

# NP14.4 Recruitment, Selection and Disclosure Policy

This policy applies to the whole school including EYFS at Newton Prep

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## Introduction

Newton Prep (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* (1 September 2023) (**KCSIE**), *Disqualification under the Childcare Act 2006* (**DUCA**) (updated September 2018), the Prevent Duty Guidance for England and Wales (2015, as most recently updated 1 April 2021 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

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## 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 (DBS) and the Teaching Regulation Agency (**TRA**) (previously known as the National College for Teaching and Leadership (**NCTL**)). 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 Staff Privacy Notice.

## Recruitment and selection procedure

### Advertisement

All adverts must carry the following information:

- "Newton Prep is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment."
- The safeguarding responsibilities of the post as per the job description and personal specification.
- Applicants will be required to undergo child protection screening appropriate to the post, including checks with past employers and the Disclosure and Barring Service (DBS). The School carries out online searches on all successful candidates.
- The post is exempt from the Rehabilitation of Offenders Act 1974 and the School is therefore permitted to ask job applicants to declare all convictions and cautions on a self-declaration form in advance of attending an interview (including those which are "spent" unless they are "protected" under the DBS filtering rules) in order to assess their suitability to work with children.
- We are an equal opportunity employer. All applicants will be considered for employment without attention to race, colour, religion, sex, sexual orientation, gender identity, national origin, veteran or disability status.

### Application

All applicants for employment will be required to complete an **application form** containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. The information provided by the candidate should be checked against references subsequently received, and any discrepancies taken up with the candidate. A curriculum vitae will not be accepted in place of the completed application form.

Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, person specifications, this policy and the School's Safeguarding and Child

Protection Policy and Procedures are available to download from the School's website and can be printed and forwarded to applicants on request.

## Online searches

**In addition to the pre-employment checks set out below, the School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. In accordance with paragraph 221 of KCSIE, this will include online searches on all successful candidates. Online searches are described in more detail in Annex 2.**

## 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.

## Shortlisting

The School will then 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 usually be conducted by two members of staff who will ideally also be involved in the interview process.

## References

References will usually be taken up on shortlisted applicants prior to interview. References may however be taken up after interview by exception / agreement. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

All offers of employment will be subject to and conditional upon the receipt of a minimum of two references which are considered satisfactory by the School. One of the references must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second or subsequent reference(s) should be from the employer with whom the applicant most recently worked with children. References ideally should be from a senior person with appropriate authority (in a position to be aware of issues), not usually just a colleague. References should not be a relative or someone who is known to the applicant solely as a friend. Any information provided directly by the candidate will be verified. The School will verify that electronic references originate from a legitimate source.

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 for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title/duties, reason for leaving, performance, 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 unsubstantiated, unfounded, false or malicious;
- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" below).

(\*questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made)

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

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

If it has not been possible to obtain a reference prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the School. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.

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.

The School may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

All references received from a school must be countersigned by the Head of that school.

Suitability references should also be sought for internal candidates. Internal references are permissible where appropriate. Inspectors may accept that it may sometimes be more instructive, where appropriate, to enquire of current colleagues (senior – see below) whether they have any suitability concerns, particularly where colleagues from former employers are un-contactable due to passage of time.

## Interview

Shortlisted applicants will be invited to attend a **formal interview** at which their skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children.

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.

