



REDDAM
House

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Safer Recruitment Policy

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Safer Recruitment Policy

Introduction and Purpose of Policy

Reddam House Berkshire is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.

	Initials	Provider
Person responsible for safer recruitment training	WAW	
The Governor appointed to oversee appointments	MSS	
Staff who have completed safer recruitment training	TJM	West Sussex SS
	TH	Online
Governors who have completed safer recruitment training	MSS	

The governing body ensure that the procedures and policies in place for the safe recruitment of all staff and volunteers are in accordance with the following and are effective;

Keeping Children Safe in Education (March 2015) (KCSIE) requirements,
ISI regulations (April 2015) (Part 4),
The Childcare Act 2006,
'Disqualification under the Childcare Act 2006' (Feb 2015),
Prevent Duty (April 2015, updated July 2015)

It is the responsibility of the head master, senior management and any other staff member nominated by the head master to;

- implement the school's safer recruitment procedures correctly
- ensure all staff and volunteers working at the school undergo appropriate checks
- monitor agencies and contractors compliance with safe recruitment
- promote the welfare of pupils at all stages of the process

The school will work to ensure that at all times at least one person on the appointments panel will have undertaken safer recruitment training.

Date policy written April 2015
Date of policy review Sept 2015
Next policy review Jan 2016

(This policy will be updated in response to any new requirements and regulations that appear before the date of the next review)

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

The school is committed to education in a vibrant environment, which engages children of all faiths and backgrounds and offers the best possible care and education for pupils.

Safeguarding and the welfare of pupils are prominent in all that the school undertakes. All staff, governors and volunteers share this commitment.

The school's commitment to providing a supportive and flexible working environment for staff is supported through the safe, effective recruitment and retention of competent, motivated staff members who form a diverse workforce comprising different backgrounds, skills and abilities.

The recruitment and selection process is efficient, effective and equal. We uphold our legal obligations and national agreements and do not discriminate against applicants on grounds of age, sex, sexual orientation, marital status, disability, race, colour, nationality, ethnic origin, religion or creed.

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

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

- to follow safer recruitment procedures at all times
- to ensure compliance with all statutory requirements and relevant recommendations and guidance, including the recommendations of the Disclosure and Barring Service [DBS] [formally the Criminal Records Bureau (CRB)].
- 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
- 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 equitably and consistently, in line with the school's equal opportunities policy
- to ensure that no job applicant is treated unfairly on any grounds.
- to ensure sufficient staff/governors receive training in safer recruitment processes
- to ensure all appointment panels contain at least one member who has been trained in Safer Recruitment

The main Acts relating to Safer Recruitment include:

- 'Disqualification under the Childcare Act 2006' (Feb 2015)
- Keeping Children Safe in Education [March 2015] [KCSIE]
- Working together to Safeguard Children [March 2015] [WT]
- Protection of Freedoms Act 2012
- The Childcare Act 2006, the Childcare (Disqualification) Regulations 2009.
- The Equality Act 2010 – which makes it unlawful to unjustifiably discriminate, directly or indirectly, against;
 - disabled people in employment
 - employees on the grounds of race, colour, nationality or ethnic origin. There are four types of discrimination, direct, indirect, victimisation and harassment
 - employees on the grounds of sex or marital status
 - employees on the grounds of religious belief or practice in employment.
 - employees on the grounds of age
- Education and Skills Act 2008
- Education Act 2002

In addition DfE advice on The Registration of Independent Schools and Part 4 of the ISI Regulations (April 2015) are relevant to Safer Recruitment.

Scope of this Policy

This policy refers and applies to staff directly recruited and employed by Reddam House Berkshire. In the Education (Independent Schools Standards) (England) Regulations 2010, staff are defined as: *“Any person working at the School whether under a contract of employment, under a contract for services or a volunteer involved in any regulated activity.”*

In the case of agency or contract workers, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate checks.

Any staff who TUPE transfer into the School's staff, will be required to undertake the statutory requirements with regard to safer recruitment checks. **All peripatetic music staff and sports coaches must also be subject to the regulatory checks.**

Recruitment & Selection Procedure

Our policy and procedures involve consideration of how we safeguard and promote the welfare of our pupils at every stage of the process. The process begins with planning, ensuring that the advertisement makes clear the school commitment to safeguarding children. It then continues through short-listing, interviewing, appointing, checking the successful candidate according to statutory requirements, and induction. The policy demonstrates a consistent and thorough process of obtaining, collating, analysing and evaluating information from and about applicants.

