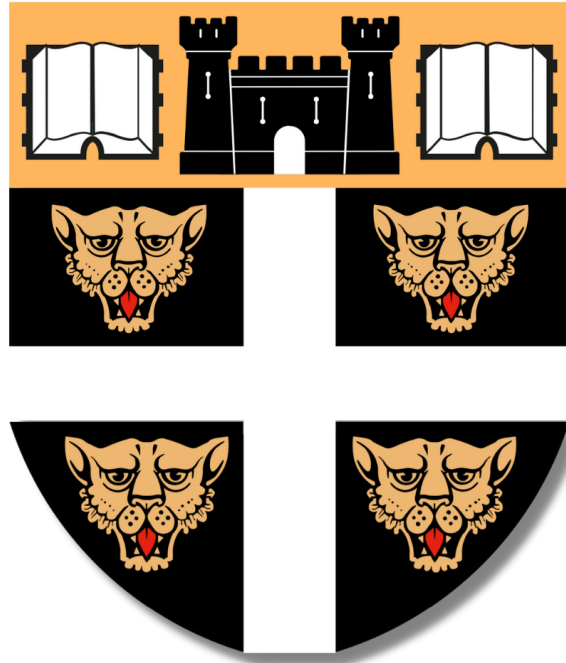


# Safer Recruitment Policy

Dover College



|                     |             |                   |
|---------------------|-------------|-------------------|
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| Approved By:        | CSM         | Date: August 2023 |
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## **1. Introduction**

Safer Recruitment is a vital factor in keeping children safe within the education environment.

It is essential that when Dover College employs staff, uses contractors or engages volunteers to work with children, that it adopts a consistent and rigorous approach in the recruitment and selection process. The aim is to ensure that those recruited are suitable for such an important and responsible role.

The purpose of safer recruitment is ultimately to:

- **Deter.** From the beginning of the recruitment process, it is important to send the right message – that the organisation has a rigorous recruitment process and does not tolerate any form of abuse. Wording in adverts and recruitment information must aim to deter potential abusers.
- **Identify and Reject.** It will not always be possible to deter potential abusers. Therefore, careful planning for the interview and selection stage, in terms of asking the right questions, setting appropriate tasks and obtaining the right information can assist in finding out who is suitable for the role and who is not.
- **Prevent and Reject.** There are no guarantees that even the most robust safer recruitment process will prevent an inappropriate appointment. However, this does not mean it is too late to act. Ensuring that comprehensive induction processes are in place, together with appropriate policies and procedures, raising awareness through staff training and generally developing and maintaining a safe culture within the organisation will all help to prevent abuse or identify potential abusers.

The intention of this policy is to ensure that all stages of the recruitment process contain measures to deter, identify, prevent and reject unsuitable people from gaining access to pupils within the College. This policy and the practical implementation of recruitment and selection processes also aim to meet all legislative requirements, any statutory or other guidance that may from time to time be issued in order to keep children safe and safer recruitment in education, as well as principles of general good practice.

In addition, this policy aims:

- 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, disability or age.

## **2. Scope**

The document contains the protocols for Dover College to follow in order to comply with legal duties, to ensure the recruitment process is transparent and fair and to ensure that the welfare of children in the College's care are protected. Everyone within the College community has a responsibility to adhere to it.

## **3. Roles and Responsibilities**

It is the responsibility of the governing body to:

- Ensure the College has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with current guidance and legal requirements.
- Monitor the College's compliance with them.

It is the responsibility of the Headmaster, HR Manager and other staff involved in recruitment to:

- Ensure that the College operates safer recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the College.
- To monitor contractors' and agencies' compliance with this document.
- Promote welfare of children and young people at every stage of the procedure. The School Staffing (England) Regulations 2009 require governing bodies of maintained schools to ensure that at least one person on any appointment panel has undertaken safer recruitment training. In keeping with this guidance the governing body has delegated responsibility to the Headmaster (teaching staff) and Bursar (support staff) to lead in all appointments. College governors may be involved in staff appointments, but the final decision will rest with the Headmaster or Bursar unless it is those positions which are being recruited for.

#### **4. The Recruitment Process**

Recruitment panel members will be appropriately trained or briefed. In accordance with statutory requirements, at least one member of the panel will have successfully completed safer recruitment training.

#### **5. Job Descriptions and Person Specification**

##### 5.1 Job Analysis

When a vacancy arises due to an employee leaving or moving to a different role, it cannot be assumed that a 'like for like' replacement is required. A review of the job description may highlight the fact that the existing role no longer meets current needs. Therefore, the requirements for any replacement or new role will be analysed prior to drawing up the Job Description and Person Specification which define the role.

##### 5.2 Job Descriptions and Person Specifications

A job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role. The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job. The person specification will include a specific reference to suitability to work with children. This section focuses on ensuring potential applicants are given the right messages about our college's commitment to recruit suitable people.

In general, job descriptions will normally contain:

- The post title
- The main purpose of the job
- Who the person reports to
- If the person has reportees
- The main tasks or duties to be carried out
- The scope of the job to indicate its position within the organisation
- General statements relevant to all positions, such as requirements relating to equal opportunities and health and safety

As all work at Dover College involves responsibility for the safeguarding of children, the job description will also make clear that the post holder may have direct or indirect contact with children and young people and as well as commitment to foster the health, safety and welfare of children they also have a general responsibility for safeguarding.

Person specifications drawn up may include:

- Any qualifications required for the post
- Knowledge, skills and abilities required to carry out the duties of the post
- Any specific training requirements
- The need for awareness of, and commitment to, equal opportunities issues
- The need for commitment to the promotion of health and safety at work and to the protection and safeguarding of children.

The person specification should indicate whether the stated criteria are:

- Essential – relating only to those areas without which the job cannot be performed; or
- Desirable – not essential to carrying out the duties, but which would be valuable. They may assist in the final selection process if several candidates all meet the essential criteria.

It will also indicate how the criteria will be tested, i.e. on the application form, at interview and/or through a task set as part of the selection process.

## **6. The Advert**

Our adverts should include:

- The College's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken
- The safeguarding responsibilities of the post as per the job description and personal specification.
- Whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974. The amendments to the ROA 1974 (Exceptions Order 1975, (amended 2013 and 2020)) provide that when applying for certain jobs and activities, certain spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

## **7. Application Form**

A suitably-structured, pre-defined application form will be used for recruitment to all posts including volunteers. CVs in isolation will not be accepted because CVs are left to the discretion of individual applicants and contain only information that they choose to provide whereas application forms are employer-led, requiring specific information from all applicants. The use of our application forms will help to ensure that detailed information, critical to the recruitment process, can be gathered from all applicants in a consistent format. Our application form includes a statement in the application form that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

Application forms to be used for all recruitment will include as a minimum:

- Personal details including name, former names, date of birth, current address, NI number and, for teachers, teacher reference number
- Qualifications
- Present (or last) employment and reason for leaving
- Full history since leaving school - education, employment and any voluntary work, as well as an explanation of any gaps which can be investigated
- Request for details of appropriate referees (see also 'References' below)
- The requirement for a personal statement addressing the criteria set out in the job description and person specification
- Explanation that the post is exempt from the provisions of Section 4 (2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (exceptions) Order 1975 and the requirement for a 'self-disclosure' – a signed declaration of any unspent and spent criminal offences.