## Offer of employment

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

- the agreement of a mutually acceptable start date and the signing of a contract; incorporating the School's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- the School being satisfied that any information generated through online searches does not make the applicant unsuitable to work at the School;
- verification of qualifications, whether professional or otherwise, which the School takes into account in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not;
- verification of the applicant's employment history;
- the receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory (see References section above);
- for positions which involve "teaching work": whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (TRA) which renders them unable or unsuitable to work at the School;
- for applicants, for teaching positions, who have worked as a teacher outside of the UK evidence from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher which confirms that they are not subject to any sanctions or restrictions and that there are no concerns over their suitability to work as a teacher. The School retains all evidence of its attempts to obtain this information from the professional regulating authority of the teaching profession in the country / countries. The applicant should provide evidence to the School if they are unable to obtain the required information from a professional regulating authority. The School will then consider whether they are suitable to commence work at the School on the basis of that evidence and all other information obtained during the recruitment process.
- Following the departure of the UK from the EU, from 1st January 2021, the Teaching Regulation Agency (TRA) no longer maintains a list of EEA teachers with sanctions. The School therefore asks teachers to provide a **letter of professional standing** from the organisation responsible for regulating teachers in the country in which they qualified. The European Economic Area Checks are also referred to as EEA checks. EEA checks whether a teacher who has trained or worked in the European Economic Area (EEA) has received any restrictions to their teaching. EEA covers all the countries of the EU, plus Iceland, Liechtenstein and Norway. The EEA check, if required, is completed and recorded on the Single Central Record (SCR); where the position amounts to "regulated activity" (see Page 11) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- where the position amounts to "regulated activity" (see Page 11) confirmation that the applicant is not named on the Children's Barred List\*;
- information about whether the applicant is, or has ever been, subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School;
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School;
- the receipt of a completed self-declaration form confirming whether they are disqualified from working in connection with early or later years provision for children under the age of eight (if applicable, see Page 15);

- the receipt of a completed self-declaration form confirming whether they are disqualified from acting as a trustee / governor or senior manager of a charity under the Charities Act 2011 (if applicable, see Page 15);
- verification of the applicant's medical fitness for the role (see Page 18);
- verification of the applicant's right to work in the UK; and
- any further checks which the School decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check or certificate of good conduct and may include professional references.

\*The School is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

Whether a position amounts to "regulated activity" must therefore be considered by the School in order to decide which checks are appropriate. It is however likely that in nearly all cases the School will be able to carry out an enhanced DBS check and a Children's Barred List check.

## Pre-employment checks

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the ISSRs the School carries out a number of pre-employment checks in respect of all prospective employees.

In fulfilling its obligations to carry out pre-employment checks the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, gender reassignment, disability or age.

## 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 identity, right to work in the UK, address and qualifications, as set out below and in the list of valid identity documents at Annex 1 (these requirements comply with DBS identity checking guidelines).

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.

**Identity and address:** all applicants must bring with them to interview, original documents which evidence their identity and address as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

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



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

The School asks for the date of birth of all applicants in order to verify identity and check for any unexplained discrepancies in the employment and education history. The School does not discriminate on the grounds of age.

**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':

<https://www.gov.uk/government/publications/right-to-work-checklist/employers-right-to-work-checklist-accessible-version> and in some cases the evidence of your right to work in the UK can also be used as evidence of your identity and address for DBS identity checking purposes.

In compliance with the School's "preventing illegal working policy", the School will also write to applicants in advance of the interview to confirm what evidence of their right to work in the UK they will need to bring to interview.

The School will check evidence of your right to work in the UK in accordance with the Home Office 'Code of Practice on preventing illegal working: 6 April 2022 which can be found here

<https://www.gov.uk/government/publications/illegal-working-penalties-codes-of-practice-for-employers/code-of-practice-on-preventing-illegal-working-in-force-from-6-april-2022-accessible-version>

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

**Retention of records:** the School will retain copies of the documents used to verify candidates' identity, right to work, and qualifications in accordance with the Information and Records Retention policy.

### Criminal records check

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

### 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. The filtering rules developed by the DBS and the Home Office designate certain spent convictions and cautions as "protected". "Protected" convictions and cautions are not included in a DBS certificate and job applicants are not required to disclose them during the recruitment process. It is unlawful for an employer to take into account a conviction or caution that should not have been disclosed. If a

protected conviction or caution is inadvertently disclosed to the School during the recruitment process it must be disregarded when making a recruitment decision.

A conviction will always be disclosable if it was imposed for a "specified offence" committed at any age. A caution issued for a "specified offence" committed over the age of 18 will always be disclosable. However, a caution issued for a "specified offence" committed under the age of 18 is never disclosable. "Specified offences" are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults. The list of "specified offences" can be found at:

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

The filtering rules have recently been updated and work as follows:

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

A spent criminal conviction for an offence committed in the United Kingdom when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by the job applicant) if:

- A. eleven years have elapsed since the date of the conviction;
- B. it did not result in a custodial sentence; and
- C. it was not imposed for a "specified offence".