Our procedures include;

- deciding upon whether the post meets the criteria for ‘regulated’ activity (Please see Appendix 1a for the definition of Regulated Activity)
 - obtaining comprehensive information from applicants and scrutinising the information
 - ensuring that no person who is appointed carries out work, or intends 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 2008 Act or section 142 of the 2002 Act, or any other disqualification, or restriction which takes effect as if contained in either such direction
 - satisfactorily resolving any discrepancies or anomalies in information received
 - obtaining two independent professional references in order to assess an applicant’s suitability to work with children. We may also request a character reference depending on the position offered.
 - holding a face to face interview that explores the candidate’s suitability to work with children as well as his/her suitability for the post
 - checking the applicants identity, previous employment history and experience
 - checking that candidates are medically fit to perform the duties required of the position by obtaining a self-declaration of fitness
 - checking the applicants right to work in the United Kingdom
 - where appropriate, checking the applicants qualifications
 - carrying out pre-employment checks appropriate to the type of employment advertised, which may include the mandatory enhanced criminal record check and obtaining an enhanced criminal record certificate before or as soon as practicable after the applicants appointment(if such a certificate does not arrive before employment is due to begin then a barred list check must be obtained).
 - Requesting sight of the applicant’s original enhanced disclosure certificate
 - following up appointment with a systematic induction programme
- (Please see Appendix 2a for details of the types of employment and the pre-employment checks made for each type of appointment)

The Programme for appointing staff in regulated activity

All material that forms part of the appointment, including the candidate application and information pack, will be checked by the appointments panel and must meet the requirements of the school safer recruitment policy.

The advertisement

This will include a statement about the school's commitment to safeguarding and promoting the welfare of children. It will refer to the need for the successful candidate to undertake an enhanced criminal record check via the DBS.

The advert will also include:

- Job title
- A reference to the school ethos
- Location and contact details for the school
- Salary and hours (including pro rata salary)- or details of how to access this information
- A brief equal opportunities statement
- Details of how to apply for the Application Pack

The advertisement will make no direct reference to sex, race, age, sexual orientation, religion/belief or disability.

An application pack will be sent to prospective candidates on request and will include at the least;

- General information about the school
- The selection procedures for the post
- Information about the section of the school relevant to the role advertised
- Details of the role in the job description
- Qualifications, experience, skills and abilities required - summarising the details in the person specification
- Details of all documents required as per-employment checks
- Safeguarding policy or information on how to access this online
- An application form together with a statement informing the candidate that;
 - completion of the form ensures that a common set of core data is received from candidates.
 - CVs drawn up by candidates will not be accepted in place of an application form.
 - Incomplete application forms will be returned to the candidate where the deadline for completed application forms has not passed.

The job description will include:

- the main duties and responsibilities of the post;
- the individual's responsibility for promoting and safeguarding the welfare of children and young people that s/he is responsible for, or comes into contact with.
- The person specification will include:
- the qualifications, experience, expertise and any other requirements needed to perform the role
- the competences, skills and qualities that the successful candidate should be able to demonstrate
- an explanation of how the above will be assessed during the selection process.

The Application Form

The School will only accept applications from candidates completing the relevant Application Form in full. CVs will not be accepted in substitution for completed Application Forms.

Reddam House Berkshire will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts will receive a Job Description and Person Specification for the role applied for.

As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the School with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the School shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Headmaster. If candidates would like to discuss this beforehand, they are asked to please telephone in confidence the Headmaster for advice.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the position. Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure. If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the School may request character references which may include references from the candidate's school or university.

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

Invitation to Interview

Reddam House Berkshire will short list applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

All formal interviews will include an interview with the Headmaster (or a delegated member of the Senior Management Team). At least one of the interviews will be with a member of staff who has undertaken safer recruitment training. The Chair of Governors should chair the panel for the Headmaster's/Bursar's appointment. The interview will be conducted in person and the areas which it will explore will include suitability to work with children.

The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Headmaster (or the member of the Senior Management Team leading the interviews) as to whether or not an interviewer should withdraw. Should the Headmaster (or lead interviewer) have a conflict of interest, the delegated deputy lead interviewer shall decide whether he/she should withdraw.

Telephone interviews may be used at the short-listing stage but will not be a substitute for a face-to-face interview (which may be via visual electronic link). Unsuccessful candidates in the interview selection process will be informed in writing and thanked for their interest in the school.

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

The School requests that all candidates invited to interview also bring with them:

- A current driving licence including a photograph or a passport or a full birth certificate;
- Original qualification certificates
- A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
- Where appropriate any documentation evidencing a change of name;
- Where the candidate is not a citizen of a country within the European Economic Area or Switzerland, proof of entitlement to work and reside in the UK.
- If the disclosure held by an overseas candidate is considered insufficient to establish their suitability to work in the school, further evidence may be required from the applicants country of origin. Such checks will be undertaken if the candidate has lived overseas for three months or more in the last five years

Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient.

Candidates with a disability who are invited to interview should inform the School of any necessary reasonable adjustments or arrangements to assist them in attending.

The interview process will cover the candidates suitability with relation to the requirements of the post, their subject knowledge, skills and competence, ability to work within a team, organisation and management skills linked to the post and contributions the candidate can make toward the extended curriculum and general life of the school.

