared with SLT. This job description should include a link to our Child Protection Policy, available on our website and the Recruitment of Ex-Offenders section of this policy must be emailed to all short-listed candidates. The Job Description should state that CVs are not accepted and an application form must be completed.
4. The Head's PA will collate the recruitment pack, to include job description, and draw up an advert; this will need approval by the Executive Team. Salary ranges are agreed for support staff by the Bursar. For significant and teaching roles a copy is sent to the Chair of C&P. Reference is made in the advertisement to safeguarding procedures.
5. Once approved an advert is placed on the school website and in any appropriate publications, as agreed with the Executive Team. The 'Indeed' recruitment website may also be used. Teaching vacancies are always advertised in the Catholic press and on the TES. The advert and job description must always include the phrase "Thornton College is committed to safeguarding and promoting the welfare of children and this position will be subject to an Enhanced DBS and barred list check by the Disclosures and Barring Service. This post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020."
6. Application forms are necessary for all positions and are to be returned to the Heads PA. The School will only accept applications from candidates completing the relevant Application Form in full. CVs will not be accepted in substitution for completed Application Forms. A sample of our application form is shown at Appendix A. [The application form includes the phrase "I confirm I am not disqualified from childcare and I understand that it is an offence to apply for a role if I am barred from engaging in regulated activity relevant to children."]
7. If requested, visits to the school prior to interview are not conducted as a tour of the school usually forms part of the interview process.
8. Shortlisting is undertaken by the Executive Team, a Governor for senior leadership positions and relevant staff. A short list of 4 or 5 candidates is produced. Gaps in employment are identified at this stage to be considered and reviewed further, along with reason for leaving current post. Any breaks in employment are checked with the candidate by the Head's PA prior to interview and cross-checked during interview by the Executive Team member present. All unsuccessful candidates will be contacted to advise that Thornton College will not be taking their application further; this is the Head's PA's responsibility to ensure that this happens.
9. Call for interview is arranged by the Head's PA. The date of interview is determined by the availability of governors, if appropriate, involved in the recruitment process. At this stage a 'Self-Declaration Form' is sent out to candidates. [Includes DUCA and Criminal Convictions declaration]. The completed form must be sent back prior to interview.
10. A recruitment checklist form is attached to each application file by the Head's PA and application details are entered onto the form.
11. Two references are always taken up prior to interview, by Head's PA. For support vacancies the reference for most recent employment is taken up after appointment. Employment references have to be signed by a line manager, not a colleague. It is noted that obtaining references can sometimes cause delay and whilst the reference request is sent out prior to interview all offers are made subject to satisfactory reference being obtained and these are required prior to start date. All dates are to be entered onto the Recruitment Checklist form. The reference

information is cross checked with the application form to confirm date accuracy by the Head's PA. Any differences are highlighted to the Headteacher/Bursar and questioned at interview. Any concerns over gaps in employment are explored at interview. Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case and the process of decision documented in the recruitment file of the individual [best practice in form of a RA]. If the applicant has worked in a school and the reference is not from the Headteacher, the School will check and verify by confirming with the headteacher/principal as being accurate in respect to disciplinary investigations. In the case where references will only confirm dates of employment, it is noted that this does confirm an element of an applicant's employment history and their whereabouts for a period, therefore such references should be supplemented where possible by one or more others to address the suitability question.

12. The Interview process is agreed by the Executive Team and drawn up by the Head's PA.
13. Formal interviews are conducted by a panel of a minimum of three persons, to include an Executive Team member, a Head of Department and a Governor for teaching and senior support roles. The interview process will normally include an appropriate test and/or lessons observations. For more junior roles two persons interviewing may be more appropriate; such as Domestic staff.
14. At interview the Head's PA will check identification and qualification certificates. Original copies must be seen. We aim where possible, as best practice, to see an original birth certificate; it is noted that this is not mandatory. Copies of all identification, are placed on their file and the date checked is entered onto the Recruitment Checklist Form in the appropriate box.
15. During interview the following should be considered and explored:
 - a. Any gaps in employment must be challenged and explained.
 - b. A discussion on any disciplinary action or allegations explored.
 - c. Questions must include "What motivates you to want to work with children?" and if necessary "Why have you moved around jobs often?".
 - d. Safeguarding must be discussed and examples of working with children which are relevant to the role should be considered.
 - e. Look out for an implication that adults and children are equal, a lack of recognition or understanding of the vulnerability of children, appropriate boundaries between adults and children and indicators of negative safeguarding behaviours.
 - f. Explore further reason for leaving current post if required.
 - g. Relevant questions about disability and health can be asked in order to establish whether they have the physical and mental capacity for the specific role.
16. Any long periods of time spent overseas must be identified and an overseas check will need to be undertaken by the candidate, at their expense. This check is obtained through the appropriate embassy and/or obtain a letter from the Professional Regulating Authority confirming that they have not imposed any sanctions or restrictions and/or that there are any reasons why they may be unsuitable to teach. The interview panel will meet at the end of all interviews for a selection meeting. Discussion should take place regarding the suitability of candidates. The salary and package at appointment is agreed by the Bursar, in