A spent caution for an offence committed when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- A. six years have elapsed since the date it was issued; and
- B. it was not issued for a "specified offence".

### For those aged under 18 at the time of an offence

A spent conviction for an offence committed when a person was under the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- A. five and a half years have elapsed since the date of the conviction;
- B. it did not result in a custodial sentence; and
- C. it was not imposed for a "specified offence".

A caution issued for an offence committed when a person was under the age of 18 will never be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant).

## 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 the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List

and to obtain other relevant suitability information. Any position undertaken at, or on behalf of the School will amount to "regulated activity" if it is carried out:

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

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

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

## The DBS disclosure certificate

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School within two weeks of it being received by the applicant. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the School should be arranged with the HR Manager as soon as it has been received. Applicants who are unable to attend at the School to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to the HR Manager. Where a certified copy is sent, the original disclosure certificate must still be provided prior to or on the first working day.

Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

## Starting work pending receipt of the DBS disclosure

If there is a delay in receiving a DBS disclosure the Head has discretion to allow an individual to begin work pending receipt of the disclosure certificate, subject to appropriate safeguards determined through a risk assessment which are regularly communicated and reviewed. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place. Appointments will only be confirmed once the required certificates have been received to the satisfaction of the School, and a note will be made on the single central register. Evidence will be kept of the safeguarding measures put in place.

## Applicants with periods of overseas residence

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. The School will take into account the "DBS unusual addresses guide" in such circumstances.

For applicants who are living overseas, or who have lived overseas previously, obtaining a DBS certificate may be insufficient to establish their suitability to work at the School. In such cases the applicant will be required to provide additional information about their suitability from the country (or countries) in which they have lived. 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 five years in which the applicant has lived including their country of origin.

When requesting such information the School has regard to relevant government guidance and will therefore always require the applicant to apply for a formal check from the country in question i.e. a criminal records check (or equivalent) or a certificate of good conduct.

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.

In addition, where an applicant for a teaching position has worked as a teacher outside of the UK, the School will ask the applicant to obtain from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher, evidence which confirms that they have not imposed any sanctions or restrictions on the applicant and that they are not aware of any reason why the applicant may be unsuitable to work as a teacher. The School will also ask shortlisted applicants (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work.

Sanctions and restrictions issued by the regulating authority of another country will not prevent a person from working as a teacher at the School. However, the School will take all relevant information into account in determining whether an applicant is suitable to work at the School.

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 may allow an applicant to commence work if they are considered suitable based on all of the information that has been obtained during the recruitment process.

The School will take proportionate risk based decisions on a person's suitability in these circumstances. All suitability assessments must be documented and retained on file.

Although the School is permitted some professional discretion as to the nature of the 'further checks' sought it is required to have regard to the government's guidance. From time to time the Home Office publishes guidance on [criminal records checks](#) for overseas applicants (last updated October 2023) and revised [guidance on recruiting teachers from overseas](#) (last updated December 2023), including the high potential individual visa route, an explanation of visa costs for schools, more detailed safeguarding guidance and information about checking the right to work and remote interviewing of candidates; this guidance must be taken into account.

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.

## Prohibition from teaching check

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

Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the Teaching Regulation Agency (or other equivalent body), whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

The School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012, which states that the following activities amount to "teaching work":

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

'Delivering' includes delivering lessons through distance learning or computer-aided techniques. The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the Head. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches.

In addition, where an applicant has carried out teaching work outside of the UK the School will ask the applicant (and their referees) whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work. The existence of any sanctions issued by regulators of the teaching profession in EEA countries using the TRA Teacher Services system is no longer possible. The TRA Teacher Services system no longer maintains a list of those teachers who have been sanctioned in EEA member states.

## Prohibition from management check

The School is required to check whether applicants (including internal applicants) for management positions are 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.

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

- Head;
- all staff on the senior leadership team (including non-teaching staff);

- teaching positions with departmental headship;
- teaching positions with departmental headship; proprietors; and
- the School will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support staff roles which carry additional responsibilities.

All individuals who are appointed to the School Council will be subject to a section 128 direction check.

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 Teaching Regulation Agency Teacher Services system. The School will use either, or both, methods to obtain this information.

