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## Safer Recruitment Policy

### 1 Introduction

Chetham's School of Music (**the School**) is committed to providing the best possible care and education to its students and to safeguarding and promoting the welfare of children and young people. The School is also committed to providing a supportive and flexible working environment to all its members of staff. The School recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The aims of the School's recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position
- to ensure that all job applicants are considered equally and consistently
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age
- 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**); *Keeping Children Safe in Education 2023* (**KCSIE**); *Disqualification under the Childcare Act 2006* (**DUCA**); the Prevent Duty Guidance for England and Wales 2015 (2023 from 31/12/23)(the **Prevent Duty Guidance**); and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the School 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.

The Policy also reflects the training in Safer Recruitment, provided by the NSPCC, that has been successfully completed by the following:

- Joint Principal (NS)
- Bursar (SN)
- HR Manager (RP)
- And others

This policy covers any person who will be working at the School whether under a contract of employment, under a contract for services or otherwise (where a formal contract is not in place).

The following are included: teachers, instrumental tutors, coaches, part-time staff, supply staff, administrative staff, other support staff and staff appointed from overseas, plus PGCE trainees, Governors, volunteers and agency workers.

### **1.1 Governance Oversight**

The Governing Body have appointed a Governor responsible for Safeguarding.

The Bursar reports regularly to the Safeguarding Committee and to the Governing Body on the following matters, amongst others:

- That all pre-employment checks have been fully carried out prior to appointment for all types of appointee
- That the Central Register of Appointments has been completed accurately.

The Chair of the Safeguarding Committee makes checks of personnel files on a random basis to ensure that all checks are being carried out effectively and on a timely basis.

The Governing Body will review this policy annually.

## **2 Data Protection**

The School is legally required to carry out the pre-appointment checks detailed in this policy. 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. 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 Procedure**

All applicants for employment will be required to complete an **application form** containing questions about their academic and employment history, including any voluntary work undertaken, 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 fully completed application form.

Application forms, job descriptions and person specifications for current vacancies are available to download from the School's website, as well as this policy and the School's Safeguarding (Child Protection) Policy. Printed versions will be provided to applicants on request.

The School 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 ideally will be also involved in the interview process. Rarely, for example, when recruiting for shortage vacancies, suitable candidates may be invited for interview before the closing date for applications.

Shortlisted applicants will be invited to attend a **formal interview**, at which their skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children. An online search will also be carried out on shortlisted candidates to identify any relevant incidents or issues in the public domain which might be explored at interview.

Shortlisted applicants are required to complete a self-declaration form prior to interview in which they are asked to provide information about their criminal records history and other factors relevant to their suitability to work with children. This information will be considered and discussed with applicants at interview.

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

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment
- verification of the applicant's identity (where that has not previously been verified)
- verification of qualifications, whether professional or otherwise, which are relevant to the advertised post
- verification of the applicant's employment history
- the receipt of at least two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory
- information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency which renders them unable or unsuitable to work at the School
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the School
- where the position amounts to "regulated activity (see section 4.3.2 below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory.
- where the position amounts to "regulated activity" (see section 4.3.2 below), confirmation that the applicant is not named on the Children's Barred List\*

- information about whether the applicant has ever been subject to a direction under Section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under Section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the School
- confirmation that the applicant is not disqualified from acting as a trustee or governor or senior manager of a charity under the Charities Act 2011 (if applicable, see section 4.6 below)
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 4.7 below)
- verification of the applicant's medical fitness for the role (see section 4.8 below)
- verification of the applicant's right to work in the UK; and
- any further checks which the School decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references.

**\*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, supply staff and governors who will be engaging in regulated activity. 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.**

#### **4 Pre-employment Checks**

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the ISSRs and the *Boarding Schools: National Minimum Standards* the School carries out a number of pre-employment checks in respect of all prospective staff.

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.

#### 4.1 **Verification of identity, address, right to work in the UK and qualifications**

All applicants who are invited to an interview will be required to bring with them evidence of their identity, right to work in the UK, address and qualifications.

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

**Identity and address:** all applicants must bring with them to interview, original documents which evidence their identity and address as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

- one document from Group 1\*; and
- two further documents from either of Group 1\*, Group 2a or Group 2b, one of which must verify the applicant's current address

\*applicants must always provide their birth certificate as one form of identity unless there is good reason why this cannot be provided.

Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. They will also be required to provide their birth certificate.

The School asks for the date of birth of all applicants in order to verify the identity and check for any unexplained discrepancies in the employment and education history. The School does not discriminate on the grounds of age.

**Right to work in the UK:** 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'.

The School 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'.

**Qualifications:** all applicants must also bring to interview original documents which evidence educational and professional qualifications relevant to the advertised and applied for post.

#### 4.2 **References**

The School will seek to take up references on short listed applicants prior to interview wherever possible. References may however be taken up after interview by exception/agreement.

Please note that 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 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.

Chetham's employees may not act as referees for external applicants.

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, 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 (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 children or young people, except where the allegation or concerns were found to be unsubstantiated, unfounded, false or malicious
- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at section 7 below).

(\*questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.)

The School will only accept references obtained directly from the referee by the School and it will not rely on references or testimonials provided by the applicant or on open references or testimonials. References will only be sought from and accepted from business email addresses, except in instances where a Character Reference has been obtained.

The School 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 School. 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 will be sought before an appointment can be confirmed.

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

The School will make telephone contact with any referee to verify the details of the written reference provided. Where any additional information is provided via phone, detailed notes will be taken, dated and signed. These notes should also make clear who was spoken to.

All internal candidates who apply for a new role at the School will have their application assessed in accordance with this procedure. References will be taken up on all internal candidates as part of the application process but can be provided by colleagues as the School will be the most recent employer.

The School treats all references given or received as confidential which means that the applicant will not usually be provided with a copy

### **4.3 Criminal Records Checks**

Prior to 29 May 2013 an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at the School.