- Opportunity to declare if they have ever been the subject of an investigation or inquiry into abuse or other inappropriate behaviour.
- Confirmation that the person has a right to work in the UK
- The requirement for a signed declaration that all information provided is true. All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and possible referral to the police and other professional regulatory bodies (eg: General Teaching Council for England).

## 8. Advertising

To ensure equality of opportunity, the College will normally advertise all vacant posts to encourage as wide a field of applicants as possible. This normally entails an external advertisement. All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA).

### 8.1 Safeguarding

The job advertisement provides potential applicants with their first impression of Dover College. An important part of the message of the advert is to inform anyone viewing it that the College is fully committed to safeguarding and protecting the welfare of children and young people.

In these circumstances, all advertisements will include a statement to the effect that:

*“Dover College is committed to safeguarding and promoting the welfare of children and young people. Therefore, we expect all workers and employees to share this commitment”.*

Other general statements applicable to all posts may also be included in the wording of advertisements, e.g.

*“All appointments are subject to satisfactory pre-employment checks, including a satisfactory Enhanced criminal records with Barred List check through the Disclosure and Barring Service (DBS).”*

AND

*“CVs alone will not be accepted.”*

Prospective applicants for posts will receive the following materials in recruitment packs:

- Application Pack (including Application form, Job Description, Person Specification, Safeguarding and Child Protection Policy and guidance to the application process)
- Any other relevant details or documentation.

### 8.2 Equal Opportunities

Each advert will contain a statement similar to the following:

*“Dover College is committed to being an equal opportunity employer and is determined to ensure that no applicant or employee receives less favourable treatment on the grounds of gender, age, disability, religion, belief, sexual orientation, marital status, or race, or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.”*

## 9. Shortlisting

To support safer recruitment and to ensure fairness in the process, the recruitment panel should take adequate time to properly scrutinise the applications.

- For consistency it is recommended to assess each application against the criteria, including criteria specific to working with children through the use of a checklist
  - Consider whether each application is fully completed – if not, it may be returned to the applicant or discarded from the process
  - if they have a criminal history
  - If they are included on the children’s barred list
  - If they are prohibited from teaching
  - If they are prohibited from taking part in the management of an independent school
  - Information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted
  - If they are known to the police and children’s local authority social care
  - If they have been disqualified from providing childcare (see paras 263-267)
  - Any relevant overseas information.
- Highlight any gaps (in employment etc.) to be explored further at interview should the candidate be long/shortlisted
  - Look for evidence provided against the criteria set out in the person specification and the job description
  - Normally only shortlist those applications that meet all the essential criteria set out in the person specification. However, if this is not clear in relation to any applications, it may be decided to shortlist and explore the issues further at interview.

If a greater than anticipated number of applicants all meet the essential criteria for the post, it may be decided to use any specified desirable criteria to make a selection for the shortlist.

## 10. Online Searches

As part of KCSIE 2022, paragraph 220 states;

*In addition, as part of the shortlisting process schools and colleges should consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview.*

Dover College will perform on-line checks of all shortlisted candidates. Where possible, the individual performing the on-line searches will be different to the shortlisting and/or hiring manager to avoid direct or indirect discrimination.

On-line checks will include checking social media accounts, Facebook, Twitter, LinkedIn, Instagram and other such sites. On-line checks will also include searching for the candidate’s full name, including any other known names or aliases in a search engine and recording the returned results (if any).

Using the on-line search record, concerns raised will be noted as follows;

- Is the candidate unqualified for the role?
- Do they pose a potential safeguarding risk, i.e evidence of offensive or inappropriate behaviour, jokes or language, discriminatory comments, inappropriate photos, drug or alcohol misuse and anything that suggests the applicant may not be suitable to work with children or young/vulnerable people
- Does the candidate risk damaging the reputation of Dover College?

The on-line checks will be recorded separately to the candidate's application form and if any content is found, this will be discussed as part of the safer recruitment interview.

All on-line checks will be saved to a candidate's file and disposed of after 6 months in line with our data retention policy for unsuccessful candidates. If a candidate is successful, the on-line check will become part of their personnel file.

## **11. Invitation to Telephone, Safeguarding and Face to Face Interviews**

We use a range of selection techniques to identify the most suitable candidates for the post. We have agreed structured questions.

These include:

- Finding out what attracted the candidate to the post being applied for and their motivation for working with children
- Exploring their skills and asking for examples of experience of working with children which are relevant to the role
- Probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.
- Safeguarding question templates and examples are in place to further explore areas that may be concerning including:
  - Implication that adults and children are equal
  - Lack of recognition and/or understanding of the vulnerability of children
  - Inappropriate idealisation of children
  - Inadequate understanding of appropriate boundaries between adults and children
  - Indicators of negative safeguarding behaviours.

Interview invitations to shortlisted candidates will normally include the following:

- Details of date, time, venue
- Direction and/or map, together with details of parking arrangements
- Where to report on arrival (Priory Lodge or The Bursary)
- Likely length of the interview and information about any tests or exercise to be included in the process
- Details of the scope of the interview (to be based on the person specification and to include exploration of each candidate's suitability to work with children, together with any issues arising from the application form or references)
- Details of documents that candidates will need to bring with them, e.g. proof of identity, documents for the Immigration, Asylum and Nationality check, qualification certificates.
- A request that candidates let the College know should they have any special requirements, or need any adaptations, to enable them to access the interview and selection process.
- A request that candidates inform the College of their intention to attend, or otherwise, together with the necessary contact details.

## **12. Interviews**

The recruitment and selection process, in particular interviews, will normally be carried out by two or more people. A set of the same basic questions to ask all shortlisted candidates should be prepared in advance. However, additional follow-up questions are likely to be needed at the interview itself as a means of probing for additional information. These questions will depend upon initial responses given by individual candidates.

Interviews will be used to:

- (i) Focus on the requirements to carry out the duties of the job, as described

- (ii) Explore issues relating to the safeguarding and promoting the welfare of children, including:
- Motivation to work with children and young people
  - To test attitudes, awareness and understanding of safeguarding
  - Ability to form and maintain appropriate relationships and personal boundaries with children and young people
  - Emotional resilience in working with challenging behaviours
  - Attitudes to use of authority and maintaining discipline.

A specific Safeguarding question will be asked to check the candidate's understanding of Safeguarding. This question will be asked by a panel member who is 'Safer Recruitment' trained.

Safeguarding questions will examine the candidate's understanding of the Dover College Safeguarding and Child Protection Policy which the candidate will have read as part of the application pack.

(iii) Be used to explore any relevant issues arising from references received prior to the interview.

(iv) To investigate any gaps in employment, which will require the applicant's date of birth to be able to do this effectively.

Profiles for volunteer roles will also be drawn up according to the principles set out above.

Other assessment and selection methods, in addition to an interview, may also be used. The nature of these will depend upon the type and level of the post. Other assessment methods may include, for example:

- Presentations
- Role plays
- Group exercises
- Pupil panels
- Observation (of teaching or activity with a class or group of pupils)
- Written tests
- Other data analysis exercises, in-tray exercises etc.

Only in exceptional circumstances will feedback be provided for unsuccessful applicants.

