



Recruitment, Selection and Disclosure Policy and Procedure

1. Introduction

Cheltenham College 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. College is also committed to providing a supportive and flexible working environment to all its members of staff. College 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 terms 'Cheltenham College' or 'College' shall include Cheltenham College Senior School, Cheltenham College Preparatory School, Cheltenham College's Trading Subsidiaries and Cheltenham College Charitable Trust as appropriate.

The aims of College'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 by reason of a protected characteristic as defined within the Equality Act 2010
- To ensure compliance with all relevant prevailing legislation, recommendations and guidance
- To ensure that College meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks

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

2. Recruitment and selection procedure

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.

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

Vacancies advertised on the College website and on other websites (for example the TES) or in hard copy will make clear that all roles carry a commitment and responsibility for safeguarding children. In addition, applicants for all posts at College will receive a job description and person specification for the role.

Application forms, job descriptions, person specifications, the Privacy Notice for Staff and the College's Child Protection and Safeguarding Policy are available to download from the College website.

The applicants may then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail.

The interview panel will include a member of staff who has been through formal Safer Recruitment training. Interviewers must use a selection of the safer recruitment questions provided by Human Resources and return their responses to that department.

A detailed flowchart is available for staff on the College Digital Zone. The steps followed are normally as follows:



If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following (where not previously verified):

- The agreement of a mutually acceptable start date and the signing of a contract incorporating College's standard terms and conditions of employment;
- Verification of the applicant's identity;
- The receipt of two references which College considers to be satisfactory (see further detail below);
- For teaching positions, confirmation that the applicant is not subject to a prohibition order (or any similar restriction) issued by the Secretary of State;
- Where the position amounts to "regulated activity" (see below) the receipt of an enhanced disclosure from the Disclosure and Barring Service (DBS) or check on the DBS Update Service which College considers to be satisfactory;
- Where the position amounts to "regulated activity" (see below) confirmation that the applicant is not named on the Children's Barred List;
- Where the successful candidate will be taking part in the management of College, confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008. This applies to Council, Senior Leadership Teams (including the Bursar's Team) and teaching heads of department;
- Where the successful candidate will be involved in childcare or early years provision, receipt of a signed Staff Suitability Declaration from showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance 'Disqualification under the Childcare Act 2006 (July 2018)' (if applicable, see section 5 below);
- For applicants to the post of Head or Bursar, receipt of a signed 'senior charity manager positions: automatic disqualification declaration' confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities;
- Verification of the applicant's medical fitness for the role (see below);
- Verification of the applicant's right to work in the UK;
- Any further checks which are necessary as a result of the applicant having lived or worked outside of the UK (including an EEA check using the Teaching Regulation Agency if appropriate to the role and an overseas police check in the country where the applicant has previously resided); and
- Verification of professional qualifications which College deems a requirement for the post, or which the applicant otherwise cites in support of their application.

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

The Secretary of State is able to make directions prohibiting individuals from

taking part in independent school management under section 128 of the Education and Skills Act 2008. Keeping Children Safe in Education states that:

"management" may include individuals who are members of proprietor bodies (including governors if the governing body is the proprietor body for the school), and such staff positions as follows: head teacher, any teaching positions on the senior leadership team, and any teaching positions which carry a department headship. Whether other individuals such as teachers with additional responsibilities could be prohibited from 'taking part in management' depends on the facts of each case.

College is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity".

College is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, College 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 that would amount to regulated activity if carried out more frequently.

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

3. Medical Fitness

College 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.

It is College's practice that all applicants to whom an offer of employment is made must 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.

Should the candidate declare any health issues, or feel otherwise unable to declare their medical fitness, then they will be invited to have a further discussion and potentially a more detailed assessment with College's independent occupational health providers.

If College has any doubts about an applicant's fitness it will seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment. College will consider reasonable adjustments in consultation with the applicant.

If an applicant prefers to discuss this with College instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the HR Department so that appropriate arrangements can be made.

College 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.

4. Pre-employment checks

In accordance with the recommendations set out in the prevailing legislation, College carries out a number of pre-employment checks in respect of all prospective employees.