#### **4.3.1 DBS Filtering Rules**

With effect from 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The filtering rules developed by the DBS and the Home Office designate certain spent convictions and cautions as "protected". "Protected" convictions and cautions are not included in a DBS certificate and job applicants are not required to disclose them during the recruitment process. It is unlawful for an employer to take into account a conviction or caution that should not have been disclosed. If a protected conviction or caution is inadvertently disclosed to the School during the recruitment process it must be disregarded when making a recruitment decision.

A conviction will always be disclosable if it was imposed for a "specified offence" committed at any age. A caution issued for a "specified offence" committed over the age of 18 will always be disclosable. However, a caution issued for a "specified offence" committed under the age of 18 is never disclosable. "Specified offences" are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults. The list of "specified offences" can be found at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

The filtering rules have recently been updated and work as follows:

#### **For those aged 18 or over at the time of an offence**

A spent criminal conviction for an offence committed in the United Kingdom when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by the job applicant) if:

- a) eleven years have elapsed since the date of the conviction;
- b) it did not result in a custodial sentence; and
- c) it was not imposed for a "specified offence".

A spent caution for an offence committed when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- a) six years have elapsed since the date it was issued; and
- b) it was not issued for a "specified offence".

**For those aged under 18 at the time of an offence**

A spent conviction for an offence committed when a person was under the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- (a) five and a half years have elapsed since the date of the conviction;
- (b) it did not result in a custodial sentence; and
- (c) it was not imposed for a "specified offence".

A caution issued for an offence committed when a person was under the age of 18 will never be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant).

**4.3.2 Regulated Activity**

The School applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the School which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. Any position undertaken at, or on behalf of the School will amount to "regulated activity" if it is carried out:

- (a) frequently, meaning once a week or more; or
- (b) overnight, meaning between 2.00 am and 6.00 am; or
- (c) satisfies the "period condition", meaning four times or more in a 30-day period; and
- (d) 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 the 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.

#### 4.3.3 **The DBS Disclosure Certificate**

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School as soon as possible following receipt by the applicant. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the School should be arranged with the HR Manager as soon as it has been received.

Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

#### 4.3.4 **Starting Work Pending Receipt Of The DBS Disclosure**

If there is a delay in receiving a DBS disclosure the Joint Principal (NS) has discretion (**in very exceptional circumstances**), to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place. A risk assessment will be completed before appointment and reviewed on a regular basis.

The following procedure will be used:

- A Children's Barred List check is completed by the Bursar;
- A Risk Assessment is completed, supervision identified, and the RA approved by the Joint Principal (NS);
- Safeguards are reviewed at least every 2 weeks;
- The individual, Head of Department and Leadership Team are informed of these safeguards;
- A note is made on the Central Register of Appointments;
- Paperwork is kept on the new employee's personnel file; and
- The appointment will only be confirmed once the DBS Certificate has been satisfactorily received.

#### 4.3.5 **Applicants With Periods Of Overseas Residence**

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. The School will take into account the "DBS unusual addresses 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 country outside of the UK in which the applicant has lived for a period of three months or more in the previous five years.

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 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 worked as a teacher outside of the UK, the School will ask the applicant to obtain from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher, evidence which confirms that they have not imposed any sanctions or restrictions on the applicant and that they are not aware of any reason why the applicant may be unsuitable to work at the School. The School will also ask shortlisted applicants (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.

Sanctions and restrictions issued by the regulating authority of another country will not prevent a person from working at the School. However, the School will take all relevant information into account in determining whether an applicant is suitable to work at the School.

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 seek additional alternative measures of checking suitability (such as additional references) and undertake a risk assessment and 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 will be delayed until the formal check is received.

#### **4.4 Prohibition From Teaching Check**

The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. The School uses the Teaching Regulation Agency Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel on behalf of the Teaching Regulation Agency.

In addition the School asks all applicants 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 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 School will consider whether the facts of the case render the applicant unsuitable to work at the School.

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 students;
- delivering lessons to students;
- assessing the development, progress and attainment of students; and
- reporting on the development, progress and attainment of students.

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.

#### **4.5 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 section 128 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 (though is not exhaustive):

- Joint Principal
- posts on the senior leadership team
- posts which carry a departmental head role
- support staff posts on the senior leadership team
- The School will assess on a case-by-case basis whether the check should be carried out when appointments are made to teaching and support staff roles which carry additional responsibilities.

All individuals who are appointed to the Governing Body will be subject to a section 128 direction check.

The relevant information is contained in the enhanced DBS disclosure certificate (which the School obtains for all posts at the School that amount to regulated activity). It can also be obtained through the Teaching Regulation Agency Teacher Services system. The School will use either, or both, methods to obtain this information.

In addition the School asks all applicants to declare in the application form 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 School will consider whether the facts of the case render the applicant unsuitable to work at the School.

## **4.6 Disqualification From Acting As A Charity Trustee Or Senior Manager**

### **4.6.1 Background**

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.

### **4.6.2 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. In an independent school the trustees will typically be the governors of the School.

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 School the disqualification rules will be applicable to all governors, the Joint Principals, and the.

There is no single list or register that covers all of the disqualification criteria and the School 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.

### **4.6.3 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 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.

#### 4.6.4 **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:

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

#### 4.6.5 **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.

#### **4.7 Childcare Disqualification – At Present This Section Is Not Relevant For Chetham’s As No Children Aged Under 8 Are Admitted – See Appendix 2 For Reference Purposes**

#### **4.8 Medical Fitness**

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

It is the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. If the completed Health Questionnaire contains potentially relevant information, the School will organise a review by the School's Occupational Health advisor. The Health Questionnaire 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 timetable, extra-curricular activities, layout of the School etc. If the School's Occupational Health advisor has any doubts about an applicant's fitness, the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist, with the consent of the applicant or request that the applicant undertakes a full medical assessment.

