



Recruitment, Selection and Disclosure Policy

Policy Title:	Recruitment, Selection and Disclosure Policy
Last Review:	August 2025
Next Review:	August 2026
Responsibility:	HR Manager, Headmaster
Other relevant policies:	Safeguarding Child Protection Policy Diversity, Equity and Inclusion Policy Privacy Notice for Staff and Governors

1. General

West House School is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of the children and young people is our priority. All recruitment is carried out in accordance with relevant legislation and the Birmingham Local Safeguarding Children Partnership.

The school aims to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

All queries on the School's Application Form and recruitment process must be directed to Alistair Lyttle, Headmaster.

An entry will be made on the Single Central Register for all current members of staff at the school, the governing body and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

All checks will be made in advance of appointment or as soon as practicable after appointment.

The Recruitment, Selection and Disclosures Policy and Procedure herewith refers and applies to staff directly recruited and employed by the School, including the Nursery.

2. Data Protection

The School is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to the School to enable the School to carry out the checks that are applicable to their role. The School will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency (TRA). Failure to provide requested information may result in the School not being able to meet its employment, safeguarding or legal obligations. The School will process personal information in accordance with its **Staff Privacy Notice**.

3. Recruitment and Selection Procedures

Job advertisement

Job vacancies will be advertised internally and externally where appropriate. The job description and person specification will include the following information:

- The skills, abilities, experience, attitude, and behaviours required for the post; and
- The safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children.

The advert will include:

- The School's commitment to safeguarding and promoting the welfare of children, and will make clear that

- safeguarding checks will be undertaken;
- The safeguarding responsibilities of the post as per the job description and personal specification; and
- Whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974.

Application, Shortlisting and Interviews

All applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form, but are permitted to be submitted alongside an Application Form. Applicants will receive a relevant job description and person specification for the role.

An applicant submitting an electronic application form will be required to sign his or her application form if he or she attends for a formal interview. Applicants are selected for interview based on their skills, qualifications, and experience by a shortlisting panel of at least two people who will usually be involved in the interview process. They should consider any inconsistencies and look for gaps in employment and reasons for them and explore all potential concerns.

Shortlisted candidates should be asked to complete a self-declaration form in relation to their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. Applications will be asked to sign a declaration confirming that the information they have provided is true.

As part of the shortlisting process, the School will consider carrying out an online search on shortlisted candidates as part of its due diligence. This may help to identify any incidents or issues that have happened, and are publicly available online, which the School may want to explore with an applicant at interview. This forms part of the School's wider safeguarding due diligence which aims to prevent and/or deter individuals who may be unsuitable to work with children from working in a school environment.

The applicant may then be invited to attend a formal interview to discuss his or her relevant skills and experience in more detail. All shortlisted applicants will be tested at interview on their suitability to work with children. At least one member of every interview panel will have successfully completed appropriate training in safer recruitment as defined by the DfE. The Chair of Governors should chair the panel for the Bursar's/Head's appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

The interview panel should agree structured questions which should include:

- Finding out what attracted the applicant to the post being applied for and their motivation for working with children;
- Exploring their skills and asking for example of experience or working with children which are relevant to the role; and
- Probing any gaps in employment where the applicant has changed employment or location frequently, asking about the reasons for this.

The interview panel should explore any potential areas of concern to determine the applicant's suitability to work with children including:

- Implications that adults and children are equal;
- Lack of recognition and/or understanding of the vulnerability of children;
- Inappropriate idealisation of children;
- Inadequate understanding of the appropriate boundaries between adults and children; and
- Indicators of negative safeguarding behaviours.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- Receipt of at least two satisfactory references (if these have not already been received);
- Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK (if not already received);
- A satisfactory enhanced DBS check and, if appropriate, a check of the Children's Barred List maintained by the DBS;
- Where the position amounts to "regulated activity" (see below) confirmation that the applicant is not named on the Children's Barred List¹
- For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012. 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; and
 - Reporting on the development, progress and attainment of pupils;
- Verification of professional qualifications, including Qualified Teacher Status, where appropriate;
- Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999);
- Where the successful candidate has worked or been resident overseas: such further checks and confirmations as the school may consider appropriate so that any relevant events that occurred outside the UK can be considered. This shall include the candidate providing the School with proof of his/her past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which s/he has worked;
- Evidence of satisfactory medical fitness;
- Confirmation that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006" (DUCA) **OR** receipt of a signed self-declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006";
- For a candidate to be employed into a senior management position, receipt of a signed "senior charity manager positions: automatic disqualification declaration" confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities.
- Where the successful candidate will be taking part in the management of the school, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Governors, Senior Management Team and teaching

¹ The School is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff and governors who will be engaging in regulated activity and to ensure that all such checks have been carried out by employment agencies providing supply staff for the School. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e., roles which would amount to regulated activity if carried out more frequently.

