



SAFER RECRUITMENT POLICY

Policy Custodian: *Bursar*

Approving Governors Committee: *Full Governing Body*

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Merchant Taylors' School Recruitment, Selection and Disclosure Policy and Procedure

This policy applies to all staff. The definition of staff is: Any person working at the School whether under a contract of employment (including teaching and support staff), under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer.

1 Introduction

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

The aims of the School's Safer 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, 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 (2 September 2024) (**KCSIE**), Disqualification Under the Childcare Act 2006 (**DUCA**) the Prevent Duty Guidance for England and Wales **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy. At least one member of every interview panel is to have completed 'Safer Recruiting' training.

2 Data protection

The School is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to the School to enable the School to carry out the checks that are applicable to their role. The School will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the

- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by, a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School;
- where the position amounts to “regulated activity” (see section 5.4.2 below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- where the position amounts to "regulated activity" (see section 5.4.2 below) 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;
- confirmation that the applicant is not disqualified from acting as a trustee

5.1 Online searches

In addition to the checks set out below, the School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. In accordance with paragraph 226 of KCSIE this will include online searches on shortlisted candidates (**online searches**). Online searches may be carried out at the shortlisting stage or after an offer of employment has been made (but prior to work commencing). The School will not carry out online searches as part of its initial sift of applications.

The online searches the School carries out may include searches of internet search engines, websites and social media platforms. Applicants are asked in the application form to provide details of their online profile, including account names, social media and professional networking site handles and details of websites on which the applicant is featured or named. This information will be used to carry out online searches. 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 publically 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. Confirmation of employment will be subject to a signed disclosure, confirming that they are not aware of any online information that could impact negatively on their employment at Merchant Taylors' School.

Wherever possible online searches will be undertaken by a person who will play no other part in the recruitment process (including the shortlisting exercise) or the appointment decision. 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;

For unsuccessful candidates, the School retains the information generated from online searches for six months from the date on which they are informed their application was unsuccessful, after which it will be securely destroyed.

5.2 Verification of identity, address, right to work in the UK and qualifications

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

The School asks for this information at interview to ensure that the person attending 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

(*applicants must always provide their birth certificate as one form of identity unless there is good reason why this cannot be provided).

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 the 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

5.3 References

References will be taken up on short listed applicants for teaching positions prior to interview where possible. References for support staff will be taken following an offer and acceptance of a role.

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 the receipt of a minimum of two references which are considered satisfactory by the School. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

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

written reference provided.

The School treats all references given or received as confidential, which means that the applicant will not usually be provided with a copy.

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

All internal candidates who apply for a new role at the School will have their application assessed in accordance with this procedure. References may be taken up on internal candidates as part of the application process and can be provided by colleagues as the School will be the most recent employer and will previously have taken up references from past employers.

5.4 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.

5.4.1 DBS filtering rules

With effect from 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. 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

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 “specific 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 conviction; and
- (b) it did not result in a custodial sentence.
- (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).

5.4.2 Regulated activity

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

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

5.4.4 Starting work pending receipt of the DBS disclosure

If there is a delay in receiving a DBS disclosure the Head/Bursar has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed, appropriate supervision has been put in place, and a risk assessment is written. This will be reviewed every two weeks until the DBS certificate arrives.

5.4.5 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.

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 by the School.

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 such circumstances. All suitability assessments must be documented and retained on file.

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

5.5 Prohibition from teaching check

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.

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.

5.6 Prohibition from management check

The School is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from 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;

- teaching posts on the senior leadership team;
- teaching posts which carry a departmental head role; and
- support staff posts on the senior leadership team;
- 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 governing body will be subject to a section 128 direction check.

The relevant information is contained in the enhanced DBS disclosure certificate (which the School

5.7.3 Self-declaration

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 governor or senior manager or the withdrawal of an offer of employment and may also amount to a criminal offence.

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

5.7.4 Checks by the School

To ensure that it has accurate and up to date information the School will also check the following registers in respect of each governor and senior manager who is already in post or is appointed in future:

- (a) the Bankruptcy and Insolvency Register;
- (b) the register of disqualified directors maintained by Companies House; and
- (c) and the register of persons who have been removed as a charity trustee.

5.7.5 Waiver

A person who discloses that one or more of the disqualification criteria is applicable to them may apply to the Charity Commission for a waiver of the disqualification.

The School may at its absolute discretion withdraw an offer of employment for a senior manager or cease or terminate an appointment to the governing body if a waiver application becomes necessary or is rejected by the Charity Commission. The School is under no obligation to await the outcome of a Charity Commission waiver application before taking such action.

5.8 Childcare disqualification

The Childcare Act 2006 (the **Act**) and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (the **Regulations**) 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.

5.8.1 Definitions

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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.

5.8.2 Relevant roles

Roles which will be covered by the Regulations are teaching and teaching

employment if, in the opinion of the School, any information disclosed renders that person unsuitable to work at the School.

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 School's HR Office 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.

6 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 all 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.

Agencies who supply staff to the School must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires confirmation 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 in accordance with section 5.2 above and requires the provision of the DBS disclosure certificate before those individuals can commence work at the School.

7 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 in section 5.4.2 above will be applied to all volunteers).

Where volunteers are not in regulated activity, a decision will be made about the need for required, discretionary checks on the basis of an informal risk assessment in relation to the person, the work, the vulnerability of the children and the situation. 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 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.

8 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 visitor's

- 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.

9.2 Assessment criteria

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10 Referrals to the DBS and Teaching Regulations Agency

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

- an individual has applied for a position at the School despite being barred from working with children; and / or
- an individual has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

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

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

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

11 Queries

If an applicant has

Appendix 1 List of valid identity documents

Group 1: primary trusted identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence (photocard; full or provisional; UK / Isle of Man / and Channel Islands)
- birth certificate issued within 12 months of birth (UK /Isle of Man/ 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 / state issued documents

- current driving licence (photocard – full or provisional – all countries outside the UK excluding Isle of Man and Channel Islands)
- current driving licence paper version if issued before 1998 – full or provisional (UK/ Isle of Man and Channel Islands)
- birth certificate issued after time of birth (UK/ Isle of Man /Channel Islands)
- marriage

Group 2b: Financial and social history documents

- mortgage statement (UK)**
- bank / building society statement (UK and Channel Islands)*
- bank/building society statement (countries outside the UK)*
- bank / building society account opening confirmation letter (UK)*
- credit card statement (UK)*
- financial statement ** e.g. pension or endowment(UK)**
- P45 / P60 statement **(UK and Channel Islands) **
- council tax statement (UK and Channel Islands) **
- letter of sponsorship from future employment provider (non UK only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)
- utility bill (UK;* not mobile telephone bill)*
- benefit statement* e.g. child benefit, pension (UK)*
- a document from central or local government/ government agency / local council document giving entitlement e.g. from the Department for Work and Pensions, the Employment Service, HM Revenue & Customs (UK and Chanel Islands)*
- EEA national ID card (must be valid at time of application)
- Irish passport card (cannot be used with an Irish passport; must be valid at time of application)
- cards carrying the PASS accreditation logo (UK, Isle of Man and Channel Islands; must be valid at time of applications)
- letter from Head teacher or College Principal (UK; for 16-19 year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application)

Note

If a document in the list of valid identity documents is:
denoted with * - it should be less than three months old
denoted with ** - it should be less than 12 months old

Bursar
September 2024
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