



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:

- Regular 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 regularly.
- 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 Education (Independent School Standards) Regulations 2014



(ISSRs), the statutory guidance published by the Department for Education (DfE), the Disqualification under the Childcare Act 2006 (DUCA), *Keeping Children Safe in Education (1 September 2021)* (KCSIE), Education and Training (Welfare of Children) Act 2021, the Independent Schools Inspectorate (ISI) *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.

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

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

All job applicants will be 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 providing it is 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.

The College will then conduct a shortlisting exercise by reviewing all application forms received in order to determine which applicants will be invited for interview. The shortlisting exercise will usually be conducted by two members of staff who will ideally also be involved in the interview process.

All shortlisted applicants will be asked to complete a self-declaration form of their criminal record and any other information that would make them unsuitable to work with children.¹

If the applicant is shortlisted their relevant skills, knowledge and experience will be discussed in more detail at a formal interview, 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 required 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. Further information regarding the required regulatory vetting checks can be found in Appendix 2.

¹ Keeping Children Safe in Education 2021 [198]



REFERRALS TO DISCLOSURE AND BARRING SERVICE (DBS) AND TEACHING REGULATION AGENCY (TRA)

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

- an individual has applied for a position at the College despite being barred from working with children; and/or
- an individual 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.

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

In addition, if a teacher is dismissed because they are found to have committed serious misconduct, or they have breached the Teachers' Standards, or they resign pending investigation/disciplinary into such grounds, the College will make a referral to the Teaching Regulation Agency.

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

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.

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

² These contractors work in pupil or child facing roles



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.

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

Under no circumstances will the College 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.

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

In addition, the College will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

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

VISITING SPEAKERS AND THE PREVENT DUTY

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

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



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

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

"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."

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

INTERNAL APPOINTMENTS

Internal candidates will still be expected to take part in an appropriate selection process for their role and attend a safeguarding interview where applicable.

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.

Internal appointments will not begin automatically once contractual notice has been served and will be subject to line manager agreement with regards to the start date of the new role and end date of the old role. This is in order to ensure the operational needs of the business are met as a priority, particularly in cases where the previous role is child-facing, to ensure the College is not at a detriment from an internal appointment, however new appointments will not be delayed for any longer than is reasonably necessary. Internal candidates will normally be expected to take part in an appropriate selection process for their role and attend a safeguarding interview.

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 for a maximum of up to 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.

WHISTLEBLOWING AND EXIT INTERVIEWS

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

QUERIES

If an applicant has any queries on how to apply for a post at the College they should contact the People and Organisation team on people@cliftoncollege.com



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:

[New filtering rules for DBS certificates \(from 28 November 2020 onwards\)](#)

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 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, any offence involving 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 any serious driving offence including 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 Head of College and a relevant delegated authority 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.

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

In addition to the checks set out below, the College reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the College. This may include internet and social media searches.

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

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

The College requires applicants to provide original documentary evidence of their identity, address and right to work in the UK. Applicants must always provide their birth certificate as one form of identity unless there is good reason why this cannot be provided.

Candidates invited to interview will be asked to bring this evidence 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.

The College asks for the date of birth of all applicants to assist with the vetting of applicants. Proof of date of birth is necessary so that the College may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The College does not discriminate on the grounds of age.



All applicants must also bring to interview a valid form of evidence which confirms their right to work in the UK. Valid forms of evidence can be found in the Home Office 'Right to Work Checklist': ([Right to work checklist \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/right-to-work-checklist))

The College will check this evidence in accordance with the Home Office 'Code of Practice on preventing illegal working: Civil penalty scheme for employers: 1 July 2021' ([Code of practice on preventing illegal working \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/code-of-practice-on-preventing-illegal-working))

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 (the **three-month rule**).

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 includes Council members.

Staff waiting for the DBS disclosure certificate will only be able to start working on the College campus if the College has carried out a risk assessment and is satisfied that the individual is suitable to start work prior to receipt of the DBS disclosure certificate. This will only be permitted in exceptional circumstances, if appropriate supervision can be put in place and if all other pre-appointment checks (including a separate Children's Barred List check) have been completed to the satisfaction of the College before the intended start date.

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 named on the Children's Barred List.