During the interview and face to face, candidates will always be required:

- to explain satisfactorily any gaps in employment;
- to explain satisfactorily any anomalies or discrepancies in the information available to recruiters;
- to declare any information that is likely to appear on a DBS disclosure;

- to demonstrate their capacity to safeguard and protect the welfare of children and young people.
- To state whether they are subject to a prohibition order

In all interviews a report will be made to the police and/or the Children's Safeguarding Operations Unit (formerly the Teachers Misconduct Team) if a candidate is found;

- To be on List 99,
- Has a disclosure showing s/he has been disqualified from working with children by a court.
- Has provided false information in, or in support of, his/her application,
- Presents serious concerns regarding suitability to work with children.

Conditional Offer of Appointment: Pre-Appointment Checks

A successful candidate will not be allowed to start work at the school until the following checks have been successfully completed:

- Receipt of at least two satisfactory references (if these have not already been received); (one of which must be from the applicant's most recent employer) which the school considers to be satisfactory;
- 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 identity and qualifications including, where appropriate, evidence of the right to work in the UK;
- A satisfactory enhanced DBS check and if appropriate, a check of the Barred List maintained by the DBS;
 - a check that the candidate is not subject to a prohibition order issued by the Secretary of State; For a candidate to be employed as a teacher, confirmation from the National College for Teaching and Leadership that the applicant is not subject to a prohibition order. If qualified teacher status is not required the school will check the applicant is not subject to a prohibition order by application to the Employer Online service;
- Verification of professional qualifications, where appropriate;
- Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999);- the relevant professional status requirements have been verified-e.g. GTC registration, QTS status (unless correctly exempted)
- Where the successful candidate has worked or been resident overseas such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered
- confirmation that the applicant does not commence work in contravention of a direction under section 142 of the Education Act 2002 or section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from teaching or being involved in the management of an independent school
- Satisfactory medical fitness- the candidate's medical fitness for the role from the school's medical adviser have been confirmed
- A disqualification by association declaration- confirmation that the applicant is not disqualified from working in connection with early or later years provision

Until the school has had sight of the original disclosure certificate, the applicant will be treated as unchecked and subject to the safeguards set out below. This requirement arises from both the DBS Employer Guidance and KCSIE. In addition, if an 'enhanced disclosure' is delayed, the head may allow the candidate appointed, if he/she has no contact with boarders in boarding accommodation or out of school hours, to commence work providing;

- the appointment is not formally confirmed
- the DBS application has been made in advance ;
- if the person will be working in regulated activity, a satisfactory check of the barred list, plus vetting and other relevant checks have been completed satisfactorily
- appropriate safeguards are in place (for example, monitored supervision);
- safeguards are reviewed at least every two weeks;
- the person in question is informed what these safeguards are, and a note is added to the single central register and evidence kept of the measures put in place
- a note to explain the actions taken is advised on the central register of staff
- until a satisfactory enhanced DBS certificate has been seen. No member of boarding staff may be appointed.

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

Reddam House Berkshire is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.

The Recruitment of Ex-Offenders

The school will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The school makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record, this will not automatically bar him/her from employment within the school. Instead, each case will be decided on its merits in line with the objective assessment criteria and guidance current at the time of application.

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

If the post involves regular contact with children, it is the school's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; 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 drink driving within the last ten years.

If an applicant wishes to dispute any information contained in a disclosure, he / she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the school will, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

Retention and security of disclosure information

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

In particular, the school will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the school's senior leadership team and, as appropriate, their confidential support staff
- not retain disclosure information or any associated correspondence for longer than is necessary, usually for a maximum of six months. The school will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken
- ensure that any disclosure information is destroyed by suitably secure means such as shredding
- prohibit the photocopying or scanning of any disclosure information

Retention of other records

The school will retain any relevant information provided on the application form (together with any attachments) on the personnel file of candidates who are offered and accept the position for which they have applied.

From April 2014, DfE guidance requires that schools retain copies of identity documents, right to work, medical fitness and qualifications. Medical information may be used to help the school to discharge its obligations as an employer e.g. so that the school may consider reasonable adjustments if an employee suffers from a disability, or to assist with any other workplace issue.

The Immigration (Restrictions on Employment) Order 2007 requires employers in England and Wales to check and retain copies of passports, or alternatively birth/adoption certificates, belonging to people appointed on or after 29 February 2008.

It is normal practice for the school to retain personnel files for six years after the member of staff has left.

If the school wishes to retain the name and details of unsuccessful candidates on file for future vacancies, the candidates will be informed and offered the opportunity to remove their details from the school's records.

Prohibition Check \

From September 2015, the school undertakes two types of "prohibition" checks:

- prohibition from teaching orders and
- prohibition from management of independent schools directions (also known as Section 128 directions).

If the management appointment is for a position described below, the school will check that the candidate is not prohibited from management of an independent school. The roles which require a check are:

- proprietors and members of proprietorial bodies, including governors who are proprietors (but not non-proprietorial governors)
- head teachers
- all member of the senior leadership team, whether or not they are teachers
- all teaching positions which carry a department headship.