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

heads of department.

4. Pre-Employment Checks

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations 2014 the School carries out a number of pre-employment checks in respect of all prospective employees.

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

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

Verification of identity, address, and qualifications

All applicants who are invited to an interview will be required to bring the following evidence of identity, of the right to work in the UK, and of their address and qualifications, such as:

- A valid passport; and
- A birth certificate (required document); and
- Two utility bills (not a mobile phone bill) or statements (from different sources and issued within the past 3 months) showing his or her name and home address; and
- Documentation confirming his or her National Insurance number (latest P45, P60 – issued in the last 12 months, or National Insurance card); and
- Original documents confirming any educational and professional qualifications referred to in his or her application form and necessary for the performance of the required role.

The School asks for this information at interview to ensure that the person attending the interview is who they claim to be, to ensure that they are permitted to work for the School if appointed and that they hold the qualifications that have been requested (if any).

Where an applicant claims to have changed his or her name by deed poll or any other mechanism (e.g., marriage, adoption, statutory declaration) he or she will be required to provide original documentary evidence of the change.

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

Providing false information will result in the application being rejected, or summary dismissal if the applicant has been selected.

References

References will be taken up on short listed candidates prior to interview, including internal applicants. No questions will be asked about health or medical fitness prior to any offer of employment being made.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. One of the references must be from the applicant's current or most recent employer and be from a senior member of staff with the appropriate authority to be aware of any issues including disciplinary investigations. If the referee is school based, the reference should be confirmed by the Headteacher as accurate in respect of disciplinary investigations. If the current or most recent employment does not or did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Where the position is administrative or does not involve direct contact with children, two references are required but it is not a requirement that the second referee should be from the employer with whom the applicant most recently worked with children. The reference should be from the current employer in this instance. Neither referee should be a relative or someone known to the applicant solely as a friend. The School will verify that electronic references originate from a legitimate source.

All referees will be asked whether they believe the applicant is suitable for the job for which he or she has applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism". 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 provide information on the following:

- The applicant's dates of employment, salary, job title/duties, reason for leaving, performance, sickness and disciplinary record;
- Whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children and the outcome of any such procedures (including any in which the disciplinary sanction has expired). Only incidents which meet the harm threshold should be disclosed, and any repeated concerns which have been found to be false, unfounded, unsubstantiated or malicious should not be included.
- Whether any allegation or concerns have been raised about the applicant that relate to the safety and welfare of the children or young people or behaviour towards children or young people and the outcome of those allegations or concerns. Only incidents which meet the harm threshold should be disclosed and any repeated concerns which have been found to be false, unfounded, unsubstantiated or malicious should not be included.
- Whether the applicant could be considered to be involved in "extremism".

The School 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 School will compare all references with any information given on the application form and check that all specific questions have been answered satisfactorily, with appropriate follow-up where required. 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 School. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.

If factual references are received 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 School may, at its discretion, make telephone contact with any referee to verify the details of the written reference provided. In this event, detailed notes are made of the telephone conversation. These will be dated and signed by the person making the telephone call and must also record who was spoken to.

As stated above, an offer of employment is subject to the receipt of satisfactory references which must be received prior to the start of employment. If references are not received in good time prior to the start of employment, they will be followed up with telephone calls and alternative referees will be approached if necessary.

Internal references are permissible for internal candidates, particularly where colleagues from former employers are un-contactable due to the passage of time. These must be from a senior member of staff in a position to be aware of any issues.

Medical fitness

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

It is the School's practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence and processed in accordance with the Recruitment Privacy Notice and Data Protection Policy. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, and/or layout of the School.

The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

The School is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence, considering reasonable adjustments and suitable alternative employment.