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.

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 or not 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.

## Disqualification from acting as a charity trustee or senior manager

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.

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. In an independent school the trustees will typically be 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.

As a proprietorial school, Newton Prep is not covered by the Charities Act 2011 but the proprietor has decided to adopt as 'best practice' similar rules for the School. Consequently, at the School the disqualification rules will be applicable to all members of the School Council, the Head, Bursar and potentially other senior staff who report either directly or indirectly to the proprietor.

There is no single list or register that covers all of the disqualification criteria and the School therefore adopts a pragmatic approach to checking whether a person is disqualified. This is achieved by the use of a self-declaration form and the checking of relevant publicly accessible registers.

All those who are covered by the disqualification rules are required to complete a self-declaration form to confirm whether, to the best of their knowledge, they are subject to any of the disqualification criteria.

A failure to disclose relevant information, or the provision of false information, which subsequently comes to the School's attention may result in the termination of an appointment as a member of the School Council or senior manager or the withdrawal of an offer of employment.

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 member of the School Council or senior manager.

## Childcare disqualification

The Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 state that it is an offence for the School to employ anyone in connection with our early years provision (**EYP**) or later years provision (**LYP**) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP.

### Definitions

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

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

### Relevant roles

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

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

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

### Grounds for disqualification

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

- having been cautioned (after 6 April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;
- various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;
- having been refused an application for registration of a children's home or having had any such registration cancelled; or
- having been prohibited, restricted or disqualified from private fostering.

## Self-Declaration Form

All applicants to whom an offer of employment is made to carry out a relevant role in EYP or LYP will be required to complete a Self-Declaration Form confirming whether they meet any of the criteria for disqualification under the Regulations.

The School will decide whether a role is relevant and within the scope of EYP or LYP by having regard to the guidance in DUCA. Employment with the School in any relevant role will be conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified.

The School cannot permit any person who is currently disqualified to start work in a relevant role. The School also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the School, any information disclosed in the Self-Declaration Form renders that person unsuitable to work at the School.

Applicants who have any criminal records information to disclose about themselves, must also provide the following information:

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

**Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see Page 9).**

**For the avoidance of doubt the School does not require applicants to request any criminal records information directly from the DBS. The School only requires applicants to provide relevant information about themselves "to the best of their knowledge".**

## Waiver of a disqualification

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



## Retention of disqualification information

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

## Continuing duty to disclose change in circumstances

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

## Medical fitness

The School is legally required to verify the medical fitness of anyone to be appointed to a post at the School, after an offer of employment has been made but before the appointment can be confirmed. Medical fitness includes both physical and mental health.

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

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. If an applicant prefers to discuss this with the School instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the Bursar so that appropriate arrangements can be made.

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

## Contractors and agency staff

The School must complete the same checks for contractors (and their employees) undertaking regulated activity at the School as it does for its own employees. The School requires written confirmation from the contractor that it has completed these checks on all of those individuals whom it intends will work at the School before any such individual can commence work at the School. In respect of the enhanced DBS check, the school must ensure that written notification

confirms the certificate has been obtained by either the contractor or agency. Newton Prep requires all contractors and agency staff to be registered to the Update Service.

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 written confirmation that these checks have been completed before an individual can commence work at the School.

The School will independently verify the identity of individuals supplied by contractors or an agency as set out on Page 8 and requires the provision of the DBS disclosure certificate before those individuals can commence work at the School.

Self-employed contractors should generally be checked by their professional associations, or where they cannot be, by the School. Identity checks are carried out as usual. The School encourages self-employed contractors to subscribe to the DBS update service as it enables the school to check whether there has been any change to the information recorded since the DBS certificate was issued and to determine whether it is necessary to apply for a new certificate.

## Volunteers

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

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

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

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

In addition, the School will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This will be on the basis of a risk assessment in relation to the person, the work, the vulnerability of the children, other information known and the situation. This may include (but is not limited to the following):

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

## Visiting speakers and the Prevent Duty

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

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

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

The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and / or permit a speaker to attend the School. In doing so the School will always have regard to the Visitor Procedure, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

*"Extremism" is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the armed forces.*" In fulfilling its Prevent Duty obligations the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, gender reassignment, disability or age.