Non-employed personnel gaining Chetham's Clearance and volunteers will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. If an applicant prefers to discuss this with the School instead, or to attend an occupational health

assessment to consider their fitness for the role, they should contact the HR Manager, so appropriate arrangements can be made.

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.

## **5 Contractors And Agency Staff**

The School will complete the same checks 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 of 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 an individual 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 4.1 above and requires the provision of the DBS disclosure certificate before those individuals can commence 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 students at or on behalf of the School (the definition of regulated activity set out in section 4.3.2 above will be applied to all volunteers).

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 students in their care.

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

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.

The School carries out full safer recruitment checks for all volunteers, including (but 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
- a safer recruitment interview.

## **7 Visiting Speakers And The Prevent Duty**

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

The School 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 School or perform any other regular duties for or on behalf of the School.

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

The School 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 School. In doing so the School will always have regard to the Visitor 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 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.

## **8 Policy on Recruitment of Ex-Offenders**

### **8.1 Background**

The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The School 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 School. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 8.2 below.

All positions within the School 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 (see section 4.3.1 above).

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 School to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the School. The School will make a report to the police and / or the DBS if:

1. it receives an application from a barred person;
2. it is provided with false information in, or in support of an applicant's application; or
3. it has serious concerns about an applicant's suitability to work with children.

## **8.2 Assessment criteria**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, 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;
- 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 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; or
- serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the 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 dangerous



driving, careless driving, driving under the influence of drink or drugs, speeding offences, document offences, driving using a mobile phone or any driving offences involving serious injury or death, within the last ten years.

### **8.3 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 School will carry out a risk assessment by reference to the criteria set out above.

## **9 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.

## **10 Whistleblowing And Exit Interviews**

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

## **11 Referrals To The DBS And Teaching Regulation Agency**

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

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

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 prior to dismissal on such grounds, the School will make a referral to the Teaching Regulation Agency.

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

## **12 Queries**

If an applicant has any queries on how to apply for a post at the School, they should contact the HR Manager.

## Appendix1

### List Of Valid Identity Documents

#### **Group 1: primary identity documents**

- current valid passport
- biometric residence permit (UK)
- current driving licence photocard - full or provisional (UK / Isle of Man and Channel Islands)
- birth certificate - issued within 12 months of birth (UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces)
- adoption certificate (UK and Channel Islands)

#### **Group 2a: trusted government documents**

- current driving licence: photocard - full or provisional (all countries outside the UK excluding Isle of Man and Channel Islands)
- current driving licence: paper version if issued before 1998 – full or provisional (UK / Isle of Man and Channel Islands)
- birth certificate - issued after time of birth (UK, Isle of Man and Channel Islands)
- marriage / civil partnership certificate (UK and Channel Islands)
- immigration document, visa or work permit (issued by a country outside the UK. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non-UK country in which the role is based)
- HM Forces ID card (UK)
- firearms licence (UK, Channel Islands and Isle of Man)

All driving licences must be valid.

## **Group 2b: Financial and social history documents**

- mortgage statement (UK)\*\*
- bank / building society statement (UK and Channel Islands)\*
- bank / building society statement (countries outside the UK)\*
- bank / building society account opening confirmation letter (UK)\*
- credit card statement (UK)\*
- financial statement - e.g. pension or endowment (UK)\*\*
- P45 / P60 statement (UK and Channel Islands) \*\*
- council tax statement (UK and Channel Islands)\*\*
- letter of sponsorship from future employment provider (non-UK only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)
- utility bill (UK; not mobile telephone bill)\*
- benefit statement - e.g. child benefit, pension (UK)\*
- a document from central or local government/ government agency / local council giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs (UK and Channel Islands) \*
- EEA national ID card (must be valid at time of application)
- Irish passport card (cannot be used with an Irish passport; must be valid at time of application)
- cards carrying the PASS accreditation logo (UK, Isle of Man and Channel Islands; must be valid at time of applications)
- letter from Head or College Principal (UK; for 16-19 year olds in full-time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application).

### **Note**

If a document in the list of valid identity documents is:

denoted with \* - it should be less than three months old

denoted with \*\* - it should be less than 12 months old

## Appendix 2

### **Childcare disqualification – at present this section is not relevant for Chetham’s as no children aged under 8 are admitted – (see Section 4.7)**

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

#### **Definitions**

- (a) EYP includes usual school activities and any other supervised activity for a child up to 1 September after the child's 5th birthday, which takes place on the School premises during or outside of the normal school day;
- (b) 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.

DUCA states that only those individuals who are employed directly to provide childcare are covered by the Regulations. "Childcare" means any form of care for a child, which includes education and any other supervised activity for a child who is aged 5 or under. "Childcare" in LYP does not include education during school hours but does cover before and after school clubs.

#### **Relevant Roles**

Roles which will be covered by the Regulations are teaching and teaching assistant positions in EYP, and those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Head, and may also include other members of the leadership team as well as those involved in the day-to-day management of EYP or LYP at the School.

DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

Some roles at the School may involve the provision of childcare in EYP or LYP on an occasional basis. They will not automatically be within the scope of the Regulations and the School will therefore consider whether they do on a case-by-case basis. The Regulations only apply to a limited number of roles within the School but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP.

#### **Grounds for Disqualification**

The grounds on which a person will be disqualified from working in connection with EYP or LYP are set out in the Regulations. They are not only that a person is barred from working with children (by inclusion on the Children's Barred List) but also include:

- (a) 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
- (b) various grounds relating to the care of children, including where an order is made in respect of a child under the person's care
- (c) 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
- (d) having been refused an application for registration of a children's home or having had any such registration cancelled; or
- (e) having been prohibited, restricted or disqualified from private fostering.

## **Self-declaration Form**

All applicants to whom an offer of employment is made to carry out a relevant role in EYP or LYP will be required to complete a self-declaration form confirming whether they meet any of the criteria for disqualification under the Regulations.