Whilst 'virtual interviews' (e.g Skype or telephone interviews) may be used to select a person for a role, candidates will not be appointed before being met in person.

### **13. Pre - Appointment Vetting Checks, Regulated Activity and Recording Information**

All offers of appointment should be conditional until satisfactory completion of the mandatory pre-employment checks. At Dover College we will:

13.1 Verify a candidate's identity by:

- Checking the name on their birth certificate matches that on their passport and driving licence, ensuring to ask for all relevant name change documentation
- Check the DBS Children's Barred List (list 99) and teacher status checks if relevant.
- If the applicant has an Enhanced DBS Check on the update service, ask to see the original physical certificate, for those who will be engaging in regulated activity with children).
- Verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role



- Verify the person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, we will follow advice on the GOV.UK website.
- Obtain and verbally confirm one professional reference from a previous employer, completed by a senior person with appropriate authority and is addressed directly to the sender (we do not accept open references)

### 13.2 DBS Security Checks

More information about the different types of DBS checks can be found in Appendix 1. All employees, paid workers and volunteers at Dover College who are in regulated activity will have an Enhanced DBS with Barred List check (formerly List 99) carried out. This will include all categories of staff and workers, even if not directly involved in teaching or supervising children, as all will have the opportunity for contact. This will also include agency supply workers. For visiting staff/workers, such as supply workers, it is for the providing organisation to carry out checks - the College then obtains written confirmation that the checks have been made for the Single Central Register (SCR) and must see a copy of the original DBS certificate. A definition of Regulated Activity can be found in Appendix 2.

New DBS checks will be completed when:

- A person moves to a new role which gives greater access to children or has more responsibility
- The person has a break from employment for more than three months
- There are concerns about the person, which may affect his or her suitability

Current legislation and guidance on DBS and Disclosure of Convictions is located in Appendix 3.

Please see Appendix 4 for a flow chart to establish if an activity is regulated and needs a DBS.

### 13.3 Agency and third-party staff

In order to ensure the safety and welfare of children and young persons, when using agencies Dover College will also adopt the same robust recruitment and vetting procedures that minimise the risk of employing people who may abuse their position of trust or who are otherwise unsuited to such work. In these circumstances, agencies and other third parties will be required to provide written assurances about their recruitment and selection practices and, in particular, that workers supplied by them have been subject to similar checks and safeguards in place for new employees and workers taken on directly by the College.

Where the position requires a barred list check this must also be obtained by the agency or third-party prior to appointing that individual. Checks should include all essential areas of the checking process, i.e. relating to Enhanced DBS and Barred List checks, Prohibition Order checks, identity checks, Immigration, Asylum and Nationality Act checks, overseas (including EEA checks) as well as checks such as medical fitness, qualifications, references, reasons for leaving previous positions.

Dover College will also check that the person presenting themselves for work is the same person on whom the checks have been made by checking photographic identification and must see an original copy of the DBS certificate.

### 13.4 Trainee/Student Teachers

As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including and Barred List information) will be obtained. Where applicants for initial teacher training are salaried by Dover College, the College will ensure that all necessary checks are carried out. Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks and Dover College will obtain written confirmation from the training provider that these checks have been carried

out and that the trainee has been judged by the provider to be suitable to work with children. There is no requirement for Dover College to record details of fee-funded trainees on the Single Central Record.

### 13.5 Volunteers and Friends of Dover College (FODC)

#### Not in regulated activity/supervised

The DBS cannot provide Barred List information on any information, including volunteers, who are not in regulated activity.

The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and providing guidance for Dover College to decide what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity, which would be regulated activity if it was unsupervised, the statutory guidance must be followed. The guidance issued following this change requires that:

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

Dover College will obtain an enhanced DBS certificate (not including Barred List information), for volunteers who are not engaging in regulated activity, but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers.

Dover College is not legally permitted to request Barred List information on a volunteer who, because they are supervised, is not in regulated activity. Dover College will undertake a risk assessment and professional judgement and experience when deciding whether to seek an enhanced DBS check for any volunteer not engaging in regulated activity. In doing so the College will consider:

- The nature of the work with children;
- what the College knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- whether the role is eligible for an enhanced DBS check.

#### Unsupervised Volunteers and volunteers in regulated activity

In practice, Dover College cannot guarantee volunteers will be continuously supervised on an on-going basis and therefore for regular volunteers, even those that are supervised, it is the professional judgement that a Barred List check should be carried out in addition to an Enhanced DBS.

### 13.6 Proprietors (Governors) of Independent Schools

Once a Governor of Dover College has been accepted as a Governor by the governing body, they will be submitted to a number of checks before formal appointment as a Governor. Before this formal appointment they will have:

- an enhanced DBS check (either including or not including barred list information as appropriate see section on other volunteers above above);
- their identity confirmed;
- if the individual lives or has lived outside of the UK, other checks carried out e.g. overseas checks; and
- In addition, they will require their DBS Check to include Section 128 Management and Leadership check.

An enhanced disclosure may be obtained for Governors if for example there are any grounds for uncertainty about their suitability. During the period when a governor is not yet formally appointed, they may visit the College site and participate in governor meetings and activities but only under normal visitor checks and requirements. They may not have unsupervised access to any pupils or carry out any regulated activity.

### 13.7 Contractors

Dover College will ensure that any contractor, or any employee of the contractor, who is to work at the College has been subject to the appropriate level of DBS check.

Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including Barred List information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

Generally, contractors are not checked by their employers so must be supervised at all times. Where a contract exists with a company for regular contract workers or where contract workers are in regulated activity, an agreement will be made between the contracting company and the contractor for them to carry out adequate ID and security checks including enhanced DBS checks for any regular contractors. Even with this agreement in place, the College will remain vigilant and follow up any concerns that are raised about a contractor.

Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. Dover College is responsible for determining the appropriate level of supervision depending on the circumstances. If a contractor is self-employed, Dover College will consider obtaining a DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

The College will check the identity of contractors and their staff on arrival at the College.

### 13.8 Visiting Music Teachers, Peripatetic staff and Coaches

All will be engaged in RA and will therefore be required to have an enhanced DBS.

### 13.9 Visitors

Dover College does not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's relatives or other visitors attending a sports day, open day visitors or those picking children up from school). The Headmaster will use his professional judgement about the need to escort or supervise visitors. Where possible names of visitors will be attained in advance and identification checked by reception.

### 13.10 Adults who supervise children on work experience

When organising work experience placements, Dover College will ensure that policies and procedures are in place to protect children from harm.

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

- unsupervised; and

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

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

Dover College is not able to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience. If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases, and where the child is 16 years of age or over, the work experience provider themselves should consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

### 13.11 Family members of resident staff

Individuals aged 16 and over who are:

- living as part of the household of someone who is carrying out regulated activity; and
- living on the premises where the regulated activity takes place; and
- have regular contact with the children on the premises

are eligible for enhanced level checks with a check against the children's barred list.

They aren't in regulated activity themselves because as a household member they aren't carrying out any activities with or for the children on site. However, they are specifically named in the Police Act regulations as eligible for this level of check.

### 13.12 DBS Certificates

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the College. Except in exceptional circumstances, it is a condition of employment with the School that the original disclosure certificate is presented to the College after it has been received by the applicant. Applicants who are unable to attend at the College to provide the certificate are required to send in a certified copy by post or email before, or as soon as practicable after, the person's appointment.