4.1 Verification of identity and address

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 provided by the DBS identity checking guidelines (available from the HR Department):

- One document from Group 1 (for example a valid passport, biometric residence permit, current driving license photo-card, birth certificate or adoption certificate); and
- Two further documents from either of Group 1, Group 2a (trusted government documents) or Group 2b (financial and social history documents), 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.

College requires that you must show at least one form of identification that has a photo to confirm your identity and that you provide your original birth certificate or certified copy.

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.

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

4.2 References

References will be taken up on short-listed candidates prior to interview. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made. If the candidate does not wish College to take up references in advance of the interview, they should notify College at the time of applying and further consent will then be sought before contacting the referees.

All offers of employment will be subject to the receipt of a minimum of two references that are considered satisfactory by College. One of the references

must be from the applicant's current or most recent employer. If the current or most recent employment does not/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 may also be asked to confirm the following:

- The applicant's dates of employment, salary, job title / duties, reason for leaving, performance 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 false, unsubstantiated or malicious;
- Whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious;

College 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.

College 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.

College may at its discretion make telephone contact with any referee to verify the details of the written reference provided. This is always done when references are received electronically.

4.3 Criminal records check

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

Further details of what should be declared can be found at

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

Once a post has been offered then College applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (known as an Enhanced Check for Regulated Activity) or undertakes an online check where the applicant has subscribed to the Update Service, in respect of all positions at College which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). Where an applicant subscribes to the Update Service, they must give their consent to College to check there have been no changes since the issue of the certificate.

College complies with the provisions of the DBS Code of Practice a copy of which may be accessed at

<https://www.gov.uk/government/publications/dbs-code-of-practice>

The DBS Privacy Policy can be found at

<https://www.gov.uk/government/publications/standard-and-enhanced-dbs-check-privacy-policy/standard-and-enhanced-dbs-check-privacy-policy>

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 College will amount to "regulated activity" if it is carried out:

- Frequently, meaning once a week or more; or
- Overnight, meaning between 2.00 am and 6.00 am; or
- Provides personal care; 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 College to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at College amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in College office outside of term time or voluntary posts which are supervised.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to College. It is a condition of employment with College that the original disclosure certificate is provided to the HR Department within two weeks of it being received by the applicant and that it is considered satisfactory to College.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction(s). The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by College.

Where they are deemed necessary, DBS checks and overseas checks must be applied for before the applicant may start work. If there is a delay in receiving a DBS disclosure or overseas check certificate, the Head or Bursar has discretion to allow an individual to begin work pending receipt of the certificate. This will only be allowed if a written submission of the reason why the start date cannot be delayed has been made to and accepted by the Bursar (via the Director of HR and Payroll) 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. College will not confirm an appointment until the certificate has been received and has been confirmed to be satisfactory by College.

There are limited circumstances where College will accept a check from another educational institution: where the applicant worked no more than three months prior to joining College, in a school or institution within the further education sector in England in a position which brought the applicant regularly into contact with children or young persons, or in the case of a maintained school, to which they were appointed after May 2006.

College will comply with the prevailing legislation in regard to its duties under the Rehabilitation of Offenders regulations and guidance (see below).

4.4 Prevent Duty

College has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment

4.5 Online and social media due diligence

In addition to asking candidates to disclose any unspent convictions, cautions, reprimands or warnings at the time of applying, College may carry out an internet and social media check in advance of shortlisted applicants being interviewed. This search will be conducted on the applicant's full name and any previous names known to College and will be carried out in order to establish:

- if there is a potentially undeclared conviction; and
- that the applicant has not been subject to adverse press or media attention of a nature that may have an adverse effect on College's reputation; and
- that views or information published on social media platforms are not of a nature that may have an adverse effect on College's reputation.

A decision not to progress an application will not be made solely on the basis of an apparent social media presence and any adverse findings will always be checked with the applicant before a decision is made.

4.6 Childcare disqualification requirements

For staff who work in childcare provision or who are directly concerned with the management of such provision, College carry out appropriate checks to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2018. Further information on the staff to whom these regulations apply, the checks that should be carried out, and the recording of those checks can be found in Disqualification under the Childcare Act 2006 statutory guidance.