The College will only carry out a separate Children's Barred List check when;

- an individual commences work prior to receipt of the DBS disclosure certificate; or
- when a DBS check is not carried out because the three-month rule applies.^{3[3]}

Qualifications

Original certificates which evidence "appropriate" qualifications of all applicants and service providers must be viewed and copied prior to work commencing.

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

References

It is College policy that a minimum of two references, which the College considers to be satisfactory, are received before work can commence. One reference should always be from the applicant's current employer, or their 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. If the current/most recent employment does/did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children.

All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, sickness⁴ and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be unsubstantiated, unfounded, false or malicious;
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards

³ Keeping Children Safe in Education 2021 [229]

⁴ Questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.



children or young people, except where the allegation or concerns were found to be unsubstantiated, unfounded, false or malicious; and

- whether the applicant could be considered to be involved in "extremism".

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

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

Where a reference is not received prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the College. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.

If factual references are received i.e. those which contain limited information such as job title and dates of employment, this will not necessarily disadvantage an applicant although additional references may be sought before an appointment can be confirmed.

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

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

Employment start dates will be delayed where a minimum of two satisfactory references have not been received. Any unreasonable or unexplained delays to references being provided may lead the College to reconsider the suitability of the applicant.^{5[4]}

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.

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).

Employment History

All applicants must provide a full academic and employment history (from the age of 16). Should there be any gaps in an applicant's academic or employment history, a satisfactory explanation must be provided.

⁵ Keeping Children Safe in Education, September 2021 [205]



Medical fitness

The College is legally required to verify the medical fitness of anyone to be appointed to a post at the College, after an offer of employment has been made but before the appointment can be confirmed.

The College therefore requires individuals to complete a 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 adjustments, they will be required to fill out a medical form which is sent to the College's 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'.

In addition, the College asks all shortlisted applicants to declare whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or other equivalent body in the UK.

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

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

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

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the Head. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches.



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.

In addition, the College asks all shortlisted applicants to declare whether they have ever been the subject of a referral to the Department for Education, or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.

Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body, whether or not that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the College will consider whether the facts of the case render the applicant unsuitable to work at the College.

Overseas Checks

Staff, supply staff, service providers and Council members will require an overseas check, in addition to other pre-employment checks, 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.

These checks include, where available:

- criminal record checks for overseas applicants; **and for teaching positions**
- obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.⁶ Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database.

Applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

The College recognises that formal checks are not available from some countries, that they can be significantly delayed or that a response may not be provided. In such circumstances the College will seek to obtain further information from the country in question, and in any event, a reference from any employment, study, or volunteering undertaken in that country will be sought.

If a satisfactory reference is obtained the College may allow the applicant to commence work pending receipt of the formal check if the applicant is considered suitable on the

⁶ Keeping Children Safe in Education 2021 [262]



basis of the information the College has obtained. All suitability assessments must be documented and retained on file. Continued employment will remain conditional upon the College being provided with the outcome of the formal check and it being considered satisfactory by the College.

If the formal check is delayed and references are not available the applicant's proposed start date may be delayed until the formal check is received.

If no information is available from a particular country the College will carry out an assessment of whether the applicant is suitable to work at the College on the basis of all other suitability information that has been obtained. The College will take proportionate risk-based decisions on a person's suitability in such circumstances. All suitability assessments must be documented and retained on file.

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

A person who discloses information which appears to disqualify them from working in EYP or LYP 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

Under the Charities Act 2011 it is a criminal offence for a person to act as a trustee or senior manager of a charity when disqualified from doing so. The Charities Act 2011 sets



out the grounds on which a person can be disqualified from acting as a trustee or senior manager. These include various spent and unspent criminal offences and other sanctions.

Who is covered

A person is considered to be a charity trustee if they are one of the people who have general control and management of the administration of the charity.

Senior managers include those employees who report directly to the charity trustees or have responsibility for the overall management and control of the charity's finances.

At the College the disqualification rules will be applicable to all Council Members, Heads and the Bursar (or equivalent position).

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

Self-declaration

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

A failure to disclose relevant information, or the provision of false information, which subsequently comes to the College's attention may result in the termination of an appointment as a Council Member or senior manager or the withdrawal of an offer of employment and may also amount to a criminal offence.

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

Checks by the College

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

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

Waiver

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

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