Certified copies must be sent to the HR Manager. Where a certified copy is sent, the original disclosure certificate must still be presented prior to the first day of work or on the first working day. Employment will remain conditional upon the original certificate being presented and it being considered satisfactory by the College.

Enhanced 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 will also be asked to provide further information, including a criminal records check from the relevant jurisdiction(s). Where a DBS check shows a disclosure, a risk assessment will be carried out to decide whether the applicant should be appointed or not.

Dover College uses an umbrella body to process DBS applications and receives official advance information regarding the status of and results of all DBS applications. When a DBS certificate has been issued and the umbrella body confirms that it contains no information, it will be reasonable for the College to take this into account when assessing the safeguards which are appropriate. In such cases, the College will make a note on the SCR of the date that the e-result and the date that the subsequent physical confirmation of the original certificate was made.

It will be emphasised that the Enhanced check includes a check on Barred Lists of those considered to be unsuitable to work with children or other vulnerable people, as relevant, in regulated activity. The candidate will be asked if s/he subscribes to the DBS Update Service, in which case, following sight of the original certificate and with his/her express permission, a real-time check online will normally be made to ascertain whether or not his/her status has changed. A prospective employee's current Enhanced DBS certificate may be ported in exceptional cases where the person is currently working in regulated activity with children and is able to present a recent (less than 1 year) Enhanced DBS certificate applied for through that regulated activity and there has been no gap in employment and where there is no other cause for concern. A new application for an Enhanced DBS through Dover College will still be requested in addition to this.

Copies of DBS Certificates will not be kept on file.

If an enhanced criminal record check is required but the DBS certificate is not available before a person starts work in regulated activity, the Headmaster may allow the member of staff to commence work:

- after a satisfactory check of the barred list if the person will be working in regulated activity;
- and all other relevant checks have been completed satisfactorily;
- provided that the DBS application has been made in advance;
- with appropriate safeguards taken (for example, loose supervision).

### 13.13 Secretary of State Prohibition Orders

Prohibition orders are made by the Secretary of State. Prohibition orders prevent a person from carrying out teaching work at Dover College. The College will check that anyone employed to carry out teaching work is not subject to a Prohibition Order issued by the Secretary of State. Prohibition from teaching does not only include those with a QTS number and may include peripatetic staff, coaches or even teaching assistants etc. It is the type of work carried out not the job title which counts.

Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:

- Planning and preparing lessons and courses for pupils
- Delivering and preparing lessons to pupils
- Assessing the development, progress and attainment of pupils
- Reporting on the development, progress and attainment of pupils

The College will therefore decide on a case by case basis, in the light of its own practice, the extent to which such roles as teaching assistants, sports coaches and similar posts fall under these regulations.

The check is completed using the Employer Online service. This applies to those appointed to teach on or after 1 April 2014, although there is no requirement to retrospectively check teachers who commenced their current employment prior to that date and existing staff will have been checked in line with previous guidance for checking QTS status.

### 13.14 Childcare (Disqualification) Regulations 2009 and Childcare Act 2006

For staff who work in childcare provision or who are directly concerned with the management of such provision, Dover College needs to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009.

In February 2015, the Department for Education produced guidance on the application of the Childcare (Disqualification) Regulations 2009 and related obligations under the Childcare Act 2006 in schools. The Regulations make it an offence for Dover College to employ anyone in connection with provision for children up to the age of eight who are disqualified from working in this area. A person who is disqualified under the 2009 Regulations may not provide relevant childcare provision or be directly concerned in the management of such provision. Dover College staff and volunteers are covered by this legislation if they are employed and/or provide early years childcare (this covers the age range from birth until 1

September following a child's fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare. As a boarding school with a single campus for children aged between the ages of 3-18, all staff and volunteers are covered by the legislation.

The criteria for disqualification under the 2006 Act and 2009 Regulations include those set out in the list below:

- inclusion on the Disclosure and Barring Service (DBS) Children's Barred List,
- being found to have committed certain violent and sexual criminal offences against children and adults which are referred to in the 2009 Regulations
- certain orders made in relation to the care of children which are referred to in the 2009 Regulations;
- refusal or cancellation of registration relating to childcare, or children's homes, or being prohibited from private fostering, as specified in the 2009 Regulations;
- being found to have committed an offence overseas which would constitute an offence regarding disqualification under the 2009 Regulations if it had been done in any part of the United Kingdom.

The above list is only a summary of the criteria that lead to disqualification. Further details about the specific orders and offences which will lead to disqualification are set out in the 2009 Regulations. Guidance can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/414345/disqual\\_stat-guidance\\_Feb\\_15\\_3\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414345/disqual_stat-guidance_Feb_15_3_.pdf)

In 2018, further statutory guidance was issued, advising that disqualification by association is no longer applicable to schools and nurseries.

The 2018 Regulations have amended a provision of the Act that was a cause of great stress and uncertainty for many – the disqualification of individuals from providing childcare or teaching children up to the age of 8 if they lived with an individual with a criminal caution or conviction (or lived in a house where this individual worked), under Section 75 of the Act ("Section 75").

The disqualification provision applied to those working in 'early years' childcare (from birth to 1st September after the child turns 5) or 'later years' (from Reception until the child turns 8). It didn't only apply to teaching, but also extended to nursery care and supervision outside of the normal school day, e.g. breakfast clubs or extracurricular/after school clubs.

Those responsible for managing employees must no longer ask their staff about any (actual or possible) cautions or convictions of the people living or working in their home, as this information is no longer required by law. Further information can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/741597/APP-ENDICES-Disqualification\\_under\\_the\\_childcare\\_act\\_statguidance\\_\\_4\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741597/APP-ENDICES-Disqualification_under_the_childcare_act_statguidance__4_.pdf)

Dover College will discharge its responsibilities in regard to the Regulations by carrying out robust recruitment checks and asking staff and volunteers to complete and regularly update their disqualification status through an annual declaration.

### 13.15 Children's Barred List checks

The College is under a specific duty not to allow a barred person to work in regulated activity. Children's Barred List checks are completed through the process of an enhanced DBS with a Children's Barred List check. Isolated Barred List checks (formerly List 99 checks through Teachers Pensions) only check whether a person has been barred from teaching children and does not check all of the Children's Barred Lists. Therefore, it should not be relied upon in isolation for substantiating the suitability of a person to work with children

## 14. Offers of Employment

### 14.1 Pre-appointment checks (All new appointments):

Any offer of appointment made to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of the necessary pre-employment checks.