Criminal Records Checks

The School will refer to the Department for Education (“DfE”) document, ‘Keeping Children Safe in Education’ and any amended version in carrying out the necessary required DBS checks.

The School complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here:

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

There are limited circumstances where the school will accept a check from another educational institution which are as follows:

This is where the new member of staff (“M”) has worked in: –

- (a) A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- (b) A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
- (c) An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

during a period which ended not more than three months before M’s appointment.

In these circumstances the school may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the school to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required.

Disclosure and Barring Service Check

All members of the teaching and non-teaching staff at the School, including part-time, temporary and supply staff, and visiting staff, such as musicians and sports coaches who will be undertaking regulated activities are subject to a criminal records check which is carried out with the Disclosure and Barring Service before starting work. A regulated activity is defined as an unsupervised activity such as teaching, training, instructing or caring for or supervising a child or children (as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended)); working on a regular basis where the work gives opportunity for contact with children and engaging in intimate or personal care or healthcare or any overnight activity. Those who carry out paid or unsupervised unpaid work regularly in the School where that work provides an opportunity for contact with children are considered to be undertaking regulated activities and they are also checked with the Disclosure and Barring Service.

For all such positions, the School requests an enhanced disclosure from the DBS and a check of the Children’s Barred List (now known as an Enhanced Check for Regulated Activity). An enhanced disclosure with barring information includes spent and unspent convictions, cautions, reprimands, and warnings held on the Police National Computer; and information held on local police records which the police consider to be relevant to the workforce in which the person is applying to work.

Any position undertaken at, or on behalf of the School will amount to ‘regulated activity’ if it is carried out:

- Frequently, meaning once a week or more; or
- Overnight, meaning between 2.00 am and 6.00 am; or
- Satisfies the “period condition”, meaning four times or more in a 30-day period; and
- Provides the opportunity for contact with children.

Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the

above, they are carried out on an unsupervised basis.

It is for the School to decide whether a role amounts to “regulated activity” taking into account all relevant circumstances. However, nearly all posts at the School amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the School office outside of term time or voluntary posts which are supervised.

The DBS Disclosure certificate

A short period of work is allowed under controlled conditions, at the Head’s discretion. However, if an ‘enhanced disclosure’ is delayed, a Head may allow the member of staff to commence work:

- Without confirming the appointment;
- After a satisfactory check of the barred list if the person will be engaging in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
- Provided that the DBS application has been made in advance;
- With appropriate safeguards taken (for example, loose supervision);
- Safeguards reviewed at least every two weeks by the Head/Bursar and member of staff;
- The person in question is informed what these safeguards are; and
- It is recommended, but is not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

Applicants with periods of overseas residence

Applicants with recent periods of overseas residence and those with little or no previous UK residence will still be subject to DBS checks. The School will take into account the “DBS unusual address guide” in such circumstances.

For applicants who are living overseas, or who have lived overseas previously, obtaining a DBS certificate may be insufficient to establish their suitability to work at the School. In such cases the applicant will be required to provide additional information about their suitability from the country (or countries) in which they have lived. The School’s policy is to request such information from each overseas country in which the applicant has lived or worked for a period of three months or more in the previous five years as a minimum.

When requesting such information, the School has regard to relevant government guidance and will therefore always require the applicant to apply for a formal check from the country in question (i.e., a criminal records check, or equivalent, or a certificate of good conduct). The School will also have regard to the current Home Office guidance in determining the checks that can reasonably be undertaken from different countries. From 1st January 2021 it is no longer possible for the TRA Teacher Services system to make checks in respect of any teacher sanction or restriction that has been imposed by a professional regulating authority in the European Economic Area (EEA).

The School recognises that formal checks are not available from some countries, that they can be significantly delayed or that a response may not be provided. In such circumstances, the School will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country. In addition, where an applicant has carried out teaching work outside of the UK, the School will ask the applicant to provide proof of their past conduct as a teacher by obtaining a letter of professional standing from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher. The School will also ask the applicant (and their referees) to disclose whether they have ever been referred to, or are the subject of, a sanction issued by the regulator of the teaching profession in the countries in which they have carried out teaching work. Advice on the appropriate regulatory or professional bodies is available from the National Recognition Information Centre for the UK (UK NARIC).

