



Safer Recruitment Policy

POLICY STATEMENT

Clifton 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. The College is also committed to providing a supportive and flexible working environment to all its members of staff. The College recognises that, in order to achieve its aims, it is of fundamental importance to attract, recruit and retain members of staff of the highest calibre, who share a firm commitment to the College's core values.

SCOPE

The Safer Recruitment Policy applies to members of staff directly recruited and employed/engaged by the College and its subsidiaries. It also applies to internal appointments.

This policy also applies to those working in regulated activity, including supply staff, service providers who have direct contact with children, volunteers and Council members.

Regulated activity is defined as:

- Regular¹ work in schools with opportunity for contact with children (excluding work by supervised volunteers).
- Unsupervised teaching, training, instruction of, care for or supervision of children; or providing advice/guidance on wellbeing; or driving a vehicle only for children, if done regularly¹.
- Personal care e.g. washing or dressing; or health care by or supervised by a professional, regardless of how frequently undertaken.

AIMS AND OBJECTIVES

The aims of the College's Safer Recruitment Policy are:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to deter, identify and reject prospective applicants who are unsuitable for work with children or young people;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds, including in respect of any of the protected characteristics as defined by the Equality Act 2010;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), *Safeguarding children and safer recruitment in education* (Guidance), the Disqualification under the Childcare Act 2006 (DUCA), *Keeping Children Safe in Education* (September 2020) (KCSIE), the Independent Schools Inspectorate (ISI)

¹ 'Regular' means once a week or more often, or on 4 or more days in a 30-day period, or overnight (between 2am and 6am).



Commentary on the Regulatory Requirements (Guidance), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and relevant guidance published by the Disclosure and Barring Service (DBS); and

- to ensure the College meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

CORE VALUES

The College has three core values, which underpin our overall culture

- **Integrity** - We treat each other with kindness, sincerity and respect. We are liberal and open-minded, free from prejudice and affectation. We strive to make a positive difference in everything we do.
- **Spirit** - We are determined to explore and develop what excites and motivates us, to fulfil our potential and realise our dreams. We are driven by this ambition.
- **Resilience** - We believe everyone should be empowered and supported to take risks. We are not afraid of setbacks. We learn from our successes and challenges, and through reflection build inner strength. We are curious, adventurous and intellectually agile.

RELATED COLLEGE POLICIES AND DOCUMENTS

- Adults and Children Resident on the College Campus Policy
- Visitors Policy
- Lanyard Policy
- Safeguarding and Protecting Children Policy
- Privacy Notice for Staff

RECRUITMENT AND SELECTION PROCEDURE

Job applicants will be normally required to complete an application form containing questions about their academic and employment history and their suitability for the role. Information provided via their application form may be cross-referenced with their nominated referees. Incomplete application forms will not normally be considered. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae may be accepted in addition to the completed application form.

Application forms, job descriptions and the College's Safeguarding and Protecting Children Policy are available on the College's website.

If the applicant is shortlisted to progress their application, relevant skills, knowledge and experience will be discussed in more detail, in addition to safeguarding awareness, values, and their motivations for working at Clifton College.



Candidates will normally be interviewed by a minimum of two panel members, including at least one who has completed safer recruitment training. In some instances, a separate safeguarding interview may be required. Where appropriate, assessments and/or other practical exercises also may form part of the selection process.

Any offer of employment made will be conditional on the following:

- the successful completion of all regulatory vetting checks;
- the successful completion of any other background checks deemed reasonable by the College;
- the agreement of a mutually acceptable start date and the signing of a contract incorporating the College's standard terms and conditions of employment.

The policy on the recruitment of ex-offenders can be found in Appendix 1. For further information regarding the pre-employment checks undertaken can be found in Appendix 2.

REFERRALS TO DISCLOSURE AND BARRING SERVICE (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 the College also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the College despite being barred from working with children; or
- has been removed by the 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, the College may also decide to make a referral to the Teaching Regulation Agency.

REGULATED SERVICE PROVIDERS (CONTRACTORS AND SELF EMPLOYED), AND AGENCY STAFF

The College requires written confirmation from the Regulated Service Provider² that it has completed these checks on all of those individuals whom it intends will work at the College before any such individual can commence work at the College.