The School will decide whether a role is relevant and within the scope of EYP or LYP by having regard to the guidance in DUCA. Employment with the School in any relevant role will be conditional upon completion of the self-declaration form and upon the applicant not being disqualified.

The School cannot permit any person 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 form renders that person unsuitable to work at the School.

Applicants who have any criminal records information to disclose about themselves must also provide the following information:

- (a) details of the order, restriction, conviction or caution and the date that this was made
- (b) the relevant court or body and the sentence, if any, which was imposed and
- (c) a copy of the relevant order or conviction.

**Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3.1 above).**

**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".**

## **Waiver of a Disqualification**

A person who discloses information which appears to disqualify them from working in a relevant role may apply to Ofsted for a waiver of the disqualification. The School 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 School will withdraw the conditional offer of employment.

## **Retention Of Disqualification Information**

The School will securely destroy any information which is provided by an applicant which is not relevant to the childcare disqualification requirements as soon as it is established that it is not relevant. Where a person appointed to a role at the School is found to be disqualified the School will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the School, after which it will be securely destroyed.

## **Continuing Duty To Disclose Change In Circumstances**

After making this declaration staff in a relevant role are under an on-going 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 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.

## Appendix 3

### Recruitment Rules Specific To The Differing Roles Within Chetham's

#### 1 Internal appointments and staff returning to Chetham's (within 3 months)

Internal appointments and staff having previously completed all pre-employment checks as an employee who resign / break continuity of service, but then return to work at Chetham's, in either a contractor role, a volunteer or as an employee, within a 3-month period will require the following checks, prior to their start date (linked to the ISI standard Part 4 Paragraph 18 (sub section 3 & 4).

The individual's personnel file will also be reviewed prior to their start date to ensure no information currently required under this Policy is missing; in the event of any missing information, this will be requested and must be provided prior to a start date being confirmed, along with the following:

- Children's Barred List check (for returning staff);
- Check for relevant Prohibition from Teaching/overseas check and/or Prohibition from Management & Leadership Order (for returning staff or promoted staff);
- An email stating any new employment since last working/providing services for Chetham's (for people returning);
- Confirmation that the applicant is fit to work in the post;
- Interview notes;
- Internal references;
- Signed job description; and
- Any person with "limited leave to remain" visas will be asked to provide sight of their original current visa.

#### 2 Staff returning to work following a period of absence of more than 3 months, where continuity of service has not been broken

Staff returning to work from Maternity Leave, Parental Leave, Long Term Sickness, or other similar types of leave where continuity of service is maintained do not need to be checked as new employees. However, employees taking Sabbatical or other similar types of leave will be required to renew their DBS check before restarting work.

#### 3 Staff re-employed or returning to school in another work capacity following a period of more than 3 months (broken service)

Will complete all pre-employment checks as per a NEW EMPLOYEE. This will also apply to any CONTRACTOR, SUPPLY person or VOLUNTEER.



## **4 Zero Hours Contracts**

Staff with "Zero hours" contracts who have continuity of service between periods of work which do not exceed 12 months, do not need to be rechecked on each return to work.

Zero hours staff who have not worked for the School for a period of longer than 12 months will be required before resuming their duties to:

- undertake a new enhanced DBS check with a check (if relevant) of the Children's Barred List;
- be checked for a Prohibition Order section 128/142;
- provide additional information about employment undertaken since their last application form was provided to Chetham's;
- confirm they are fit for the role;
- undertake Safeguarding training; and
- undertake a Departmental (refresher) Induction.

## **5 Contractors**

Relevant contractors who visit the School on a regular basis and who may have unsupervised access to children are treated as staff and are subject to the same employment checks as employed staff. They are not allowed to work unsupervised until all Chetham's Clearance checks have been satisfactorily carried out.

Those responsible for appointing contractors must ensure that the work being carried out under the contract for services is not a role that should be an employed role. As a general rule, a contractor carrying out work that is normally carried out by employed staff may work for the School for two days in a three-month period without the need for an employment contract. If it is envisaged that the appointment will extend beyond this limit then an employment contract should be used from the start of the assignment.

## **6 Contractors / volunteers (Chetham's cleared) who are subsequently employed as members of staff (within a 3-month period since last offering their services to the School)**

If a person joins Chetham's as a Contractor or Volunteer and completes Chetham's Clearance checks but is then contractually employed by the School (within a 3-month period since last undertaking work) they will be required to:

1. complete an application form for the post;
2. attend an interview;
3. provide original qualification documents (if applicable);
4. complete a pre-employment health assessment (if not already undertaken);
5. sign the job description;
6. sign the offer of employment letter;
7. have a Barred List check;
8. be checked for any Prohibition for Teaching and/or Management Order subject to direction under section 142 of the Education Act 2002 or section 128 of the Educational Skills act 2008. Where a sanction is identified, the

School will risk assess the sanction and make an employment decision based on this; and

9. complete the departmental induction.

## **7 Appointment of Supply and (Contract Sodexo) Staff**

Written confirmation is obtained in advance of appointment from the relevant supply agency to confirm that the required checks have been carried out: identity, Enhanced DBS disclosure, right to work in the UK, Barred List, prohibition, qualifications, overseas checks, references, medical fitness and employment history. A check for any Prohibition Order S.142/128 check (if relevant) is also undertaken and details documented.

These checks are noted on the Central Register of Appointments (CRA) for all supply staff except Sodexo who maintain their own CRA. Sodexo's CRA is updated and a copy is sent to the HR Manager following any changes to Sodexo staff. The School also ensures in advance of appointment that the original DBS certificate is seen by the School and that the person's identity is checked. A photocopy of the identity document(s) is taken and certified by the checker. Both the date at which the DBS Certificate was obtained and also the date the DBS Certificate is checked by the Supply Agency is recorded on the Supply New Starter form.

All **pre-employment checks** must be completed before the person starts work at the School.

**Induction** of supply staff is carried out by the relevant Head of Department. Induction of new Contract Sodexo staff is carried out in School by Sodexo Staff.