Verify a candidate's identity. Identification checking guidelines can be found on the GOV.UK website;

Obtain a certificate for an enhanced DBS check which will include barred list information, for those who will be engaging in regulated activity using correct identification (Appendix 7);

- Where any appointment is made for a position of Leadership, the Enhanced DBS must also include confirmation that the applicant does not commence work in contravention of a direction under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from teaching or being involved in the management of an independent school. Prohibited from Management or Leadership check, done by inserting the following wording into the 'role' box of the DBS application form: 'Independent School – Child Workforce'. If a new appointee is to occupy a management post, is to be a trustee, or is to be a governor or member of a proprietor body, check whether the individual has been barred by the Secretary of State from taking part in the management of an independent school. This may be done through the DBS barred list checking process which now includes bars from taking part in management, except when the individual is not in regulated activity, in which case the Teaching Regulation Agency (TRA) prohibitions list must be used instead (this list is obtained from the Employer Access website by direct download, not through the search function);
- Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
- Verify the candidate's mental and physical fitness to carry out their work responsibilities, if appropriate for the role. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role. A satisfactory medical assessment, which may include a questionnaire and / or with the applicant's permission and at the cost of Dover College, a medical assessment with an Occupational Health Provider or information from a G.P.;
- Verify the person's right to work in the UK. Receipt of evidence to meet the requirements of the Immigration, Asylum and Nationality Act 2006 if applicable; valid Home Office (UK
- Visas and Immigration) permission to work in the post, if there is uncertainty about whether an individual needs permission to work in the UK, guidance can be followed on the GOV.UK website;
- If the person has lived or worked outside the UK, make any further checks considered appropriate Any further checks which are necessary as a result of the applicant having lived or worked overseas or outside of the UK as the College may require in accordance with statutory guidance e.g. Overseas Checks, including new requirements for schools to identify teacher restrictions imposed by all EEA authorities; (overseas authorities) will be completed for prospective employees who have lived or worked overseas in their last posts as well as the same checks as all others; Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered;
- Verify professional qualifications, as appropriate, for teachers only (other than where appointed specifically as an unqualified teacher) - initial and continued recognition as a qualified teacher (original copies of all relevant certificates will be required, including confirmation of the award of Qualified Teacher Status, as issued by the Department for Education (DfE) or other authorised Body; OR confirmation of the award of Qualified Teacher Learning and Skills status and membership of the

Institute for Learning, as appropriate). We can check that a new member of staff holds QTS using the Employer Online service. A copy is taken and retained on the personnel file. Verification of professional qualifications, where appropriate which will include further verification if there is concern about their validity. Where qualifications are a requirement or relevant for the post, successful applicants are asked for originals of the qualification document. If these are not available candidates will be required to obtain written confirmation of qualifications from the awarding body; and

- Ensure the candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State, using the Employer Access Online service.

#### 14.2 Pre-appointment checks - Other conditions to offers of employment

Any job offers made must be conditional as it will be subject to a variety of pre-employment checks and other conditions. Some checks will apply to all potential new employees; others will apply only to certain categories of employee. Receipt of completion of the following will, therefore, be required in some or all cases:

- Two satisfactory references, one of which should be the current or most recent employer;
- Successful completion of the Statutory Induction period for Newly Qualified Teachers (*teachers*) or completion of a successful probation and assessment period (*support staff*);
- For a Head teacher or Deputy Head teacher, or SMT position it must be recommended to the full Governing Body for appointment and an offer will not be made until they have approved the appointment;
- Where the staff will be living on site and where they will have resident family members over the age of 16, the family members will be also required to:
  - Undergo security checks (Enhanced DBS, overseas checks);
  - Have safeguarding training;
  - Read and understand the KCSIE guidance and sign the related Dover College declaration sheet by way of confirmation.
  - Sign a spouse agreement (if applicable).
- If there is a delay in receiving a DBS disclosure the Head has discretion in exceptional circumstances, to allow an individual to begin work pending receipt of the disclosure. 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 along with a full risk assessment with risk management measures in place. The College is under a specific duty not to allow a barred person to work in regulated activity.

#### 14.3 Conditional offer letters will include the following:

Job title/role and mutually agreed start date;

- Relevant details relating to the position, e.g. type of contract and hours, if fixed term details of expiry date and/or circumstances/conditions;
- Pay and conditions of service applicable;
- Payment arrangements and a request for account details, P45 and National Insurance number
- Pre-employment checks that need to be satisfactorily carried out before the offer can be finally confirmed (see above); and
- Any other relevant action to be taken or information to be provided.

In circumstances where any of the pre-employment checks prove to be unsatisfactory, a conditional offer will be withdrawn where the College considers it appropriate to do so.



#### 14.4 Offer Letters

Dover College will issue every new employee with an employment offer letter. The purpose of the offer letter is to set out basic terms of employment and will inform prospective employees that they're being offered the position for which they applied; they also inform a prospective employee of general expectations and conditions, should the prospective employee accept the offer.

#### 14.5 Contracts

Dover College must give employees a 'written statement of employment particulars' if their employment contract lasts at least a month or more. This isn't an employment contract but will include the main conditions of employment. It must be provided within 2 months of the start of employment. Dover College chooses to use employment contracts to cover the essential items to be included in a written statement of particulars. The legal parts of the contract are known as 'terms'. Dover College will make it clear which parts of the contract are legally binding. The Contract of employment will supersede and take precedence over an offer letter.

- Dover College contracts of employment will include:
- the business's name;
- the employee's name, job title or a description of work and start date;
- if a previous job counts towards a period of continuous employment, the date the period started;
- how much and how often an employee will get paid;
- hours of work (and if employees will have to work [Sundays](#), [nights](#) or [overtime](#);
- [holiday entitlement](#) (and if that includes public holidays);
- where an employee will be working and whether they might have to [relocate](#);
- if an employee works in different places, where these will be and what the employer's address is;
- how long a temporary job is expected to last;
- the end date of a fixed-term contract;
- notice periods;
- collective agreements;
- pensions;
- who to go to with a grievance;
- how to complain about how a grievance is handled; and
- how to complain about a disciplinary or dismissal decision.

Sometimes terms do not have to be specifically written down but will still be covered by an implied term for example:

- the implied mutual duty of trust and confidence where employees and employers are bound by an implied term that they will not, without reasonable and proper cause, act in a manner calculated or likely to destroy or seriously damage the relationship of mutual trust and confidence between them;
- employees should not steal from their employer;
- the employer should provide a safe and secure working environment;
- legal requirements like the right to a minimum of 5.6 weeks' paid holidays;
- something necessary to do the job like a driver having a valid licence; and
- something that's been done regularly in a company over a long time like paying a Christmas bonus.

The written statement doesn't need to cover the following (but it must say where the information can be found):

- sick pay and procedures;
- disciplinary and dismissal procedures;
- grievance procedures.

## 14.6 References and Employment History

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the College. 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 (assuming that the applicant has previously worked with children). Neither referee should be a relative or someone known to the applicant solely as a friend.

Dover College will always ask for written information about previous employment history and check that information is not contradictory or incomplete. Where possible, references will be sought on all short-listed candidates, including internal ones, before interview, so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview.

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should always be obtained, scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed. They should always be requested directly from the referee and the College will not rely on open references, for example in the form of 'to whom it may concern' testimonials. If a candidate for a teaching post is not currently employed as a teacher, Dover College reserves the right to check with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.

On receipt, references will be checked to ensure that all specific questions have been answered satisfactorily. The referee will be contacted to verify the reference and to provide further clarification as appropriate: for example, if the answers are vague. The references will also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies will be taken up with the candidate. Dover College will take reasonable steps to ensure that the provided referee's contact details are legitimate.

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

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. Referees will normally be sent a copy of the job description (and person specification if one has been written) for the role for which the applicant has applied for.

References will include questions about extremism in line with PREVENT guidance.