Self employed Regulated Service Providers may not be able to carry out the required employment checks, and so the College will undertake these on their behalf, subject to a discretionary fee.

² These contractors work in pupil or child facing roles



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

The College will independently verify the identity of individuals supplied by Regulated Service Providers or an agency, and requires the provision of the DBS disclosure certificate before those individuals can commence work at the College.

Contractors who are not working in pupil or child facing roles, but who may regularly or frequently be working unsupervised in areas where children live or study, will be required to demonstrate to the Estates Department that their staff or subcontractors have an Enhanced DBS with barred list. Please see the 'Using a Contractor Guide' for further information.

VOLUNTEERS

The College will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the College.

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

Council members will be subject to the wider range of checks as are required under KCSIE.

INTERNAL APPOINTMENTS

Successful internal candidates who are moving to new departments within the College, or who are taking on roles with greater responsibilities (e.g. Head of Department) will not be confirmed in role until a satisfactory internal reference has been received, and any additional checks which may be required for the role have been completed (e.g. Prohibition from management check or childcare disqualification declaration). Whilst not needed for the majority of internal job changes, those who are taking on residential roles will require a new satisfactory enhanced DBS and barred list check before they can be confirmed in role.

DATA PROTECTION

The College is legally required to undertake a number of pre-employment checks prior to a new member of staff beginning work. Candidates will be required to provide certain information to enable the College to carry out the checks that are applicable to their role.

The College will be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency. Failure to provide requested information may result in the College not being able to meet its employment, safeguarding or legal obligations. The College will comply with its legal obligations under the Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR) and will process pre-employment information in accordance with its Staff Privacy Notice.



If the applicant is successful, personal data gathered during the recruitment process (except DBS information) will be transferred to the new employee's personnel file and retained during their employment. DBS certificate information will not be kept any longer than is necessary, usually six months after the commencement of employment.

If the applicant is unsuccessful, personal data gathered during the recruitment process will be retained for six months. This retention will allow the consideration and resolution of any disputes or complaints or be used for the purpose of completing safeguarding audits. Once the retention period has elapsed, the College will ensure that any personal data is securely destroyed.

Details about how the College processes employee data are set out in the Staff Privacy Notice.



APPENDIX 1 - POLICY ON THE RECRUITMENT OF EX-OFFENDERS

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

All positions within the College are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules. Further information on DBS filtering can be found here:

<https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates/filtering-rules-for-dbs-certificates-criminal-record-checks>

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the 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 College. The 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.

ASSESSMENT CRITERIA

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the 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;
- 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 the College's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:

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

If the post involves access to money or budget responsibility, it is the 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 the College's normal policy to consider it a high risk to employ anyone who has been convicted of drink-driving within the last ten years.

ASSESSMENT PROCEDURE

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

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the 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.



APPENDIX 2 - FURTHER INFORMATION ON THE TYPES OF CHECKS UNDERTAKEN

In general, regulatory checks are carried out by the College itself. However, checks for temporary and supply staff will be undertaken by the agency or employment business through which they are engaged, with the College receiving confirmation of completion in writing prior to the commencement of assignment.

Identity/Right to work in the UK

The College requires to see original copies of proof of identity and, if applicable, the right to work in the UK. Candidates invited to interview will be asked to bring these with them, so that the College can verify identity and working status. No copies will be taken at this point, and so successful candidates will be asked to provide these again for the purpose of pre-employment checks.

For the DBS application, copies of documents showing any legal changes of name will also need to be provided.

Enhanced DBS and the update service

The College requires all members of staff, supply staff, service providers, unsupervised contractors and certain volunteers to undertake an enhanced disclosure from the DBS.

If the individual is starting work within the College or its subsidiaries within three months of working:

- in a school in England in a position which brought them regularly into contact with persons aged under 18; or
- in an institution within the further education sector in England, or in a 16-19 Academy, in a position which involved the provision of education and caring for, training or supervising or being solely in charge of persons aged under 18

they may not require a DBS check under the three month rule (KCSIE). In this instance, a separate Barred List check will be carried out and a reference sought from the relevant school or institution. The three month rule does not apply to supply staff or volunteers, which include Council members.

Staff waiting for the DBS certificate will only be able to start working on the College campus, under a risk assessment, in exceptional circumstances.

Applicants living overseas can find further advice on applying for an enhanced disclosure from the DBS [here](#).