The School may allow an applicant to commence work pending receipt of a formal check from a particular country if it has received a reference and/or letter of professional standing from that country and considers the applicant suitable to start work. Decisions on suitability will be based on all of the information that has been obtained during the recruitment process. Unless expressly waived by the School, continued employment will remain conditional upon the School being provided with the outcome of the formal check and it being considered satisfactory.

If no information is available from a particular country, the School may allow an applicant to commence work if they are considered suitable based on all of the information that has been obtained during the recruitment process. The School will take proportionate risk-based decisions on a person’s suitability in these circumstances. All suitability assessments must be documented and retained on file. If the formal check is delayed and the School is not satisfied

about the applicant's suitability in the absence of that information, the applicant's proposed start date may be delayed until the formal check is received.

Work can only commence once sufficient overseas information has been received and only if the School has considered that information and confirmed that the applicant is suitable to commence work at the School.

Disqualification

The Childcare Act 2006 (Act) and the Childcare (Disqualification) Regulations 2009 (Regulations) state that it is an offence for the School to employ anyone in connection with our early years provision (EYP) or later years provision (LYP) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP. As part of the recruitment process all applicants for posts in the Early Years (children from birth up to 1 September following their fifth birthday) or for later years provision for children under the age of 8 must make a declaration on the Application Form in respect of disqualification under this Act and these Regulations. The full criteria for disqualification are set out in the guidance document to which applicants must refer for further details about the relevant offences and orders for the purposes of disqualification.

All members of the teaching and non-teaching staff at the School, including part-time staff, temporary and supply staff, and visiting staff, such as musicians and sports coaches, must comply with the DfE statutory guidance 'Disqualification under the Childcare Act 2006' September 2018. Details about the relevant staff and volunteers for whom this is applicable are set out in this statutory guidance. The School cannot permit anyone who is currently disqualified to start work in a relevant role. The School also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the School, any information disclosed in the self-declaration renders that person unsuitable for work at the school. Applicants are not required to disclose a caution or conviction for an offence committed in the UK if it falls into the categories as set out in 4.7 above. However, applicants who have any other criminal records information to disclose about themselves must also provide the following information:

- Details of the order, restriction, conviction or caution and the date that it was made;
- The relevant court or body and the sentence, if any, which was imposed; and
- A copy of the relevant order or conviction.

For the avoidance of doubt, the School does not require applicants to request any criminal records information directly from the DBS. The School only requires applicants to provide relevant information about themselves 'to the best of their knowledge'.

Disqualification occurs as soon as the criteria for disqualification are met. These criteria include:

- Being barred from working with children (by inclusion on the Children's Barred List);
- Having been cautioned (after 6 April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;
- Various grounds relating to the care of children, including where an order made in respect of a child under the person's care;
- Having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;
- Having been refused an application for registration of a children's home or having had any such registration cancelled; or
- Having been prohibited, restricted, or disqualified from private fostering.

All members of staff in relevant roles have an ongoing duty to inform the School 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 at the recruitment stage or of a future change of circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

Prohibition Orders Check

The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. This check is made through Teacher Regulation Agency Employer Access Service. This will enable the School to ascertain whether or not the applicant has a Prohibition Order imposed by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency (TRA) or has a Prohibition Order imposed by the General Teaching Council for England (GTCE) prior to April 2012. An interim Prohibition Order might also be in place for an applicant if the Secretary of State has considered this to be in the public interest. This service can also be used to confirm the teacher's QTS status, satisfactory completion of an induction period and satisfactory completion of a probation period.

In addition, the School asks all applicants for roles which involve "teaching work" (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or any other equivalent body in the UK.

It is the School's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves "teaching work". Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the TRA (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the School will consider whether the facts of the case render the applicant unsuitable to work at the School.

The School carries out this check, and requires associated information, for roles which involve "teaching work". In doing so the School applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012 which states that the following activities amount to "teaching work":

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

'Delivering' includes delivering lessons through distance learning or computer-aided techniques. 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 the future, the check will be undertaken, including for Sports Coaches and Teaching Assistants.

Prohibition from Management Check

The School is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies, or restricts them from being involved in the management of an independent school (a section 128 direction). The School will carry out checks for such directions when appointing applicants into management positions from both outside the School and by internal promotion.