consultation with the Headteacher. The agreed salary should be entered into the Notes box on the Recruitment Checklist Form.

17. A member of the Executive Team will contact the successful applicant to verbally offer the position. All offers of employment should be “conditional until satisfactory completion of the mandatory pre-employment checks.” This should be stated in the offer letter.
18. The offer letter is sent out within 24 hours of an offer having been made, along with relevant forms to include medical fitness and new starter’s form. This offer of employment will include a requirement to book an appointment with the Finance Office to undertake a DBS check or to arrange with them an email login request for completion remotely. Confirmation that any final references can now be sought for support staff.
19. The offer letter is drawn up by the Heads PA in consultation with the Bursar. Offer letters can be signed by any of the Executive Team; although, usually by the Headteacher. One copy of the offer letter is placed on file and one is shared with the Finance Manager & Bursar for payroll purposes.
20. The applicant’s letter of acceptance for the post must include confirmation of either their completion date of the remote DBS or the date they are coming into school to complete their DBS face to face. If other candidates would be a satisfactory alternative, they should not be told that they have been unsuccessful until a written acceptance has been received. If the appointment is for the Headteacher/Bursar/Deputy Head, then the Chair of Governors will make a written job offer.
21. Two references will have been taken by the Head’s PA prior to interview. For support staff a reference request is sent out to their current employer on the same day that the offer letter is sent. Any final references must be requested by the Head’s PA within 24 hours.
22. The Recruitment file for the successful candidate should at this stage be passed over to the Bursar’s Office. This must include the signed application form, recruitment pack, all signed interview question sheets, copies of emails and reference requests sent, copies of ID, signed ‘Self-Declaration Form’ and qualifications. This information is all placed on file in the Bursar’s Office.
23. A DBS check is carried out by the Finance Office. The applicant is reminded that once receiving the original result, they must bring this into the Finance Office, where it will be copied and placed on the employee’s file within the Bursar’s office. Our DBS check is conducted by @tlantic Data and once the DBS has been completed the system will flag if the result contains any information or not. The system includes verification if the original certificate has been seen and this is entered by the Finance Office. The DBS certificate copy is verified and handed to the Bursar to be filed in her office. The Finance Team will chase pending original certificates. Any appointments made from February 2022 require new staff to join the Update Service as part of their employment contract. This will allow the school the opportunity to check DBS statuses annually for new employees.
24. The contract of employment is drawn up by the Bursar. All contracts are signed by a Trustee or delegate.
25. The Prohibition of Teaching records are checked for all teachers, teaching assistants, learning support assistants, peripatetic staff and coaches. This is the responsibility of the Bursar. In practice this is carried out by the Head’s PA on the Teacher Services’ System website and

checked by the Bursar that it has been completed. For non-teaching staff this is carried out by completing a DBS check and selecting "Independent School" as the position.

26. The Section 128 Prohibition from Management is the responsibility of the Bursar; in practice this is carried out by the Head's PA and checked by the Bursar that it has been completed. For non-teaching staff or Governors this is carried out by completing a DBS check and selecting "Independent School" as the position.
27. Prohibition of Management checks are also carried out for all new internal promotions, where staff move into a management position and for all new Governors. This is completed by the Bursar.
28. Prior to start date the Bursar will check that all checks have been completed, in particular a barred list check is complete, and that a satisfactorily clear DBS result has been received. All dates by this point should have been entered onto the Single Central Register. A checklist is used for this process. The Executive Team will be advised each time the recruitment process is complete by the Bursar. New employees cannot start employment unless all references and DBS checks are completed satisfactorily and the SCR is updated.
29. The contract and contractual details from the personnel file are filed and stored permanently in the Bursar's office.
30. Signed contracts are to be returned to the Bursar and filed in the Bursar's office. The Bursar will chase any unsigned contracts. The Bursar and Heads PA work closely on this and regularly review the recruitment files against the SCR.
31. Copies of DBS certificates are chased by the Finance Manager and placed on the individual personnel files within the Bursar's office for a period of 6 months. The Disclosures website is updated with confirmation of receipt by the Finance Office.
32. The Headteacher's PA sends all unsuccessful applicants a standard letter explaining that the job has been filled.
33. The Single Central Register is reviewed by SLT half termly at their meetings and monitored. The Safeguarding Governors also regularly reviews the SCR.