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

Childcare provision is defined as:

- Early Years Provision (EYP) which 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;
- Later Years Provision (LYP) which 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.

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.

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.

Cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

Some roles at College 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 College will therefore consider whether they do on a case-by-case basis. The Regulations only apply to a limited number of roles within College but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP.

Under the legislation a person is disqualified if they are found to have committed an offence which is included in the 2018 regulations (a 'relevant offence') this includes:

- being convicted of a relevant offence

- on or after 6 April 2007, being given a caution for a relevant offence
- on or after 8 April 2013, being given a youth caution for a relevant offence

Please refer to the statutory guidance page noted above for further details.

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. Employment in any relevant role will be conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified. College also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of College, 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.

The process for assessing the disclosure of a conviction or a DBS certificate which shows a conviction is as follows:

- the individual will be invited to a meeting with the Bursar to discuss the conviction and any mitigating factors including the length of time since the incident and the nature of the offence
- the Bursar will make a recommendation to the President of Council as to whether the DBS may be acceptable to College
- The President of Council will fully consider the matter and will email the conclusion to the Bursar and the Director of HR and Payroll
- if the mitigation is not acceptable to College then the offer of employment will be withdrawn, and this will be confirmed in writing
- if the DBS is acceptable to the President of Council, then the DBS status will be recorded as 'Council Approved' and the email added to the personnel file
- the decision of the President of Council is final

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. College 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 College will withdraw the conditional offer of employment.

College will securely destroy any information 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 College is found to be disqualified, College will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to College, after which it will be securely destroyed.

After making this declaration staff in a relevant role are under an on-going duty to inform College if their circumstances change in a way that 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.

Staff will be asked to reaffirm their Self-Declaration as suitable to work at College under these guidelines from time to time.

5. Contractors and agency staff

Contractors engaged by College must complete the same checks for their employees that College is required to complete for its staff. College requires confirmation that these checks have been completed before employees of the Contractor can commence work at College.

Agencies who supply staff to College must also complete the pre-employment checks which College would otherwise complete for its staff. Again, College requires confirmation that these checks have been completed before an individual can commence work at College.

College will independently verify the identity of staff supplied by contractors or an agency. In the case of agency workers College will require the provision of the original DBS disclosure certificate before agency staff can commence work at College.

Unchecked contractors and agency staff will not, under any circumstances, be allowed to work unsupervised.

6. Volunteers

College will request an enhanced DBS disclosure and Children's Barred List information, or undertake a check online where the applicant has subscribed to the Update Service, on all volunteers undertaking regulated activity with pupils at or on behalf of College (the definition of regulated activity set out above will be applied to all volunteers).

College may 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 College has deemed appropriate to supervise and ensure the safety of those pupils in their care.

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

It is College policy that a new DBS certificate may be required for volunteers who will engage in regulated activity but who have not been involved in any activities with College for three consecutive months or more. Those volunteers who are likely to be involved in activities at College on a regular basis may be required to sign up to the DBS update service as this

permits College to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, College 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.

Where host families are arranged by College then members of the host family who are over 16 years of age will be required to obtain a DBS certificate which is satisfactory to College. Staff should ensure that they consult the relevant sections of KCSIE well in advance of making any host arrangements.

7. Appointment of Governors (Council)

Members of the Board of Governors (the Council) are trustees of a registered charity (Cheltenham College and Cheltenham College Preparatory school – 311720) and carry responsibility for the selection and appointment of new Council members. This is a legal responsibility that cannot be delegated.

Council members are aware of the importance of creating the right mix of skills and experience on the board to ensure balanced and effective governance of the affairs of Cheltenham College. Delivering the right mix is the core purpose of the Council Membership and Governance Committee.

Potential Council members (who may be identified, or who may put themselves forward) will be expected to undergo a rigorous selection process that will involve an initial meeting with the Secretary to Council, followed by further meetings and/or interviews with the Chair of the Nominations Committee, The President of Council, the Head, the Head of the Preparatory School, the Bursar – and possibly other members of Council and/or senior staff members. As well as ensuring suitability and 'fit' the selection process aims to ensure that prospective Council members have a clear understanding of the commitment expected of them, in terms of time and attendance. During the process prospective members are also provided with sufficient information, written and verbal, to allow a well-informed judgement to be made before committing themselves to an appointment.