This check applies to appointments to the following positions made on or after 12 August 2015:

- Head
- Staff on the Senior Leadership Team (teaching and non-teaching)
- Teaching posts which carry a departmental head role.

It also applies to appointments to the Governing body.

The School asks all applicants for management roles to declare in the application form whether they have ever been subject of a referral to the DfE 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.

It is the School's position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the DfE or other appropriate body whether 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 School will consider whether the facts of the case render the applicant unsuitable to work at the School.

Disqualification from acting as a charity trustee or senior manager

Certain individuals are automatically disqualified from acting in senior management positions within a charity. Whether an individual falls into the category of a senior management position is judged using the following criteria:

- A person who is accountable only to the Governors, and who carries overall responsibility for the day-to-day management and control of the charity. At West House School this would be the Head.
- A person who is accountable only to the Head or the Governors, and who is responsible for the overall management and control of the charity's finances. At West House School this would be the Bursar.

Being disqualified means that a person can't take on, or stay in, a senior manager position – even on an interim basis, unless the Charity Commission has removed (or 'waived') the disqualification.

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

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

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

Checks by the School

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

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

5. Contractors and Agency Staff

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

In the case of agency or contract workers, the School should set out their safeguarding requirements in the contract between the organisation and the School must obtain written confirmation from the agency or company that it has carried out the same checks as the School would otherwise perform on any individual working at the school or college (or who will be providing education on the school or college's behalf, including through online delivery). The School conducts identity checks on agency and contract workers on arrival in School and, in the case of agency workers which includes supply staff, the School must be provided with a copy of the appropriate level of DBS check for such staff.

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure – renewed every 3 years, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus, those checks set out in KCSIE as 'pre-employment' checks. The Single Central Register shows these checks have been made and the School carries out its own identity check and has seen a copy of the disclosure (whether or not it discloses any information).

The School must ensure that the same checks are completed for contractors (and their employees) undertaking

regulated activity at the School as it does for its own employees. The School requires written confirmation from the contractor that it has completed these checks on all those individuals whom it intends will work at the School before any such individual can commence work at the School.

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

The School will independently verify the identity of individuals supplied by contractors or an agency in accordance with section 4 above and requires the provision of the DBS disclosure certificate before those individuals can commence work at the School. The DBS disclosure certificate must have been obtained not more than three months before the date on which the person is due to begin work at the School unless the person has worked in a school or maintained school in England in a position which brought them regularly into contact with children or young persons during a period which ended not more than three months before the person is due to begin work at the School.

6. Volunteers

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

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

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

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

- Formal or informal information provided by staff, parents and other volunteers;
- Character references from the volunteer's place of work or other relevant sources; and
- An informal safer recruitment interview.

7. Governors

Governors are not employees of the School. Prior to their appointment as a Governor, prospective Governors are required to have their ID, right to work in the UK, an enhanced criminal record check and prohibition from management checks completed. Such further checks as the Chair of Governors considers appropriate, having regard to any guidance issued by the Secretary of State, will be made on any prospective governors who lives, or has lived outside the UK such that an enhanced criminal record certificate is not sufficient to establish suitability to work in a school.

8. Policy on Recruitment of Ex-Offenders

The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

Policy statement

- As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), the School undertakes to treat all applicants for positions fairly.

- The School undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- The School can only ask an individual to provide details of convictions and cautions that the School is legally entitled to know about. Where a DBS certificate at standard level can legally be requested (i.e. where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended), and where appropriate Police Act Regulations (as amended) apply, the School may obtain details of both spent and unspent convictions, as well as cautions, reprimands and final warnings held on police files. In all other cases a basic DBS check will be requested which will contain only details of unspent convictions.
- The School can only ask an individual about convictions and cautions that it has the right to know about.
- The School is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for defendants, age, physical/mental disability or offending background.
- The School actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records (subject to our regulatory and safeguarding obligations).
- The School selects all candidates for interview based on their skills, qualifications and experience.
- At interview, or in a separate discussion, the School ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- The School makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#).
- The School undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

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

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006".

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. The School will report the matter to the Police and/or the DBS if:

- the School receives an application from a disqualified person;
- is provided with false information in, or in support of, an applicant's application; or
- the School has serious concerns about an applicant's suitability to work with children.