Sometimes, a referee may not be willing to complete a standard reference questionnaire. This may be because a particular organisation has a policy of providing references only in a certain format, or because a standard reference has been agreed as part of a settlement (previously known as compromise) agreement. In these circumstances, it is at the discretion of the College to decide whether to accept this situation or to not proceed any further with the application. This may depend upon other information received or other checks that can be carried out.

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 or investigations 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 issues were deemed to have resulted from allegations which were found to be false, unsubstantiated or malicious.

Where an applicant is a previous employee or where they have worked for us as part of a supply agreement where all the relevant reference checks have already been made and verified, only one up to date reference will be required.

#### 14.7 Medical and Health Related Questions

It should be noted that the Equality Act 2010 limits the circumstances in which a prospective employer can ask health-related questions of either a referee or the applicant before a conditional job offer is made. Questions may only be asked at an early stage to help to:

- Decide whether any reasonable adjustments need to be made for the applicant to be able to participate in the selection process
- Decide whether an applicant can carry out a function that is essential (intrinsic) to the job in terms of both mental and physical fitness
- Monitor diversity among people making applications for jobs
- Take positive action to assist disabled people
- Clarify that a candidate does have a disability where the job genuinely requires the jobholder to have a disability.

#### 15. Single Central Record “Sentry”

The College will ensure that it complies with statutory requirements for information to be recorded and retained on its SCR of pre-employment checks carried out in relation to employees and workers employed or engaged directly, as well as others who work in regular contact with children, including supply teachers, temporary staff and volunteers. This is done using the My Sentry platform.

Keeping Children Safe in Education 2022 (paragraph 268) guidance states:

*Schools and colleges must maintain a single central record of pre-appointment checks, referred to in the Regulations as “the register” and more commonly known as “the single central record”.*

The single central record must cover the following people:

- all staff (including supply staff, and teacher trainees on salaried routes) who work at the school: in colleges, this means those providing education to children; and
- for independent schools, including academies and free schools, all members of the proprietor body.

The information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check;
- a barred list check;
- an enhanced DBS check/certificate;
- References/verbal references;
- a prohibition from teaching check;
- Medical questionnaire;
- Section 128 Prohibited from Management and Leadership;
- further checks on people living or working outside the UK;
- a check of professional qualifications; and

- a check to establish the person's right to work in the United Kingdom.

For supply staff, schools should also include whether written confirmation that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided in respect of the member of supply staff, and the date that confirmation was received. Where checks are carried out on volunteers, schools should record this on the single central record.

For further details of records that must be kept, see: Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014.

There is no requirement to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. However, where the College, with an individual's express permission, may choose to retain a copy this will not be retained for longer than six months. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications will be kept for the personnel file.

The dates to be recorded on the SCR are the dates when the College receives the relevant information to inform recruitment decisions and not the dates printed on certificates or qualifications. For absolute clarity, entries for DBS checks in the SCR will include both the date that the certificate was generated and the date that the College verified it.

## **16. Personnel Files and Retention of Personal Data**

Data relating to all recruitment and selection processes will be retained for a specified period of time in accordance with the College's record management policy and data protection policy.

This information forms part of the successful individual's personal record and on-going employment history.

The digital personnel file for staff will normally contain the following information:

- Application form;
- CV (if available);
- Advert and application pack;
- Other paperwork related to the recruitment process, i.e. Interview and other notes, on-line searches, letters forming part of the process etc.;
- Offer letter;
- Pre-employment vetting documents, i.e. photographic identification, documentation to meet the requirements of the Immigration, Asylum and Nationality Act, Disclosure details (not the full certificate – but potentially short-term retention), evidence of right to work and remain in the UK, as applicable;
- Copies of original vocational or academic qualification certificates, as applicable;
- Two satisfactory and verified references;
- Confirmation of satisfactory medical assessment;
- Copy of contract;
- Other relevant employment documentation throughout the individual's period of service;
- Other relevant safeguarding documentation e.g. Disqualification by Association self-suitability questionnaire, Keeping Children Safe in Education (KCSIE) declaration, licence agreement, spouse agreement etc.; and
- Details of any allegation(s) against an employee if found to be malicious will be removed from the personnel record. However, information relating to any other allegation(s) will be retained in accordance with statutory guidance issued by the DfE.

Personnel files will be kept locked in a filing cabinet with access through the HR Manager.

Dover College has an electronic SCR, Sentry, which is managed by the HR Manager.

Personnel information is also located on an electronic database (ISAMs). Any other personnel information (e.g. contractors, and others not in regulated activity) are located in paper files located in a locked filing cabinet with access through the HR Manager.

## **17. Identification Documentation**

An application for a criminal record (DBS) check will always include an identity check and in this context, the methodology for identity checking is subject to detailed guidance from the DBS. In summary, this typically includes official documents such as a passport, a driving licence, or a birth certificate, photographic identity, together with evidence of address (for example, a utility bill, bank statement or similar). KCSIE provides a link to the full guidance which also covers how to check the identity of those lacking the usual official documentation. For overseas applicants' future legislation may also require the applicant to have a Visa already in place before the application will be processed.

In other contexts, such as staff who are not in regulated activity or the arrival on-site of staff who have been checked by an agency or other employers, schools are permitted discretion in their approach to identity checking, acting reasonably in accordance with the risks inherent in the particular context (e.g. the role the person is to perform, the level of contact with children, supervision and so forth). Typical processes entail requesting an official document which verifies identity and address, and photographic identification.

## **18. Induction**

Induction is an extension of the recruitment process. Good recruitment and selection procedures help to ensure that the best person is appointed to the role, but it is equally important to induct him or her properly on commencement.

A general Induction Programme is required for all new recruits, including those already within the organisation but appointed to new roles. This should be seen as additional to the more formal induction or probationary periods also required in relation to certain new appointments, as summarised below:

- Newly Qualified Teachers (NQTs) are required to satisfactorily complete a statutory Induction period. Where applicable, the induction period will be applied in accordance with the relevant Regulations and statutory guidance issued by the DfE.
- Support staff and teachers who are 'new employees' will also be subject to a 'Probationary Period'.

A more general induction applicable to all will include a variety of arrangements and areas. The specific arrangements put in place will reflect the differing needs of individuals and job roles, e.g. whether already employed in a different role, whether full time, part time, fixed term, employee or volunteer, type and seniority of the post and level of contact or involvement with pupils.

The general induction programme will also include, for all, information on professional standards and boundaries in respect of child protection and safeguarding and promoting the health, safety and welfare of pupils. Reference will be made to relevant statutory requirements and/or local guidance in these areas. Statutory guidance includes, in particular, the DfE documents:

*'Keeping Children Safe in Education' - all staff will be required to read (and in conjunction with KCSIE 2019 guidance) and to understand at least 'Part One – Safeguarding Information for All Staff'*

The importance of adhering to College policies and procedures in these and all other areas will also be emphasised. Care will be taken to ensure that all new employees, including those in new roles, are aware of and understand College policies, procedures and practices and are clear about their responsibilities in following them at all times. All employees and workers will be required to read and adhere to the Code of Conduct.

Supply teachers and other supply workers, including agency workers, as well as volunteers, will receive all necessary information and guidance to enable them to carry out their temporary role effectively and in accordance with statutory requirements, as well as the establishment's policies, procedures and practices. This will include in relation to child protection and safeguarding arrangements, the Code of Conduct and any other relevant protocols essential to their role.