Children's Barred List (previously known as List 99)



The enhanced DBS checks required by the College and its subsidiaries normally contains information on whether the individual is on the Children's Barred List.

It is College policy to carry out a separate check of the Barred List as soon as an offer is made, and normally this is made prior to the receipt of the DBS check. We will also check the Barred List where there is no requirement to carry out a DBS check due to the individual having worked within a School, 16-19 Academy or Further Education college in England within the three months prior to starting with the College or its subsidiaries.

Qualifications

Original certificates for "appropriate" qualifications of all staff and service providers must be viewed and copied.

"Appropriate" qualifications are those stipulated for the role, claimed by an individual, and/or which influence the appointment decision.

References

It is College policy to require a minimum of two satisfactory references, one of which should always be from the current (or most recent employer if not currently working). If suitability would be better assessed from another recent employer (e.g. where the most recent employment was a very short-term, non-education related role), this reference will normally also be sought.

Employment start dates will be delayed where the minimum two references have not been received, including current or most recent employment reference, unless there is good reason not to delay³.

Where the individual has spent a period of three months or more outside of the UK within the past five years (or up to ten years, if the period outside the UK was significant), a reference will normally be sought for this period, if possible.

Where no previous employment has been undertaken, character and professional references will normally be taken from previous academic institutions or other relevant bodies (e.g. clubs and associations with which the individual has held membership status or has volunteered).

In some circumstances, such as for clarification, it may be appropriate for the College to speak to the referee following receipt of the reference.

All referees will be asked to confirm employment dates (if relevant), 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 also

³ Keeping Children Safe in Education, September 2020



be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism"⁴

Employment History

The individual's full employment history must be provided, including a written record explaining any gaps of a month or more in employment history since the age of 16.

Medical fitness

The College requires individuals to complete the medical declaration form prior to starting work with the College.

If the individual is unable to declare themselves fit to work, or requires any reasonable adjustment, they will be required to fill out a medical form which is sent to the outsourced occupational health provider for assessment.

The 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

Prohibition from teaching

It is College policy to carry out the prohibition from teaching check on all staff, supply staff, service providers and Council Members who work with the College, in addition to those who carry out 'teaching work'.

Prohibition from management

The College will carry out a prohibition from management check (also known as a s128 check) on anyone involved in the management of the College (i.e. Council members, Heads and Bursar, SET, SLT, SMT and other Heads of Department). This includes internal promotions into these groups.

Overseas Checks

Staff, supply staff, service providers and Council members will require an overseas check if they are or have been resident outside the UK for more than three months within the past five years and as a consequence, obtaining a DBS certificate would be insufficient to establish their suitability to work at the College or its subsidiaries.

Where a significant period has been spent overseas within the last five to ten years, the College will consider on a case by case basis whether an overseas check would be appropriate for that period.

⁴ "Extremism" is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations.



Where possible, a reference will always be sought for this period overseas.

EEA teaching sanctions

EEA teaching sanction checks will be undertaken on anyone who has previously worked in a school in another EEA country, regardless of the position held or the work they will be doing for the College. The purpose of this check is to determine whether the person is subject to any sanctions from the regulator of the teaching profession in the country in which they have worked.

Childcare disqualification

Staff, supply staff, service providers and volunteers who provide 'childcare' in Early Years Provision (EYP) or Later Years Provision (LYP), or who are directly involved in its day-to-day management, will be required to complete a self-declaration form to certify that they are not prohibited from working in such settings under the terms of the Childcare Act 2006.

Where a person discloses information which appears to disqualify them from working in EYP or LYP then the College is required to notify Ofsted. The person may apply to Ofsted for a waiver of the disqualification. The 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 the College will withdraw the conditional offer of employment.

EYP: providing education in nursery and reception classes and/or any supervised activity (e.g. breakfast clubs, lunchtime supervision and after school care during and outside of school hours).

LYP: includes provision for children not in EYP and under the age of 8 which takes place on school premises outside of the normal school day, including, for example breakfast clubs, after school clubs and holiday clubs. It does not include extended school hours for co-curricular activities such as sports activities.

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

Charity trustee disqualification check

Anyone who acts as a charity trustee (Council Members), or who is in senior management of a charity (Heads and Bursar) will need to be checked for disqualification.