It is the Bursar who is responsible for ensuring all information is entered onto the SCR and vetting is complete; however SLT's overall responsibility as a team to ensure all recruitment processes are appropriate and in line with KCSIE.

Safeguarding

The School follows the guidelines of the KCSIE (2021) in recruiting staff. The School will make candidates aware that all posts in the School involve responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts will receive a Job Description and Person Specification for the role applied for, a link to the Child Protection Policy. Short-listed candidates will receive a copy of the Recruitment of Ex-Offenders Procedures, a medical form and a Self-Declaration Form to complete.

As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the School with legally accurate answers.

If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask, through the reference process, their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues, but will also approach the previous School in which they have worked. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the School may request character references which may include references from the candidate's school or university. References received are logged by the Head's PA who sends them to the Headteacher for review.

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

Disclosure & Vetting

Upfront disclosure of a criminal record may not debar a candidate from appointment as the School shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Headteacher & Bursar. If candidates would like to discuss this beforehand, they are asked to please telephone in confidence to the Headteacher or Bursar for advice.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account.

Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

The successful applicant will be required to complete an online Disclosure Form from the Disclosure and Barring Service ("DBS") for the position.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

Invitation to Interview

The School will short list applicants according to the relevance, applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview by the Headteacher's PA, at which his/her relevant skills and experience will be discussed in more detail.

At least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Governors should chair the panel for an Executive Team appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

The interview will be conducted in person and the areas which it will explore will include suitability to work with children.

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc). 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.

The School requests that all candidates invited to interview also bring with them:

1. A birth certificate
2. A current driving licence including a photograph or a passport or a full birth certificate;
3. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
4. Where appropriate any documentation evidencing a change of name (this includes a copy of the marriage certificate);
5. Where the candidate is not a citizen of a country within the European Economic Area or Switzerland, proof of entitlement to work and reside in the UK.

Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient.

Candidates with a disability who are invited to interview should inform the School of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

Interview Process

The Headteacher should produce a timetable for the interviews and co-ordinate the arrangements for the candidates. Copies of the applications of those on interview are sent to all the interviewers. (These copies must be shredded after the interview process)

Before the panel interview those involved should meet to agree on the allocation of areas of discussion. For example, subject knowledge and mastery of subject-specific pedagogy; general sympathy and suitability for the School; conditions of employment and salary; the candidates' mastery of the requirements of the job description, ability to contribute to wider school life and awareness of current educational issues. The Headteacher should be informed of the predetermined questions to be asked by the Panel.

In general, thought might be given to the balance between open and closed questions. Questions should be focused on eliciting the suitability of candidates for the specifics of the post. They should not invite obvious answers nor allow the interview to drift into general discussion. More detail on questions is shown above.

During the day of the interviews candidates should be shown around the School by an appropriate Manager who will be given an opportunity to report back to the panel.

Candidates should be given an expenses form during the morning and the Finance Assistant should give front office the money before the candidates leave.

Candidates should be made aware of the general format and conditions in the contract and should be told when to expect a decision but this should always be a conservative estimate.

Candidates will be invited to take a class, rehearsal and/or an in-tray exercise.

Offer of Employment

Any offer to a successful candidate will be conditional upon:

1. Receipt of at least two satisfactory references;
2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK;
3. A satisfactory enhanced DBS check and a check of the Barred List maintained by the DBS;
4. For a candidate to be employed as a teacher, peripatetic teacher, coach, or teaching assistant a check that the candidate is not subject to a prohibition order issued by the Secretary of State from teaching;
5. For those in management positions or Governance, a check that the candidate is not subject to a prohibition order Section 128 issued by the Secretary of State from management;
6. Verification of professional qualifications, where appropriate;

7. Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999);
8. A disclosure on whether they have been disqualified from Childcare (Completion of our Self-Disclosure Form)
9. Where the successful candidate has worked or been resident overseas such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered. If they have worked in schools within the UK for over 5 years it is not always necessary to obtain an overseas Criminal Check, however the school does need to be satisfied that the applicant is safe to work with children and whether there is a need to obtain a letter from the Professional Regulatory Body in their country confirming this. Each case will be risk assessed on an individual basis, to document decisions taken. Confirmation from embassies is the responsibility of the employee for whom this is necessary. This will be followed up by the Bursar.
10. Satisfactory medical fitness.