**Safeguarding training** is carried out prior to working at the School, by the School's Designated Safeguarding Lead.

## **8 Appointment Of Volunteers, Others And Third Parties (Visiting Professionals)**

The following checks on new regular volunteers are carried out: Enhanced DBS Disclosure (including Children's Barred List check for relevant activity roles), references, informal interview, and no concerns raised by others in the School.

One-off volunteers for non-overnight activities who will not have unsupervised access to students do not require vetting checks.

The School understands that visiting professionals such as psychologists, nurses, dentists and other public sector staff will have been vetted by their own employing organisations and this must be confirmed in writing to the School by the employing organisation. Their identity will be checked by the School prior to their first visit or appointment and copies made of their identity documents.

## **9 Appointment of Proprietor (Chair) and Governors**

The "proprietor" is the person or body of persons registered with the DfE as being responsible for the management of the School. The Governing Body is the proprietor of Chetham's School of Music.

## **11 For the appointment of the Chair of the Governing Body**

If the Chair of Governors is to change, before the change is effected or as soon as practicable thereafter, the School will ensure that the DfE obtains an enhanced criminal records check, and checks both the individual's identity and right to work in the UK before they take up the appointment. Further overseas checks are required if the person lives or has lived outside the UK. The Chair's disclosure application has to be made by the DfE; the School cannot handle it as they would for all other Governors. So, even if a Governor, whom the School has already checked, becomes Chair, the DfE has to make yet another check.

The required checks are:

- Barred List
- Enhanced criminal record check by the Secretary of State
- Identity
- Overseas checks, where appropriate
- Right to work in the UK
- Prohibition from teaching
- Prohibition from leadership and management.

The DfE guidance on this process is available below.

In addition, the Chair must complete a Register of Interests form (annually), Automatic Disqualification Declaration, and a Trustee Declaration form. The School will check the Register of Removed Trustees and the Companies House list of disqualified directors.

## **13 For the appointment of the Proprietors (Governors) of the School**

Before appointment (or as soon as practicable) the School will check:

- Barred list - confirmation that the individual is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where the individual will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 of that Act.
- for any prohibition order, interim prohibition order or any direction under section 128 of the 2008 Act or Section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction.

On behalf of the Chair of Governors, the School will check:

- an Enhanced DBS check and where the Secretary of State makes a request for an Enhanced DBS check countersigned by the Secretary of State, such a check will be made
- checks on the individual's identity
- check on their right to work in the UK
- where the individual has lived outside of the United Kingdom, and where obtaining an enhanced criminal record certificate is not sufficient to establish the individual's suitability to work in a school, such further checks as the Chair of Governors considers appropriate, having regard to any guidance issue by the Secretary of State.

In addition, the new Governor must complete a Register of Interests form (annually), Automatic Disqualification Declaration, and a Trustee Declaration form.

The School will check the Register of Removed Trustees and the Companies House list of disqualified directors.

## **14 Visiting Professionals**

**Definition:** individuals working at the School but employed by third parties (for example, psychologists, nurses, dentists and other public sector staff) and also equivalent professionals such as PGCE students, supplied by a central body (i.e. University).

KCSIE advises that these persons should be checked by their employing organisation. It is not necessary for the School to see their DBS check (unless it is offered), but will need to see written confirmation from their employing organisation that both the DBS check and all other appropriate checks have been performed.

The School will also check the identity (and keep a copy of the evidenced documentation) of the person before or on arrival on the first day of beginning work / assignment.

## **15 Employment Induction**

All staff (including temporary staff, volunteers and relevant contractors) who are new to the School will receive induction training that will include the School's Safeguarding Policies, the Whistleblowing Policy and guidance on safe working practices.

Regular meetings will be held during the first 3 months of employment between the new employee and the appropriate Head of Department.

## **16 Clearance Gap**

All safer recruitment files are reviewed by the Bursar before authority for employment (or Chetham's Clearance) to commence is given. There will be at least a 3 working day gap (Monday to Friday working days) between file sign off and start date.

## **17 Central Register of Appointments**

The School maintains a Central Register of Appointments (CRA) in accordance with the ISSRs and NMS to enable a note of all checks to be kept in one place. The School keeps a record of all staff, volunteers and those given Chetham's Clearance. The following information is recorded, showing the date when information is received by the School and the initials of the person checking the information.

- the post
- date of appointment
- name
- address
- date of birth
- barred list

- professional qualifications
- enhanced DBS (or DBS Status Check)
- overseas checks where applicable
- prohibition from teaching check
- prohibition from management check
- overseas check
- identity
- right to work in the UK
- references
- employment history (from the application form)
- medical fitness
- notes (including for volunteers, any concerns from the School community)

The CRA is reviewed monthly by the Bursar and termly by the Safeguarding Committee.

# **Proprietors of independent schools**

**Suitability checking guidance**

**May 2022**

## Contents

Summary .....	32
Expiry or review date .....	32
Who is this publication for? .....	32
Legislative background.....	33
What we do to carry out these checks .....	34
Identity, right to work and prohibition from management.....	34
Enhanced Criminal Record Check (DBS check).....	35
What we require from you.....	37
Step 1: Complete Forms A and B.....	37
Definition of volunteer.....	39
Definition of Regulated Activity .....	39
Form B: Identity checking form and guidance .....	41
Guidance on completing this form .....	41
Section B: Document certification.....	42
Form C: declaration to be provided with DBS disclosure certificate .....	44
Declaration 44	
Policy on rehabilitation of offenders .....	45
Privacy notice.....	46
Who we are 46	
The categories of this information that we collect, process, hold and share include:.....	46
Why we collect and use this information .....	46
The lawful basis on which we use this information .....	46
Collecting this information.....	46
Storing this information.....	46
Who we share this information with.....	47
Data confidentiality.....	47
Requesting access to your personal data .....	47
Further information.....	47

## Summary

Under Part 4 of the Education (Independent School Standards) Regulations 2014 (“the Standards”) the Secretary of State is required to run specified checks on all proprietors of independent schools. The Non-Maintained Special Schools (England) Regulations 2015 impose identical obligations on the Secretary of State with regards to chairs of the governing bodies of an NMSS.