## Policy on recruitment of ex-offenders

### 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 (see Page 10).

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.

## 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.

This list is not exclusive.

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 or dangerous driving within the last ten years.

## Assessment procedure

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

## Retention and security of disclosure information

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

In particular, the School will:

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

## Retention of records

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

This documentation will be retained by the School for the duration of the successful applicant's employment with the School in accordance with our Data Protection Policy and Privacy Notice for Staff. It will be retained in accordance with the School's retention of records guidelines after employment terminates.

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

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

## Whistleblowing and exit interviews

All staff are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the School's policies (including the Whistleblowing Policy, the Safeguarding and Child Protection Policy and the Staff Code of Conduct). All staff receive training so that they understand the School's expectations. Safeguarding children is at the centre of the School's culture and is accordingly considered formally during staff performance development reviews and appraisal.

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

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.

## Queries

If an applicant has any queries on how to complete the application form or any other matter they should contact the HR Manager on 020 7720 4091 extn. 1254 or [HRManager@newtonprep.co.uk](mailto:HRManager@newtonprep.co.uk).

## Accessing the Policy

This policy is also available in various formats to allow everyone to access it. Please contact the Bursar to request a copy of this policy in an alternative form.

## Review and Update Process

<b>Last update</b>	November 2023
<b>Next update</b>	October 2024

## Annex 1 List of valid identity documents (Dec 2023)

### Group 1: Primary identity documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence photocard - (full or provisional)	UK, Isle of Man, and Channel Islands. From 8 June 2015, the paper counterpart to the photocard driving licence will not be valid and will no longer be issued by DVLA
Birth certificate - issued within 12 months of birth	UK, Isle of Man, and Channel Islands - including those issued by UK authorities overseas, for example embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands



**Group 2a: Trusted government documents**

Document	Notes
Current driving licence photocard - (full or provisional)	All countries outside the UK (excluding Isle of Man and Channel Islands)
Current driving licence (full or provisional) - paper version (if issued before 1998)	UK, Isle of Man, and Channel Islands
Birth certificate - issued after time of birth	UK, Isle of Man, and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
Immigration document, visa, or work permit	Issued by a country outside the UK. Valid only for roles whereby the applicant is living and working outside of the UK. Visa/permit must relate to the non-UK country in which the role is based
HM Forces ID card	UK
Firearms licence	UK, Isle of Man, and Channel Islands

All driving licences must be [valid](#).

**Group 2b: Financial and social history documents**

Documents	Notes	Issue date and validity
Mortgage statement	UK	Issued in last 12 months
Bank or building society statement	UK and Channel Islands	Issued in last 3 months
Bank or building society statement	Countries outside the UK	Issued in last 3 months - branch must be in the country where the applicant lives and works
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK	Issued in last 3 months
Financial statement, for example pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months

Council Tax statement	UK and Channel Islands	Issued in last 12 months
Letter of sponsorship from future employment provider	Non-UK only - valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK - not mobile telephone bill	Issued in last 3 months
Benefit statement, for example Child Benefit, pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, for example from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EEA National ID card		Must still be valid
Irish Passport Card	Cannot be used with an Irish passport	Must still be valid
Cards carrying the PASS accreditation logo	UK, Isle of Man, and Channel Islands	Must still be valid

Letter from head teacher or college principal	UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided	Must still be valid
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## Annex 2 Online Searches

The School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. In accordance with paragraph 221 of KCSIE (2023) this will include online searches on all successful candidates.

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 are carried out 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.

All applicants for a role at the School will be treated consistently with regard to online searches.

Wherever possible online searches will be undertaken by a person who will play no other part in the recruitment process. 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).

Where online searches are undertaken on the successful applicant, relevant information generated will be discussed prior to employment commencing. All offers of employment will be conditional upon the School being satisfied that the successful applicant is suitable to work at the School in light of any information generated from online searches.

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.

The School will retain information generated through online searches for the duration of the individual's employment and in accordance with its Information and Records Retention Policy after employment ends.

Online searches are not required to be recorded on the SCR. The School will evidence the carrying out of these checks via the completed 'Online Profile Report' which will be placed on staff files.