('teaching work' is defined as planning, preparing and delivering lessons for pupils, which includes distance learning and learning through computer aided techniques, and assessing and reporting on pupils' development, attainment and progress)

References

The School will seek the references referred to in section 5 above for shortlisted candidates and may approach previous employers for information to verify particular experience or qualifications, before interview. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying. The School will ask all referees if the candidate is suitable to work with children.

The School will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies will be discussed with the candidate.

Having regard to the requirements of KCSIE (March 2015) a minimum of two references, to cover five years' work history, will be sought. If the candidate is not currently working with children but has done so in the past, the school will contact the candidate's previous employer, whilst he/she was working with children, for a reference. It is preferred that both a character reference and a professional reference are offered.

References are taken up prior to interview. If anomalies are identified in references, the referees will be contacted, by telephone or e-mail, for clarification and a detailed record kept of such exchanges. Discrepancies may also be probed during the interview. References are sought directly from the referee. References or testimonials provided by the candidate are unacceptable. Where necessary, previous employers who have not been named as referees may be contacted and a detailed written note will be kept of such exchanges.

Should a candidate strongly object to a current employer being approached prior to interview, the school will decide whether or not to accede to the request. If the request is granted, the school will then contact the referee following the interview. In such cases the school will ensure that references are received, scrutinised, and that any concerns are resolved satisfactorily before the person's appointment is confirmed and s/he starts in the role.

Referees should not be a relative or someone known to the applicant solely as a friend.

School employees are entitled to see and receive, if requested, copies of their employment references. References addressed "to whom it may concern" will not be accepted.

All referees will be sent a copy of the job description and person specification for the advertised post. Referees will always be asked specific questions about:

- the applicants suitability for working with children and young people;
- whether the applicant has ever been the subject of disciplinary procedures, including time-expired warnings, that relate to the welfare and safeguarding of children;
- the applicant's suitability for the demands of the post.
- If the referee is a current or previous employer, they will also be asked to confirm the following:-
 - the applicant's dates of employment, job title/duties, reason for leaving, performance, and disciplinary record

Information contained in references will be compared with the candidates application form to ensure that facts the referee provides about the candidate and his/her previous employment are consistent with those provided by the candidate. Any discrepancies will be discussed with the candidate.

Any information about past disciplinary action or allegations will be considered individually. Issues that were suitably resolved some time ago or were unfounded with no further issues raised, are less likely to cause concern than more serious or recent events. A history of repeated concerns or allegations over time will give cause for concern.

Additional references will be requested from applicants applying from countries that do not provide criminal record checks.

EYFS candidates

All candidates offered a post within the Early Years Foundation Stage will be requested to complete a declaration stating that they are not disqualified under the Childcare Act and that they do not live in the same household as another person who is disqualified from registration for early or later years provision, or live in a household where a disqualified person is employed. A household is deemed as anyone sharing "living space", including the use of a shared kitchen. The responsibility on candidates is to provide the school with information about people in their household "to the best of their knowledge".

The school will consider any information disclosed before deciding whether to proceed with an interview. An interview will not proceed if the school has not received a completed Self-Declaration Form in advance. The school will not knowingly employ any person to work in childcare or be connected with the management of childcare if they or others in their household are 'disqualified'.

Statutory guidance applying to the Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009 applies also to volunteers, supply/agency staff, self-employed people, staff of other organisations contracted by the school to supply childcare and governors who volunteer with EYFS or are concerned with their daily management.

The Induction Programme

For all staff and volunteers newly appointed into the school, including teaching staff, regardless of experience, there is a comprehensive induction programme. The purpose of this is to;

- ensure candidates understand the school's safeguarding policy and procedures.
- check the candidate has read the relevant part(1) of KSCIE (July 2015), plus the school policies and procedures linked to child protection such as anti bullying, anti racism, physical intervention/restraint and internet safety.
- ensure candidates are clear about the standards of conduct and behaviour expected of staff and pupils within the school
- provide training and information about all school policies and procedures;
- support individuals in a way that is appropriate for the role to which they have been appointed;
- provide opportunities for the candidate to discuss any issues or concerns about their role or responsibilities
- enable the candidate's subject coordinator or mentor to identify any concerns regarding the settling in process, teaching, behaviour management, relationships with pupils or staff and rectify them swiftly

Criminal Records Policy

23. The School will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education' July 2015 and any amended version in carrying out the necessary required DBS checks.

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

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

Appendix A 'Regulated Activity'

The school regards all types of regular work that involves the opportunity for contact with children to be regulated activity, with the possible exception of temporary/ emergency contractors and occasional visitors such as musicians who are constantly under supervision whilst on the school premises.

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

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

(the above definition is mainly of relevance to peripatetic teachers whose work in one school would-be 'regular', but whose work across a number of schools meets the 'regular' definition)

Relevant personal care or health care is regarded as regulated activity.