#### **19. A "Safe" Culture and Ongoing Vigilance**

It is never sufficient to assume that a safer recruitment and selection process and robust induction arrangements are enough to ensure that the pupils are safe and that there is no risk to them within the educational environment. Creation of a safe culture, with on-going vigilance is essential.

If the College has concerns about an existing staff member's suitability to work with children, the school or college should carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school or college moves from a post that was not regulated activity, into work which is regulated activity, the relevant checks for the regulated activity must be carried out. Apart from these circumstances, the school or college is not required to request a DBS check or barred list check.

The College will continue to strive to create and maintain a safer culture by:

- Having in place, and putting into practice, clear policies and procedures and ensuring that all employees and workers are aware of and understand them;
- Setting acceptable standards of behaviour;
- Having in place clear procedures for reporting concerns, ensuring that all employees and workers know what the procedures are and their responsibility for following them;
- Taking concerns seriously and providing support to individuals raising them;
- Taking appropriate action in relation to concerns raised;
- Having in place robust and appropriate induction arrangements;
- Ensuring that all employees and workers undertake child protection and other relevant training on a regular basis;
- Keeping the commitment to safeguarding and child protection on the agenda through regular discussion and/or reminders at staff meetings, training sessions etc.;
- Learning from experience;
- Never thinking that enough has been done to ensure a safe culture.

## **Appendix 1**

What is a DBS? Disclosure and Barring Service (DBS) checks

The DBS is responsible for administering three types of checks:

Standard: a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings;

Enhanced: a check of the PNC records as above, plus other information held by the police that is considered relevant by the police; and

Enhanced (including Barred List information): for people working in regulated activity with children. This adds checks of the DBS Children's Barred List to the enhanced check.

When the DBS has completed its check of an applicant's PNC record and, if appropriate, whether or not they are on the barred list, the relevant information will be recorded on a certificate (the DBS certificate) that is sent to the applicant. The applicant must show the original DBS certificate to their potential employer before they take up post or as soon as practicable afterwards.

Where Dover College allows an individual to start work in regulated activity before the DBS certificate is available, the individual must be appropriately supervised and all other checks, including a separate barred list check, should be completed.

An Enhanced DBS check is necessary for any person who is working in Regulated Activity with children.

## **Appendix 2**

Relevancy Test

Changes introduced from January 2015 brought the standards into line with the Protection of Freedoms Act 2012, and ostensibly removed the blanket application of certain vetting checks requiring them only for regulated activity or 'where relevant'. Relevance is defined by reference to whether a person is or will be engaging in regulated activity using definitions both pre- or post- the Protection of Freedoms Act 2012. However, having regard to KCSIE 2019, in practice this has little effect in relation to enhanced criminal record checks.

Barred list checks are only 'relevant', available and required when the person will be engaging in regulated activity as currently defined, that is, post- the Protection of Freedoms Act.

What is a Regulated Activity?

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a factual note on Regulated Activity in relation to Children. Currently there is more than one definition of 'regulated activity' which is relevant to schools. The following are those most relevant and in the order of most relevance to schools

All regular work for schools with opportunity for contact with children is regulated activity, except:

- Work (not entailing personal care, within definition 2) by supervised volunteers;
- Work (not entailing care or teaching, within definitions 2 or 3) by occasional/temporary contractors;
- Work by pupils for other pupils (excepting for those in early years) (known as 'the peer exemption').

2 Relevant personal care, or health care is regulated activity –

- Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
- Health care in this context means care for children provided by or under the direction or supervision of a regulated health care professional.

Note that 'care' within this definition is always regulated; considerations of regularity and supervision do not apply.

Regular, unsupervised teaching, training, instructing, caring for or supervising children is regulated activity and so is regularly -

- providing advice or guidance for children on well-being, or
- driving a vehicle only for children.

Key Questions to determine if someone is in regulated activity or not:

- Is the activity they will do 'work'? (A person, for example, visiting the head or their own child would not be working.)
- Is the work regular? (See definition of 'regular' )
- Does it give rise to opportunities for contact with children? (This applies whether or not that contact is required by the work and whether or not it actually takes place. The issue is whether there is 'opportunity'.)
- Is the work for the purposes of the school? (This would not include, for example, those working for bodies hiring premises for other purposes out of school hours.)

If the answer to all these questions is 'yes', the person is working in regulated activity unless an exception as below applies:

Is the person a volunteer?

- If so, does their work involve personal care of pupils? (See definition of personal care, above.)
- If so, the volunteer is engaged in regulated activity because personal care work is always regulated activity.
- If not, are they supervised? (See DfE's supervision guidance.)
- If so, the volunteer is not engaged in regulated activity as a supervised volunteer, not doing personal care work, is not in regulated activity.

Is the person a contractor?

- If so, are they administering personal care or health care, as defined? [These are always regulated activities.]
- If not, are they teaching pupils? [Regular teaching is always a regulated activity.]
- If not teaching work, is the contract for occasional or temporary non-teaching work (such as, a quick plumbing task)? (There is no definition of 'occasional or temporary' but see the definition of 'regular'.)
- If so, the contractor is not in regulated activity as non-teaching work by occasional or temporary contractors is not regulated activity.

### **Appendix 3**

DBS and Disclosure of Convictions

For those aged 18 or over at the time of an offence, an adult conviction will be removed from a DBS disclosure if:

- eleven years have elapsed since the date of conviction;
- it is the person's only offence; and
- it did not result in a custodial sentence.



It will not be removed under any circumstances if it appears on a list of "specified offences" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

For those aged under 18 at the time of an offence, a conviction will be removed from a DBS disclosure if:

- five and a half years have elapsed since the date of conviction; and
- it is the person's only offence; and
- it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record. A caution received when a person was aged under 18 will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