All potential new appointments to the Council are first considered at a meeting of the Membership and Governance Committee. If supported by the Membership and Governance Committee, a formal recommendation is then made to a meeting of the full Council, which must formally ratify all new appointments. All such appointments are formally recorded in the Council Minutes and a letter of appointment is subsequently sent by the Secretary to the appointee, on behalf of the President.

Before each new appointment is confirmed, safer recruitment checks are completed:

- An enhanced disclosure from the DBS
- A barred list check if regulated activity will be undertaken
- Evidence of entitlement to work in the UK
- Confirmation that the prospective Council member is not disqualified from acting as a Charity Trustee or Company Director
- Evidence that the prospective Council member has not been prohibited from participating in the management of independent schools
- Overseas checks where the prospective member has lived outside the UK for a continuous period of more than 3-months in the 10 years prior to their appointment

If the President (Chair) of Council is to change, College will ensure that the DfE obtains an enhanced criminal records check, and checks both the identity, and the right to work in the UK, of the proposed new President before he or she takes up the post. These checks will be made regardless of whether the new President is already serving as a Council member or is a new appointee.

8. Internal Appointments

When applicants for any position are current members of staff, internal references must be sought. Where the new position is in the form of an additional responsibility, then the necessity to take up internal references will be at the discretion of the Senior Leadership Team having regard to relevant regulatory advice.

If staff move from a non-teaching to a teaching role, or an unregulated to a regulated role, then checks relevant to the new role, such as prohibition from teaching checks, will be carried out where they were not completed at the time of original appointment.

Where the new role involves taking part in the management of College (as detailed above) then a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014.

Appointment to the new role is subject to these checks being satisfactory to College.

9. Visiting speakers and the Prevent Duty

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

College 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 College or perform any other regular duties for or on behalf of College.

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

College 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 College. In doing so College will always have regard to the Visitors and Security Policy, the Prevent Duty Guidance and other relevant legislation and guidance.

In fulfilling its Prevent Duty obligations College does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

10. Policy on recruitment of ex-offenders

10.1 Background

Shortlisted candidates will be asked to complete a self-declaration form in regard to their criminal record and/or other information relating to their suitability to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records, further information can be found on GOV.UK

College will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. College 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 College. Each case will be decided on its merits in accordance with the objective assessment criteria set out in below.

All positions within College are exempt from the provisions of the prevailing Rehabilitation of Offenders legislation. 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.

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 DBS Filtering Guidance at Gov.uk for full details).

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

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 College 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. College 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.

10.2 Assessment criteria

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, College 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;
- Whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- The length of time since the offence or other matter occurred;
- Whether the applicant has a pattern of offending behaviour or other relevant matters;
- Whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- The circumstances surrounding the offence and the explanation(s) offered by the applicant.

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

- Murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; 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 College'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 College's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.

In all such circumstances College will carry out a risk assessment by reference to the criteria set out above. The assessment must be signed or confirmed through email by the Bursar, the Head of College and the President of Council 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, College 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.

11. Retention of Records and security of disclosure information

College is legally required to undertake the pre-appointment checks described in this Policy. Therefore, if an applicant is successful in their application, College 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.

All information will be stored and retained in accordance with College's Data Protection Policy and the Privacy Notice for Staff during and, for the period described in these policies, after employment.

College policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

In particular, the College 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 College's Leadership Team;
- Not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. College 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.

Medical information may be used to help College to discharge its obligations as an employer e.g. so that College 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 College for the duration of the successful applicant's employment.

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 College activities.

12. Referrals to the DBS and Teaching Regulation Agency (TRA)

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks College also has a legal duty to make a referral to the DBS in circumstances where an individual: -

- Has applied for a position at College despite being barred from working with children; or
- Has been removed by College 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.

If the individual referred to the DBS is a teacher, College may also decide to make a referral to the TRA.

Date most recently approved by Council: 28 November 2020

Review date: October 2021

Next review date: October 2022