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

However, statutory regulations state that the following may fall outside the remit of what constitutes regulated activity.

- Work (not entailing personal care) by supervised volunteers
- Work (not entailing personal care or teaching) by occasional/temporary contractors
- Work by pupils for other pupils (excepting for those in early years) (known as 'the peer exemption')

The school asks the following questions when making decisions upon regulated activity:

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

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

- If volunteer is involved in the personal care of pupils then they are in regulated activity as
- Personal care work is always regulated activity
- If the person is a volunteer and what they do does not involve the personal care of pupils and they are supervised at all times they are not in regulated activity.

If the person is a contractor and administers personal care or health care they are in regulated activity.

If the person is a contractor and is involved in teaching pupils they are in regulated activity

If the person is a contractor performing occasional or temporary non-teaching work (such as a quick plumbing task) they are not in regulated activity. In this instance the school will organise suitable supervision whilst the contractors are on site.

Contractors employed by cleaning and catering companies on a long term basis are in regulated activity as they have the opportunity to be with pupils at any time. The school checks with their respective companies and requests written confirmation that all the required checks have been completed successfully prior to the employees beginning work.

The identity of all employees of contractors will be checked by the school on arrival. If the employees of contractors may have unsupervised access to children the school will check with the contractor that such employees have satisfactory DBS checks. The school will check the identity of such employees on their arrival at the school and will retain written confirmation from the contractor of the employees' checks.

The school ensures that all contractors and their employees are checked at regular intervals as they work.

The school is aware that supervised volunteers are not regarded as being in regulated activity. However the school considers all volunteers as being in regulated activity. This is because there may be circumstances when the volunteer is with pupils in a directly unsupervised situation. Therefore the school believes it is best practice to ensure all volunteers are subject to requiring an enhanced DBS certificate with barred list information.

The school requires references for some volunteers depending on the work they do, and holds informal interviews as well as checking with members of the school community as to the suitability of proposed volunteers

Visitors to the school who are supervised at all times are not regarded as being in regulated activity.

Types of appointments and pre-employment checks - regulated activity.

Enhanced Disclosure and Barring Service Check

Due to the nature of the work, the School applies for enhanced certification from the DBS in respect of all prospective staff members, governors, unsupervised and where appropriate supervised volunteers engaging in regulated activity.

A member of staff is defined as any person working at the school whether under a contract of employment, under a contract for services or in a different capacity but is neither supply staff nor a volunteer.

An employee of the school will be regarded as being in regulated activity if;

- they will be responsible on a regular basis, in any setting, for the care or supervision of children;
- they regularly work in the school at times when the children are on school premises (where the person's work requires interaction with children, whether or not the work is paid (unless they are a supervised volunteer)

(an enhanced disclosure contains 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 will also reveal whether a candidate is barred from working with children or vulnerable adults by virtue of his/her inclusion on the lists of those considered unsuitable to work with children or vulnerable adults maintained by the Independent Safeguarding Authority. The enhanced disclosure may also contain non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question).

The school is not required to obtain an enhanced DBS check if, in the three months prior to beginning work in their new appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or in any post in a maintained school since 12 May 2006; or
- in a college in England in a position which involved the provision of education and regularly caring for, training, supervising or being in sole charge of children or young people under the age of 18 during a period of not more than three months prior to the appointment offered.

However, a separate barred list check will be completed for any such candidate should the school have any concerns.

If a candidate has a disclosure from a previous employer but does not fall within the three month exception above and has not subscribed to the DBS Update service, the school will apply for a disclosure, including a barred list check. If the disclosure is delayed, a separate barred list check will be obtained in advance of the candidate starting work

A candidate with a disclosure from a previous employer at the enhanced level (including children's barred list) who subscribes to the Update service may give the school permission to check their status. The school will undertake an online Update check, which will provide information about any changes since the certificate was issued

A candidate with a standard level disclosure who subscribes to the Update service will be informed that the school will apply for a new disclosure, including a new barred list check, because the previous disclosure is not at the correct level.

Overseas staff

DBS checks will be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including the equivalent of a disclosure, if one is available in the relevant jurisdiction(s). In addition advice on obtaining criminal record information from overseas police forces, published by the Home Office on GOV.UK. will be followed. The school will also have regard to Department for Education guidance on the employment of overseas-trained teachers from the European Economic Area to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the US.

Trainee/student teachers

Where applicants for initial teacher training are successful in being offered a position, the school will ensure that all necessary checks are carried out. Trainee teachers undertake regulated activity, sometimes unsupervised; therefore the school will obtain an enhanced DBS certificate and undertake a barred list check. When student teachers visit the school from their Colleges for teaching purposes or work placements, the school will request written confirmation from the College that the appropriate checks have been performed.