This is non-statutory guidance produced to help proprietors and prospective proprietors of independent schools, and chairs and prospective chairs of non-maintained special schools, understand the process so that these required checks can be completed.

This document is not intended to be definitive guidance on the meaning of the independent school standards, which only a court can give.

## Expiry or review date

This guidance will be reviewed before July 2024.

## Who is this publication for?

This guidance is for prospective and newly appointed independent school proprietors or chairs of proprietor bodies, or chairs of the governing body of a non-maintained special school who need to be subject to checks to comply with the Standards (or the Non-Maintained Special Schools (England) Regulations 2015).



## Legislative background

Part 4, paragraph 20 of the Schedule to the Education (Independent School Standards) Regulations 2014 (“the Standards”) relates to the suitability of the proprietor of an independent school, whether an individual or the chair of the proprietor body. The Standards obligate the Secretary of State to confirm that:

The proprietor –

- i. is not barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006 where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act; and
- ii. does not carry out work, or intend to carry out work, at the school in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the Education and Skills Act 2008 Act or section 142 of the Education Act 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction.

And to run the following checks before the school is entered in the register or, in the case of a registered school, before or as soon as practicable after the individual takes over as proprietor:

- i. an enhanced criminal record check, countersigned by the Secretary of State where an application for such a check is made under section 113B(1) of the 1997 Act;
- ii. checks confirming the individual’s identity and their right to work in the United Kingdom; and
- iii. in the case of an individual for whom, by reason of that individual living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish the individual’s suitability to work in a school, such further checks as the Secretary of State considers appropriate

The Non-Maintained Special Schools (England) Regulations 2015 place identical obligations on the Secretary of State with regards to the chairs of the governing body of NMSS.

The results of these checks are used to determine the suitability of the school proprietor and support safeguarding requirements set out in statutory guidance contained in:

- [The Education \(Independent School Standards\) Regulations 2014](#)
- [Keeping Children Safe in Education](#)

## What we do to carry out these checks

### Identity, right to work and prohibition from management

Once we have received from you the completed forms and all relevant supporting documents requested at the end of this Guidance, we will use these to confirm your identity and begin to process your suitability checks. Forms which are not fully completed will not be processed.

We will also check the information you provide to determine your right to work in the UK and confirm that you have not previously been in receipt of a prohibition order or similar measure barring you from this position.

Once these checks are completed satisfactorily, we will pass your application to Verifile. Verifile is a registered umbrella body of the DBS, which has been appointed by the department to carry out DBS checks on our behalf. Verifile will contact you separately regarding the process they follow and will request from you more detailed biographic information.

Information about Verifile and how to use the [Verifile](https://www.verifile.co.uk) service is available at [Verifile.co.uk/candidate](https://www.verifile.co.uk/candidate).

## Enhanced Criminal Record Check (DBS check)

All fresh applications to act as the proprietor of an independent school require you to be subject to an enhanced criminal record check carried out by the DBS. The Department for Education cannot rely on the results of a check carried out on you by another department or organisation, or on the results of a check carried out on you during a previous application.

The only two exceptions to this rule may be if:

- (i) You are making multiple applications to act as proprietor of an independent school in a very short period of time so that the Department for Education has very recently commissioned a DBS check on you; or
- (ii) You are registered with the DBS update service. If this applies, you can grant us permission to view your records instead of applying for a new certificate. You should tell us that you are registered for the update service when you submit your forms.

If you think either of these exemptions may apply to you, please contact us at [registration.enquiries@education.gov.uk](mailto:registration.enquiries@education.gov.uk) to discuss further.

Provided that neither of the above exemptions apply we will pass your information on to Verifile who conduct the checks on our behalf. Verifile will separately contact you with information on how to complete the Disclosure and Barring Service (DBS) check and obtain either an enhanced Disclosure and Barring Service (DBS) certificate; or an enhanced Disclosure and Barring Service (DBS) certificate with barred list information if your role includes regulated activity with children.

You should satisfy yourself whether this definition will apply to your activity in the school. In the context of a school, you are likely to be engaged in regulated activity if you are undertaking the “Teaching, training or instruction, care or supervision of children” for “more than 3 days in a 30-day period OR overnight between 2am & 6am with the opportunity for face-to-face contact with children”. If you are unsure whether your role includes regulated activity you should review the published guidance “[Regulated activity in relation to children: scope](#)” and/or Keeping Children Safe in Education, Part 3 for a fuller explanation

You may be charged for this according to fees set by the DBS. As of April 2022, this fee is £38. Volunteers are not charged. The Police Act 1997 (Criminal Records) Regulations 2002 defines a volunteer as:

- Any person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative.

To qualify for a free-of-charge criminal record check, the applicant must not:

- benefit directly from the position for which the DBS application is being submitted
- receive any payment (except for travel and other approved out-of-pocket expenses)
- be on a work placement
- be on a course that requires them to do this job role
- be in a trainee position that will lead to a full-time role/qualification

If this applies to your position you should inform us when completing Form A.

Any questions about this process are best directed to Verifile on [service@verifile.co.uk](mailto:service@verifile.co.uk)

Once your DBS check is complete, the Department receives notification from Verifile as to whether your certificate contains any disclosure information.

Provided that this and all other checks do not raise concern, we will write to you to confirm that school may be added to the Register of Independent Schools (or your named added to the Register if you are the new proprietor of an already-registered school).