It is the School's practice that a successful candidate must complete a pre-employment health questionnaire. This is to verify the candidate'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. The information contained in the questionnaire will then be held by the School in strictest confidence. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, and layout of the School.

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

Should an ex-employee return to Thornton, such as staff who are employed as interim workers, a DBS will be undertaken unless the period of absence from the school is less than 3 calendar months.

References

The School will seek the references referred to in section 5/6 above for shortlisted candidates and will approach previous employers for information to verify particular experience or qualifications, before interview. For non-teaching positions, if the candidate does not wish the School to take up references in advance of the interview with their current employer, they should notify the School at the time of applying. An alternative reference will be necessary as two references must be received prior to interview.

The School will ask all referees if the candidate is suitable to work with children.

The School will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies will be discussed with the candidate.

Criminal Records Policy

The School will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education 2021' and any amended version in carrying out the necessary required DBS checks.

The School complies with the provisions of the DBS Code of Practice, a copy of which may be accessed here: <https://www.gov.uk/government/publications/dbs-code-of-practice>

Recruitment of Ex-Offenders

Please see Appendix A sent out to all short-listed applicants.

Retention and Security of Records

As an organisation using the Disclosure and Barring Service to help assess the suitability of applicants, Thornton College complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information, and has identified these matters within this policy, which is available to those who wish to see it on request.

Disclosure information is kept on file within the Bursar's office and is always kept separately and securely, with access strictly controlled and limited to those who are entitled to see it as part of their duties. In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties, which is restricted to the Executive Team and Trustees where appropriate, and we recognise that it is a criminal offence to pass this information on to anyone not entitled to receive it.

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Disclosure information is kept for six months, to allow for the consideration and resolution of any disputes or complaints. If there were a requirement to keep Disclosure information in excess of this period we would consult with the DBS and give full consideration to the Data Protection and Human Rights individual subject before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Disposal of information after the six-month period will be shredded by the Bursar. We will not keep photocopies or images of any Disclosure information after this period. Notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested and the unique reference number of the Disclosure and the details of the recruitment decision taken.

Checks for Supply Agency Staff

Agency staff are invariably invited for formal interview with the Headteacher. At interview they will be asked for photographic ID, copies of their qualifications and a copy of their latest DBS check. The agency is requested to provide confirmation that all relevant checks have been appropriately completed. This is the responsibility of the Head's PA. Details of these checks are kept on file by the Head's PA. No supply teacher can commence employment at the School unless all satisfactory clearance has been completed.

Peripatetic Staff

Peripatetic music staff are not employees of the School but contract their services to the School, charging directly to the parents from school. These staff have close access to children in one to one lessons. Therefore Thornton College ensures that a DBS check is completed by the school once a contract is agreed with them. As good practice, the School has recently decided to renew DBS checks every 3 years for these individuals. All peripatetic staff are required to have Public Liability Insurance in place for a minimum of £1M. A copy of their DBS is held by the Estates Manager who manages contractors.

Checks all other Non – Employees

Please refer to the section in our H&S Policy.

For all portable DBS certificates, a check is undertaken in place of a DBS, by the Finance Team, by logging onto <https://secure.crbonline.gov.uk/crsc/check?execution=e1s1>. A copy of the DBS certificate is taken, copies of photographic ID presented and the print out confirming that the DBS check is current. This is then placed on with the personnel file for employees in the Bursar's office, or held by the Estates Manager for Contractors or volunteers.

Governors/Trustees

Governors are recruited independently by the Trustees. A DBS check is completed for Governors, as soon as is reasonably practicable, by the Bursar; their ID is checked during this process. The position is logged as "Independent School" to ensure that any prohibition of management is checked. Until the DBS check is complete no Governor will be given access to children and they are accompanied at all times when in school. Copies of Governors DBS and ID is held by the Bursar, who is Clerk to the Governors.

Information on Disqualification and policy on the Recruitment of Ex-Offenders

Childcare (Disqualification) Regulations 2009

For adults who work in, or are involved in the management of, (i) EYFS or (ii) out of hours care for children up to the age of 8.

The school is required by the above regulations to ensure that no adults work at the school, or with children who attend the school, who are disqualified from working with children under the terms of the above act. From July 2018, an exemption means that the school is no longer required to obtain a declaration that relevant staff are disqualified by association. The exemption relieves non-domestic settings from the requirement to obtain a declaration on this point.