EYFS candidates

All candidates offered a post within the Early Years Foundation Stage will be requested to complete a declaration stating that they are not disqualified under the Childcare Act and that they do not live in the same household as another person who is disqualified from registration for early or later years provision, or live in a household where a disqualified person is employed. A household is deemed as anyone sharing "living space", including the use of a shared kitchen. The responsibility on candidates is to provide the school with information about people in their household "to the best of their knowledge".

The school will consider any information disclosed before deciding whether to proceed with an interview. An interview will not proceed if the school has not received a completed Self-Declaration Form in advance. The school will not knowingly employ any person to work in childcare or be connected with the management of childcare if they or others in their household are 'disqualified'.

Statutory guidance applying to the Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009 applies also to volunteers, supply/agency staff, self-employed people, staff of other organisations contracted by the school to supply childcare and governors who volunteer with EYFS or are concerned with their daily management.

(for full details see Appendix 3a)

Peripatetic Staff

The school requires all necessary checks and DSB requirements are fulfilled.

Supply and temporary teaching staff agencies

Supply agencies who supply temporary staff to the school must complete the pre-employment checks which the school would otherwise complete for its staff, registering with the DBS on their own account. The school will check with the supply agency that the following checks have been carried out:

- The person's identity,
- Whether the person is barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act
- Whether the person is subject to any direction under section 128 of the 20018 Act or section 142 of the 2002 Act, including any prohibition, disqualification or restrictions, including the candidates on which such checks were made.
- Whether the person has relevant qualification
- A suitable disclosure check if the person is from overseas and the date the check was completed has been made
- An enhanced disclosure (JJor DBS status check)
- Whether the person has the right to work in the UK,

The school will show that these checks have been carried out on the single central register of staff to the extent relevant. The school will also record the date it has sight of the disclosure certificate, whether or not it discloses any information. The school will not retain a copy of the certificate on file.

A teacher working for an agency would have a fresh disclosure every three years- or earlier if there are grounds for concern or a break in service of three months or more. The supply agency must retain 'disclosures' for at least a year and when a person remains with the agency for more than 12 months a disclosure can be held for up to three years.

Additionally, in having regard to KCSIE, the agency should take up references, obtain a declaration of medical fitness, and check previous employment history. Proof of registration will be required before the school will commission services from any such organisation.

The school will independently verify the identity of staff supplied by such agencies and record the date it has carried out its own identity check on supply staff.

Governors/proprietors

The school governors are volunteers. The school requires;

- an enhanced disclosure and barred list check
- proof of identity
- confirmation of the governor's right to work in the UK.

If a governor who has been overseas is appointed appropriate checks will be made. If a governor or proprietor is to be involved with teaching, a prohibition from teaching check will be made. If a governor or proprietor is to be actively involved with EYFS children or with management of EYFS a Disqualification from Childcare disclosure will be requested.

All the above checks should be made prior to appointment or as soon as practicable after the appointment.

Chair of Governors

Before a chair of governors is appointed, the school informs the Secretary of State who will:

- carry out an enhanced criminal record check;
- right to work in the UK check;
- confirm the individual's identity; and
- if the fact that an individual lives or has lived outside of the UK make an enhanced check insufficient, such other checks as the Secretary of State considers appropriate
- if the Chair/proprietor has volunteered to work with childcare on a regular basis or are directly involved with the management of EYFS a check will be made in relation to 'Disqualification under the Childcare Act 2006.

Contractors

When the school employs contractors whose employees have supervised access to pupils, such as, for example, catering or cleaning contractors the contractors are responsible for undertaking DBS checks. Before the school allows the employees to enter the site, the school requires written confirmation from the company that the required checks have been undertaken and are satisfactory. The school will check photographic identification of employees on arrival at the school. The school will keep records of the confirmations received from the contractor.

In the absence of statutory definitions the school will, following DfE advice, determine when contractors are occasional or temporary, and therefore whether or not they are working in regulated activity. If the school decides the workers are not in regulated activity they will not be eligible for a barred list check but the school may opt to carry out an enhanced check if they judge this necessary.

It is for the school to decide if whether emergency workmen are in regulated activity. If it is not possible to find workers at short notice who have already been checked, the discretion permitted in relation to occasional or temporary contractors will be exercised in good faith by the school. This will entail the issue being considered at the time of the work and the school will create and retain a note of the basis of a decision not to carry out checks. However if the work of emergency workmen does give them the opportunity to have contact with children then the school will ensure they are subject to a DBS check without a barred list check.

Self employed contractors

The school will check to ascertain whether self-employed contractors have been checked by their professional associations. It is not possible for self-employed people to check themselves but professional associations usually assist to enable their members to access work. If the self-employed person subscribes to the DBS update service, the school can check identity, view the original certificate and check online for updated information.

Self-employed contractors will be monitored at various intervals to ensure they have no opportunity to politically indoctrinate or radicalise at any time.

Volunteers

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Unsupervised Volunteers

A number of people offer their services to the school as volunteers. The term “volunteer” is defined in the Police Act 1997 (Criminal Records) Regulations 2002, as ‘any individual 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. A volunteer cannot therefore:-

- receive payment (except for travel or 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 post that will lead to a full-time role/qualification.