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 School will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- the 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;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and

- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the School'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, 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 School'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 School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.

Retention and security of disclosure information

The School's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

In particular the School will:

- Store disclosure information and other confidential documents issued by the DBS in locked, non- portable storage containers, access to which will be restricted to members of the School's Senior Leadership Team;
- Not retain disclosure information or any associated correspondence for longer than is necessary. Generally, this will be for a maximum of six months. The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- Ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- Prohibit the photocopying or scanning of any disclosure information.

9. Retention Of Records

The School is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the School will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness, and qualifications. Medical information may be used to help the School to discharge its obligations as an employer e.g., so that the School may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. It will be retained in accordance with the School's retention of records policy after employment terminates.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

The same policy applies to any suitability information obtained about volunteers involved with School activities.

10. Referrals To the DBS and 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 School also has a legal duty to make a referral to the DBS in circumstances where an individual:

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

If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the TRA. Further details are set out in the Safeguarding and Child Protection Policy.

11. Queries

If an applicant has any queries relating to the completion of the application form or any other matter, he or she should contact the Bursar or the Headmaster.

12. Personnel Files

Personnel files are maintained on staff in accordance with data protection legislation. It is a requirement of 'Keeping Children Safe in Education' that copies of identity document, right to work and qualifications are kept. It is also a requirement of the Immigration (Restrictions on Employment) Order 2007 that employers in England and Wales check and retain copies of passports, or alternatively birth/adoption certificates for people appointed on or after 29 February 2008. The Information Commissioner's Office or Chartered Institute of Personnel and Development can provide further guidance on more general document retention issues. Personnel files will be kept for at least six years after the person has left.

13. Single Central Register

A Single Central Register (SCR) is maintained by the School to record centrally whether or not certain checks have been made for staff and if so, the dates of those checks. The School follows the guidelines in the current Commentary on the Regulatory Requirements and any subsequent updates in respect of the information recorded on the SCR for staff, supply staff, governors, volunteers, and contractors. The SCR is maintained electronically but in a format which can be printed out for the purposes of inspection. For reasons of data protection legislation, the copy provided for inspection purposes should not contain personal data but there must be a means of identifying the staff to facilitate discussion.

The dates recorded on the SCR are the dates when the School receives the relevant information to inform their recruitment decision. The expectation is that the dates of all checks must therefore precede the start date of the relevant member of staff, although allowance can be made for delayed criminal record checks where appropriate precautions are taken. For example, if a pre-existing DBS check has been accepted under the three-month rule, the date of the check would be the date that the certificate had been seen, not the date on the certificate.

The SCR indicates 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;
- a prohibition from teaching check for relevant staff;
- a Section 128 check for relevant staff;
- further checks on people who have lived or worked outside the UK including recording checks for teacher sanctions and restrictions;
- professional qualifications check where required; and
- right to work in the UK.

For Supply staff, the SCR also includes whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks as detailed above, obtained the appropriate certificates and references, obtained a declaration of medical fitness, checked the previous employment history and if applicable checked whether the person is disqualified from childcare under the Childcare Act 2006, and the date that confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of staff. Agencies may operate the 'three-month rule' so people supplied to work in schools can move from one placement to the next relying on the same criminal record check unless they leave the schools' workforce for three months or more, in which case, a new criminal record check must be obtained before the next school placement. Where the agency has obtained an enhanced DBS certificate before the person is due to begin work at the school which has disclosed any matter or information or any information was provided to the employment business, the school must obtain a copy of the certificate from the agency.

The SCR relates to the relevant persons at any time and is kept up to date. The records for former workers are not

removed until after the end of the school academic year and at this point, they are archived.

Parallel entries are made when checks are renewed to preserve the integrity of the original data.

The SCR is maintained by the HR Manager. The HR Manager signs off recruitment paperwork and checks the entry in the SCR prior to a member of staff starting at the school. Periodic checks are made of the SCR and associated files by the Safeguarding Governor and the Compliance Officer (Emma Patel – Deputy Head). These checks are made at least twice each year.

14. Monitoring and Policy Review

The Policy will be reviewed annually to ensure that it complies with statutory requirements and to ensure that any changes in practices are accurately reflected. It will be presented to the Board of Governors Annually.