## **What if my certificate contains relevant disclosure information?**

If we are informed by Verifile that your DBS certificate contains disclosure information we will contact you to ask that you provide us with a copy of that certificate. If you are asked to provide your certificate, you should send it, along with the declaration at Annex C, to [registration.enquiries@education.gov.uk](mailto:registration.enquiries@education.gov.uk). Since these forms and attachments will contain your personal information, we recommend making use of a secure file transfer system. The Department for Education supports the system offered by Galaxkey ([Galaxkey - Secure Delivery Service \(education.gov.uk\)](#)). You will not need to register for an account but using this or a similar system to e-mail us your documents will provide further security of your data.

We will use the contents of that certificate, and the results of the other checks we run, to determine your suitability to act as an independent school proprietor (of chair of the governing body of an NMSS). This is a case-by-case decision, and it is not possible to provide guidance on information which if returned will see the Secretary of State assess you as unsuitable.

You may be asked to provide representations on what is shown on the certificate. This is your opportunity to give the department information about the circumstances of the relevant information, and any mitigating factors. The Secretary of State will use all available evidence to reach a decision on your suitability.

All information is considered in line with our policy on the rehabilitation of offenders, which can be found at Annex D.

# What we require from you

## Step 1: Complete Forms A and B

Please complete Form A.

**Form A** asks you to provide the name of the school of which you will be proprietor or chair, your name, date of birth and contact details, whether you will be in a paid position or a volunteer, and whether you will be engaged in a regulated activity within the meaning of Part 1 of Schedule 4 to the Safeguarding and Vulnerable Groups Act 2006. A definition of “regulated activity” is included on the form for your information. You may wish to take independent advice to determine if you will be engaged in regulated activity.

We will check the information you provide against our internal records to confirm that you have not previously been in receipt of a barring order under the Safeguarding Vulnerable Groups Act 2006, section 128 of the Education and Skills Act 2008 Act or section 142 of the Education Act 2002 Act or any relevant disqualification, prohibition, or restriction. If you have previously been in receipt of such an order your application may be refused.

Once complete this form should be sent to:

[registration.enquiries@education.gov.uk](mailto:registration.enquiries@education.gov.uk). We recommend the use of e-mail for all correspondence however if you do not have access to email you can write to us.<sup>1</sup>

You are also required to provide evidence that your identity has been verified by an authoritative, professional third party. You can do this by completing **Form B** and sending it to us at the above address.

To complete **Form B**, you must make use of a professional document certification service, paying a small fee if necessary. The Post Office currently offer this service in branch: [Document Certification Service | Post Office](#) but other services may be made use of. This professional service must be used to certify documents to verify your identity to the standards required by the Disclosure and Barring Service. You must have verified

- one document from [Group 1: Primary identity documents](#)
- two further documents from either [Group 2a: Trusted government documents](#)
- or [Group 2b: Financial and social history documents](#).

At least one of the documents must show your current address and documents printed from the internet, such as bank statements, are not accepted.

Once you have completed forms, including making use a professional checking service please send us:

1. The completed Form B;
2. A copy of your proof of certification; and
3. Scans or photocopies of each of the identity documents certified.

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<sup>1</sup> The Independent Education and Boarding Team, Department for Education, Bishopsgate House, Darlington, DL1 5Q; or

Since these forms and attachments will contain your personal information, we recommend making use of a secure file transfer system. The Department for Education supports the system offered by Galaxkey ([Galaxkey - Secure Delivery Service \(education.gov.uk\)](#)). You will not need to register for an account but using this or a similar system to e-mail us your documents will provide further security of your data.

Please note that by sending your forms to the above address, you accept that you are giving consent for the department to hold and process your data and use it for the purpose of making the checks outlined below.

## Form A: Applicant Information form

Applicant title and full name:	
Date of birth:	
Email address:	
Telephone number:	
School name and address:	
School DfE number (if known):	
School's local authority area:	
What position do/will you hold?	Individual proprietor / Chair of proprietor body  (delete as appropriate)
Will you be undertaking your role as an unpaid volunteer? (Please refer to definition below)	Yes / No (delete as appropriate)
Does your role in the school involve engaging in regulated activity with children? (Please refer to definition below)	Yes/ No (delete as appropriate)

### Definition of volunteer

Any person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative.

To meet the definition of a volunteer the person must not:

- benefit directly from the position for which the DBS application is being submitted
- receive any payment (except for travel and other approved out-of-pocket expenses)
- be on a work placement
- be on a course that requires them to do this job role
- be in a trainee position that will lead to a full-time role/qualification

### Definition of Regulated Activity

The proprietor will be in regulated activity in relation to children if:

- they will be undertaking regular paid work in the school that will give opportunity for contact with children; or

- they will regularly undertake unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/ guidance on well-being, or drive a vehicle only for children.
- Further information on the definition of Regulated Activity can be found in “**Regulated activity in relation to children: scope**” and Part 3 of Keeping Children Safe in Education.

## Right to work in the UK

You must confirm your right to work in the UK. This right to work is granted either through citizenship or through your immigration status.

Please delete as appropriate:

I am a British citizen	I am a foreign national with the right to work in the UK (Copy of visa or other document to be provided)
------------------------	--

## Time spent outside of the United Kingdom

This section only applies if you have spent time living outside the UN in the past ten years and you have not obtained British citizenship in that time.

If this applies to you, please list the overseas countries in which you have lived in the past ten years, along with the periods of residence:

Part 4 of the Education (Independent School Standards) Regulations 2014 require the Secretary of State in the case of an individual for whom, by reason of that individual living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not sufficient to establish the individual’s suitability to work in a school to conduct further such checks as the Secretary of State considers appropriate.

We may therefore need to contact you to request that you provide a a criminal records certificate or equivalent from the country or countries that you lived in. There is guidance available from the DBS on how to obtain an overseas check. This is available here: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>



# Form B: Identity checking form and guidance

## Guidance on completing this form

To complete this form, you must make use of a professional document certification service, paying a small fee if necessary. The Post Office currently offer this service in branch: [Document Certification Service | Post Office](#) but any professional document certification service may be used. You must use such a service to have your identity documents certified to the standards required by the Disclosure and Barring Service. You must have certified:

- one document from [Group 1: Primary identity documents](#)
- two further documents from either [Group 2a: Trusted government documents](#)
- or [Group 2b: Financial and social history documents](#).