All unsupervised volunteers will be monitored and supervised to ensure no political indoctrination or radicalisation of pupils takes place at any time.

In line with KCSIE recommendations, the school will obtain an enhanced DBS certificate with barred list check for all new volunteers in regulated activity who regularly help teachers or look after children on an unsupervised basis.

The school will also check the suitability and competence of the individual volunteer through either obtaining character references and/or an informal interview, and/or ascertaining whether the school community for any concerns.

Supervised Volunteers

On an occasion when a volunteer assists the school as a supervised volunteer who may regularly teach or look after children but are supervised at all times, they do not fall into the category of regulated activity. In such situations where individuals are acting as supervised volunteers, the school will ensure

- a. supervision is conducted by a person who is in regulated activity ;
- b. supervision is regular (on-going)and day to day; and
- c. the supervision is “reasonable in all the circumstances to ensure the protection of children”.

For new supervised volunteers not in regulated activity an enhanced DBS certificate will be required.

One-off' volunteers who offer to assist with day outings, school concerts and such do not require vetting checks. Such volunteers will not be unsupervised or undertake any kind of personal care.

All supervised volunteers will be monitored to ensure no political indoctrination or radicalisation of pupils takes place at any time.

Other checks

Candidates in regulated activity who are invited to an interview will be required to bring any from the following list of valid documentation as evidence of identity, right to work in the UK, address and qualifications:

(Note- If a document in the list of valid identity documents is denoted with * - it should be less than three months old)

- current valid passport
- biometric residence permit (UK)
- current driving licence (full or provisional) (UK / Isle of Man / Channel Islands; photo card with the associated counterpart licence; except Jersey)
- birth certificate (UK & Channel Islands) - issued at the time of birth (within 42 days of date of birth); Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces
- current UK driving licence (old style paper version)
- current non-UK driving licence (valid for up to 12 months from the date the applicant entered the UK)
- birth certificate (UK and Channel Islands) – issued at any time after the date of birth by the General Registrar Office / relevant authority i.e. Registrars)
- marriage / civil partnership certificate (UK and Channel Islands)
- adoption certificate (UK and Channel Islands)
- HM Forces ID card (UK)
- fire arms licence (UK and Channel Islands)
- mortgage statement (UK or EEA)**
- bank / building society statement (UK and Channel Islands or EEA)*
- bank / building society account opening confirmation letter (UK)
- credit card statement (UK or EEA)*
- financial statement ** - e.g. pension, endowment, ISA (UK)
- P45 / P60 statement **(UK and Channel Islands)
- council tax statement (UK and Channel Islands) **
- work permit / visa (UK) (UK Residence Permit) **
- letter of sponsorship from future employment provider (non UK / non EEA only valid for applicants residing outside the UK at the time of application)
- utility bill (UK)* – not mobile telephone
- benefit statement* - e.g. child benefit, pension
- a document from central / local government/ government agency / local authority giving entitlement (UK and Channel Islands)*- e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs (HMRC), Job Centre, Job Centre Plus, Social Security
- EU national ID card and cards carrying the PASS accreditation logo (UK)

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

The school asks for proof of the date of birth of all applicants in accordance with the Department for Education guidance. This enables the school to verify the identity of the candidate and check for any unexplained discrepancies in their employment and education history.

Candidates will also be required to provide;

- two utility bills or statements (from different sources) showing their name and home address; and
- documentation confirming their National Insurance Number (P45, P60 or National Insurance Card); and
- original documents confirming any educational and professional qualifications referred to in their application for

Medical fitness

The school is, however, legally required to verify the medical fitness of successful candidates before an appointment can be confirmed (Registration of Independent Schools, December 2013).

The successful candidate will be required to complete a health questionnaire. Applicants will be requested to sign a statement declaring that they know of no mental or physical reasons concerning their health that would prevent them from fulfilling the requirements of the role. This will be reviewed by the school's medical professional. This information will be reviewed against the job description and the person specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed timetable, extra-curricular activities, and layout of the school. If the school's medical advisor has any doubts about an applicant's fitness the school will seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

The school is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, discussing medical evidence, considering reasonable adjustments to enable disabled applicants to fulfil the role advertised.

Ceasing to use staff services

Where the school, or an agency supplying staff, ceases to use the services of a candidate because of serious misconduct, or would have dismissed them had they not left first, the school will consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

Appendix B EYFS- Childcare disqualification requirements

The Childcare Act 2006, the Childcare (Disqualification) Regulations 2009, and 'Disqualification under the Childcare Act 2006' (March 2015), place separate and additional requirements on schools.

Early years childcare is the education, care (excepting health care) and any supervised activity of a pupil from birth until the 1st September following their fifth birthday. It applies to EYFS provision during and outside of school hours, including nursery and reception classes. The Disqualification requirements apply to school staff, volunteers, supply/agency staff, self-employed people, staff of any external organisation contracted to supply childcare and those governors who volunteer with EYFS provision or are involved in the day-to-day management of EYFS.