The list of "specified offences" which must always be disclosed

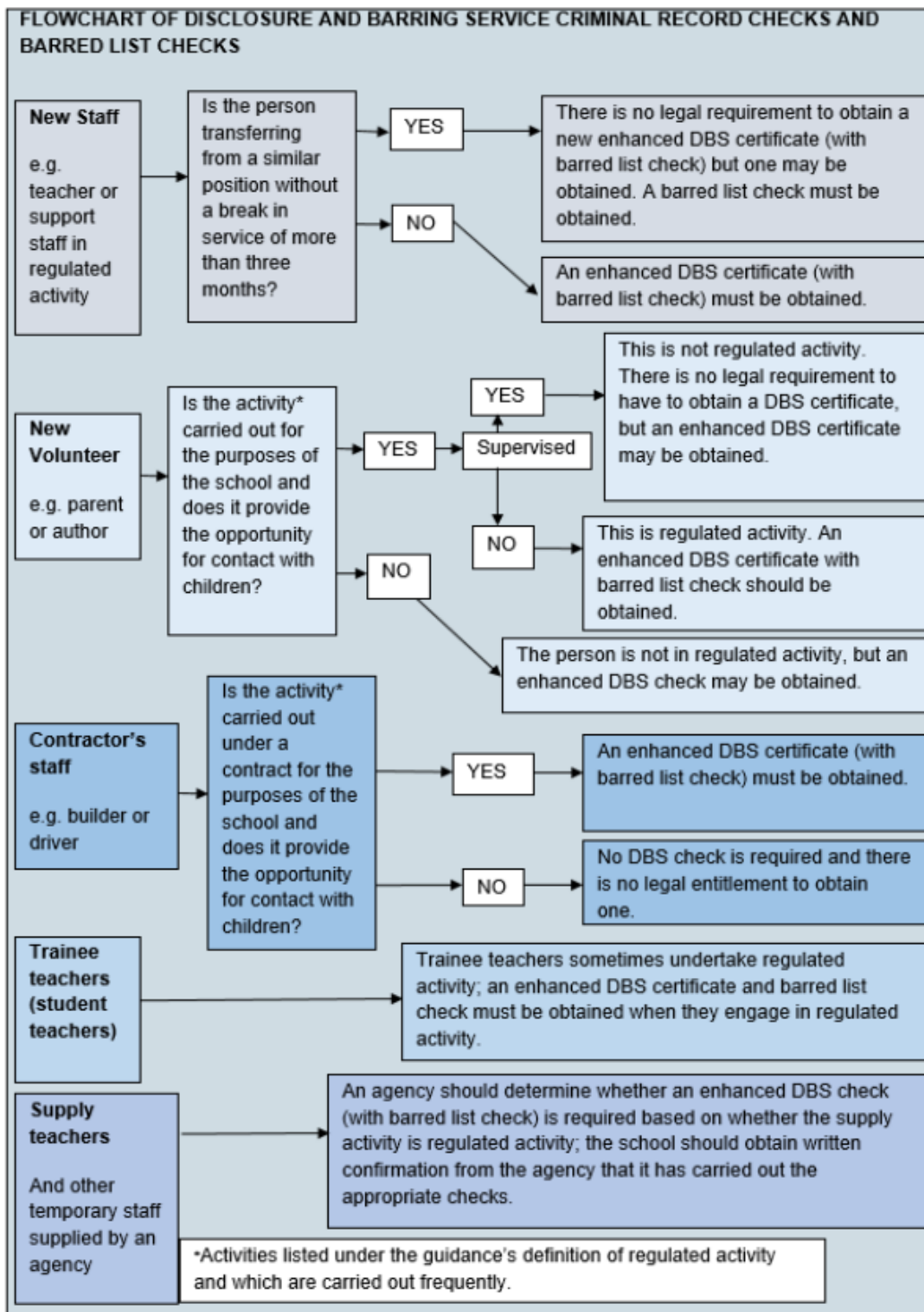
This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record.

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>.

Appendix 4

Flowchart of Disclosure and Barring Service criminal record checks and barred list checks



## Appendix 5

### STAFF SUITABILITY DECLARATION

This form is to be completed by all staff as part of pre-employment checks *before* Employment. All staff are required to complete this form on an annual basis.

Please respond to the questions listed below and sign the declaration to confirm that you are safe to work with children. If you are unable to meet any of the following aspects, please disclose this immediately to [the Head/Bursar/your line manager]. Please tick yes or no against each point.

|  |     |    |
|--|-----|----|
| Have you been cautioned, subject to a court order, bound over, received a reprimand or warning or been found guilty of committing any offence since the date of your most recent enhanced DBS disclosure?                            | Yes | No |
| Have you been cautioned, subject to a court order, bound over, received a reprimand or warning or been found guilty of committing any offence either before or during your employment at this school?                                | Yes | No |
| <ul style="list-style-type: none"> <li>Are you 'Disqualified from Caring for Children'?</li> </ul>   | Yes | No |
| <ul style="list-style-type: none"> <li>Have you committed any offences against a child?</li> </ul>   | Yes | No |
| <ul style="list-style-type: none"> <li>Have you committed any offences against an adult (e.g. Rape, murder, indecent assault, actual bodily harm, etc.)?</li> </ul>  | Yes | No |
| <ul style="list-style-type: none"> <li>Have you been barred from working with children (DBS)?</li> </ul>   | Yes | No |
| <ul style="list-style-type: none"> <li>Have your own children been taken into care?</li> </ul>   | Yes | No |
| <ul style="list-style-type: none"> <li>Have/Are your own children the subject of a child protection order?</li> </ul>  | Yes | No |
| <ul style="list-style-type: none"> <li>I understand my responsibility to safeguard children, and I am aware that I must notify [my manager] immediately of anything that may affect my suitability to work with children.</li> </ul> |     |    |



## **Appendix 6**

### KEEPING CHILDREN SAFE IN EDUCATION (KCSIE)

*In accordance with guidance dated September 2022*

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1080047/KCSIE\\_2022\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1080047/KCSIE_2022_revised.pdf)

If you are unable to sign any part of this declaration, please provide details on a separate sheet and send this in a sealed envelope marked "confidential" to the Headmaster.

#### PART 1 KCSIE plus Annex A

I confirm that I have read and understood the Keeping Children Safe in Education 2022 guidance contained in the document "Information for all school and college staff".

Signed

Dated

#### PART 2 DBS

I declare that there have been no changes to my circumstances since my last DBS check in relation to convictions (including spent convictions), court action, cautions, reprimands or final warnings.

Signed

Dated

## Appendix 7

### Identification Documents – DBS September 2023

For more information, visit:

<https://www.gov.uk/dbs-check-applicant-criminal-record/how-to-apply-for-a-check>

For a list of documents which you may provide, please visit:

<https://www.gov.uk/criminal-record-check-documents>

For non-EEA citizens, please see the College's HR Manager. For an EEA citizen, you must in the first case show:

- One document from Group 1
- 2 further documents from either Group 1, or Group 2a or 2b
- At least one of these documents must show your current address

#### Group 1

| Document  | Notes  |
|---|--|
| Passport  | Any current and valid passport   |
| Biometric residence permit                                | UK   |
| Current driving licence photocard - (full or provisional) | UK, Isle of Man, Channel Islands and EEA   |
| 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

| Document  | Notes  |
|---|--|
| Current driving licence photocard - (full or provisional)                             | All countries outside the EEA (excluding Isle of Man and Channel Islands)                            |
| Current driving licence (full or provisional) - paper version (if issued before 1998) | UK, Isle of Man, Channel Islands and EEA   |
| Birth certificate - issued after time of birth  | UK, Isle of Man and Channel Islands  |
| Marriage or civil partnership certificate   | UK and Channel Islands   |
| Immigration document, visa or work permit   | All countries outside the EEA - valid only if you're working in the country that issued the document |
| HM Forces ID card   | UK   |
| Firearms licence  | UK, Channel Islands and Isle of Man  |

Group 2b

| Document   | Notes                         | Issue date and validity   |
|--|-------------------------------|---|
| Mortgage statement   | UK or EEA                     | Issued in last 12 months  |
| Bank or building society statement                           | UK and Channel Islands or EEA | Issued in last 3 months   |
| Bank or building society statement                           | Countries outside the EEA     | Issued in last 3 months - branch must be in the country where the you live and work |
| Bank or building society account opening confirmation letter | UK                            | Issued in last 3 months   |

|   |   |                          |
|---|---|--------------------------|
| Credit card statement   | UK or EEA   | 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 or non-EEA only - valid only if you're 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  |
| EU National ID card   | -   | 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      |