For further information, please refer to statutory guidance on the legislation, available here; https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414345/disqualification-guidance_Feb_15_3_.pdf. Tables A and B in this document provide details of the relevant offences and orders.

Key legislation and guidance:

Key legislation and guidance which you can request from your Designated Safeguarding Lead that could mean that you are a 'Disqualified Person' include:

1. Childcare Act 2006: sections 75 and 76 ("The 2006 Act")
2. The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.
3. Disqualification under the Childcare Act 2006: Statutory Guidance published in July 2018 ("The July 2018 Statutory Guidance"): specifically Table A which sets out the relevant offences.

Are you disqualified from working here?

A person may be disqualified ("Disqualified Person") pursuant to the 2009 Regulations because:

- they are on the Children's Barred List (for which the school/academy will carry out a Disclosure and Barring System check);
- they have been cautioned for or convicted of certain violent and sexual criminal offences against children and adults;
- there are grounds relating to the care of children (including where an order is made in respect of a child under a person's care, including their own children);
- they have had registration refused or cancelled in relation to childcare or children's homes or been disqualified from private fostering;
- They have committed an offence overseas, which would constitute a disqualifying offence under the 2018 Regulations had the offence been committed in the United Kingdom.

What we cannot ask for from you:

The February 2015 Statutory Guidance states that:

- We must not knowingly employ a person who is a Disqualified Person

- We should not ask for medical records, details about convictions of household members, DBS certificates from third parties, or copies of a person's criminal record.
- We should not ask staff or third parties to make requests for any person's criminal records, as this will amount to an enforced subject access request and is an offence under section 184 of the Data Protection Act 2018.
- We should not ask for medical records, details about unrelated or spent convictions of household members, DBS certificates from third parties, or copies of a person's criminal record.
- We should not ask staff or third parties to make requests for any person's criminal records, as this will amount to an enforced subject access request and is an offence under section 184 of the Data Protection Act 2018.
- We should not store data about household members without their consent.
- Substantive details of criminal record checks should not be retained and information that is not relevant should be destroyed.

What to do if you are a disqualified person

Declare how and why you are disqualified to your Designated Safeguarding Lead immediately.

It is a criminal offence for a Disqualified Person to be involved in childcare in any of the categories set out above.

Can I apply for a waiver from disqualification?

Only the Disqualified Person can apply to Ofsted for a waiver, we cannot do it on your behalf.

Your on-going obligation

You must notify the Designated Safeguarding Lead immediately of anything that affects your qualification to work in the school, including any future cautions, warning, convictions, orders or other determinations made in respect of you or of a member of your household that would disqualify you pursuant to the 2018 Regulations.

You have an **ongoing obligation** to report to the Designated Safeguarding Lead if you become a Disqualified Person (or have reason to believe that you may be a Disqualified Person) at any stage during your employment.

Disclosure & Vetting

Thornton College is committed to safeguarding and promoting the welfare of children and this position will be subject to an Enhanced DBS and barred list check by the Disclosures and Barring Service. This post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020.

Upfront disclosure of a criminal record may not debar a candidate from appointment as the School shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Headteacher & Bursar. If candidates would like to discuss this beforehand, they are asked to please telephone in confidence to the Headteacher or Bursar for advice.

Any unspent convictions, adult cautions, reprimands or warnings must be disclosed to the School. However amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and

adult cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

[Please note that this should include any information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in any other country or where convicted. Cautions given to under 18s should not be legally disclosed.]

The successful applicant will be required to complete an online Enhanced Disclosure Application from the Disclosure and Barring Service ("DBS") for the position.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website and on the websites of the charities NACRO and UNLOCK. You are encouraged to seek independent, confidential advice on which cautions and conviction you must disclose.

Policy on Recruitment of Ex-Offenders

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

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

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

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

- the School receives an application from a disqualified person;

- is provided with false information in, or in support of an applicant's application; or
- the School has serious concerns about an applicant's suitability to work with children.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the 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 convicted person.

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

If the post involves access to money or budget responsibility, it is the 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.

As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Thornton College complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

Thornton College is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background in line with our Equal Opportunities Policy.

This written policy on the recruitment of ex-offenders, is made available to all DBS applicants at the outset of the recruitment process.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.

An Enhanced DBS check is requested for all staff employed at the School as all staff will have the opportunity of one to one access to children. All application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

We encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within Thornton College and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows Thornton College to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those in Thornton College who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We make every subject of a DBS check aware of the existence of this policy.

We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.