One of the documents must show your current address.

## Verification of Identity Form

### Section A: Personal information

Name and address of school	
Title and full name:	
Any previous names (with dates):	
Date of birth:	
Contact address	

## Section B: Document certification

Professional certification service used (e.g. Post Office)	
Date	
Proof of certification attached	Yes/No
Identity documents certified ( <b>check against DBS ID checking guidelines</b> )	List:
Copies of certified documents attached – tick box to confirm	

Once complete, please send:

- A. This form;
- B. A scan or photocopy of your proof of certification; and
- C. Scans or photocopies of each of the identity documents certified to

[registration.enquiries@education.gov.uk](mailto:registration.enquiries@education.gov.uk)

Since these forms and attachments will contain your personal information, we recommend making use of a secure file transfer system. The Department for Education supports the system offered by Galaxkey ([Galaxkey - Secure Delivery Service \(education.gov.uk\)](https://www.galaxkey.com/)). You will not need to register for an account, but using this or a similar file transfer system to e-mail us your documents will provide further security of your data

### By submitting your form, you agree to the following declarations

- I have provided truthful and complete information about my identity and right to work in the United Kingdom
- I agree that the department may use my information to check whether I have been prohibited from participating in the management of independent schools
- I agree that the department may share my relevant personal information with its commercial partner Verifile
- I agree that the department and Verifile may share my relevant personal information with the Disclosure & Barring Service
- I agree that the department may process and store my personal information in accordance with the Privacy Notice contained within this guidance

- I agree that the department may contact me about this application, using the telephone number and email address I have provided

# Form C: declaration to be provided with DBS disclosure certificate

If you are asked to provide a copy of your DBS enhanced disclosure certificate, please provide a copy of this declaration with the certificate:

## Declaration

Your full name:

Your full postal address:

Name of School:

**Declaration:** I confirm that the certificate provided is an exact duplicate of that returned to me by the Disclosure and Barring Service (DBS). I understand that any false declaration or alteration of this certificate would be a criminal offence under Section 123 of the Police Act 1997.

Signature: .....

Date:.....

**Please note that the department reserves the right to request sight of the original document.**

When asked to do so, please send a scan or photograph of your certificate and signed declaration to us at **registration.enquiries@education.gov.uk**

## Policy on rehabilitation of offenders

The department undertakes not to discriminate unfairly against any subject of a criminal record check based on a conviction or other information revealed.

The department can only ask an individual to provide details of convictions and cautions that the department is legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (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).

The department can only ask an individual about convictions and cautions that are not protected.

The department 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 dependents, age, physical/mental disability or offending background.

The department has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process.

The department actively promotes equality of opportunity for all and does not discriminate in accepting applications from a wide range of potential proprietors and chairs of trusts, including those with criminal records.

As the department only processes criminal background checks for proprietors of independent schools and Chairs of academy and free school trusts, the checks are necessary and proportionate, and required under the Education (Independent School Standards) Regulations 2014.

The department ensures that all those in the department who are involved in carrying out criminal background checks have been suitably trained to identify and assess the relevance and circumstances of offences.

Where a criminal background check shows convictions, the department will invite the applicant to make representations about their convictions and takes this into account before deciding on suitability as a proprietor or Chair.

The department makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request.

# Privacy notice

## Who we are

This work is being carried out by the Independent Education and Boarding Team, which is a part of the Department for Education (DfE). For the purpose of data protection legislation, the DfE is the data controller for the personal data processed as part of the process for checking suitability of independent school proprietors.

## The categories of this information that we collect, process, hold and share include:

- personal information (such as name, address and position)
- where applicable, details of caution, conviction and other relevant information contained on an enhanced DBS certificate

## Why we collect and use this information

We collect this data from you and are processing it to enable us to carry out suitability checks on proprietors of independent schools. This allows us to comply with our statutory obligations contained in the independent school standards.

## The lawful basis on which we use this information

We collect and use this information in connection with the Secretary of State's regulatory functions under Part 4, Chapter 1 of the Education and Skills Act 2008, and GDPR (General Data Protection Regulations) Articles 6(1)(e) and 10.

## Collecting this information

The information is collected directly from the applicant or shared with us by an approved third-party (Verifile)

## Storing this information

The department ensures that information is only kept for as long as necessary, where it is no longer needed it will be deleted or destroyed securely. This means that once suitability is confirmed, all documents provided by the applicant are destroyed. We will retain details of the applicant's name, date of birth, email address, school and the results of the checks made including the disclosure reference number in a central spreadsheet.

## Who we share this information with

We will routinely share applicants' names, dates of birth and email addresses with Verifile to enable them to process the DBS checks.

The data is shared in order to facilitate the department's work in carrying out the Secretary of State's regulatory functions as described above. We may share information we hold about you with certain organisations, where the law allows it, or we have a legal obligation to do so.

## Data confidentiality

The Department has robust processes in place to ensure that the confidentiality of our data is maintained, and there are stringent controls in place regarding access and use of the data. Data is stored on secure electronic systems, or in files which are kept in secure conditions.

Even when the law allows us to do so, decisions on whether DfE shares personal data with third parties are based on factors such as the need for that third party to have the data, and the sensitivity of the data.

To contact the Department's Independent Education and Boarding Team:

[Registration.enquiries@education.gov.uk](mailto:Registration.enquiries@education.gov.uk)

## Requesting access to your personal data

Under data protection legislation any person has the right to request access to information about them that we hold. To make a request for your personal information, contact the department via the contact form at <https://tinyurl.com/y5vfmt3g>

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed.

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

## Further information

If you would like further information about this privacy notice, please contact the Independent Education and Boarding Team on the email address given above.



Department  
for Education

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