The key requirement of the Act upon schools is that they must not knowingly employ people to work in childcare or allow them to be directly concerned in its management, if they or others who live or work in their household are 'disqualified'.

This school fulfils the duty to have regard to the Disqualification guidance by;

- Ensuring all those connected with EYFS and childcare in the school have access to this policy and understand the requirements of the legislation, including that they may be disqualified by association
- Taking all required steps to gather sufficient and accurate information about whether any member of staff in a relevant childcare setting is disqualified, including by association
- Keeping a record on the Single Register of staff of the date and findings of disqualification checks of those who work in relevant childcare.

In addition the school will also retain all documentation relating to the above Disqualification checks in staff files- the dates the checks were completed, dates and copies of contracts signed and copies of any emails, meetings or letters relating to the matter

In addition to inclusion on the DBS Children's Barred List, the grounds for disqualification include:

- being found to have been cautioned about or having committed certain violent and sexual criminal offences against children and adults at home or abroad which are referred to in regulation 4 and Schedules 2 and 3 of the 2009 Regulations (note that regulation 4 also refers to offences that are listed in other pieces of legislation)
- being the subject of certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2009 Regulations
- refusal or cancellation of registration relating to childcare or children's homes, or being prohibited from private fostering, as specified in Schedule 1 of the 2009 Regulations
- living in the same household where another person who is disqualified lives or is employed ('disqualification 'by association') as specified in regulation 9 of the 2009 Regulations

Disqualification occurs as soon as any of the above criteria are met. At the point that an individual is convicted of, or cautioned for, a criminal offence of a specified type or category, or where they meet other disqualification criteria set out in the regulations, the Act and Regulations disqualify that individual from:

- providing early years childcare or later years childcare to children who have not attained the age of eight; or
- being directly concerned in the management of that childcare.

Staff are covered by this legislation if they are involved in;

- Early years provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range
- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities)
- The management of early or later years provision. This includes the head teacher and, on occasion, other members of the school's leadership team and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision

School governors and proprietors are not covered by the legislation, unless they volunteer to work in childcare on a regular basis, visit the EYFS regularly or they are directly concerned with the day-to-day management of such provision.

Volunteers and casual workers who are directly concerned with the management of childcare provision, or who work on a fairly regular basis, whether supervised or not, in EYFS or before and after school care or relevant childcare, are within the scope of the legislation and are covered by this guidance.

Staff who work in the following roles are not covered by this legislation;

- Staff who only provide education, childcare or supervised activity during school hours to children above reception age
- Staff who only provide supervised activities out of school hours for children who are aged 8 or over
- Staff who have no involvement in the management of relevant provision.
- Staff such as caretakers, cleaners, drivers, transport escorts, catering and office staff, who are not employed to directly provide childcare
- Anybody involved in any form of health care provision for a child, including school nurses and local authority staff, such as speech and language therapists and education psychologists,

In relation to staff employed by childcare providers (i.e. not employed by the school) who hire or rent school facilities or premises, the school will ensure that such providers have appropriate policies and procedures in place in regard to safeguarding children, including under the 2009 Regulations.

If the school uses staff from an agency or third-party organisation to work in relevant childcare, confirmation will be obtained from the agency or organisation providing the staff that the person employed is not disqualified under the 2009 Regulations. The school will be assured by the agency that they have requested that their staff inform them if they consider that they could be disqualified under the legislation.

Implications for staff

In brief, who is disqualified?

- Someone who has been cautioned for, or convicted of certain violent or sexual criminal offences against adults and any offences against children;
- Someone who is the subject of an Order, direction or similar in respect of childcare, including orders made in respect of their own children'
- Someone who had registration refused or cancelled in relation to childcare of children's homes or have been disqualified from private fostering;
- Someone who lives in the same household where another person who is disqualified lives or works (disqualification 'by association'). This means that the householder has an order, restriction, conviction, caution etc. set out in the Legislation. It is accepted that staff may not necessarily know this information – the declaration requires them to answer "to the best of their knowledge"

Individuals who are disqualified, or who live with a person who is disqualified, are not permitted to continue to work in early or later years provision or be directly concerned in the management of that provision. A person does not, however, commit an offence if they do not know, or have no reasonable grounds for believing, that they live in the same household as a disqualified person, or in a household where a disqualified person is employed. A household will be deemed as anyone sharing "living space", including the use of a shared kitchen. The responsibility is on individuals is to provide the school with information about people in their household "to the best of their knowledge". This means that a person who lives in a shared house, renting with others, will not be expected to request this information from those with whom they are not overly familiar.

The requirement of a member of staff to provide the relevant information about a person who lives or works in the same household as them, guards against an individual working with young children who may be under the influence of a person who lives with them and where that person may pose a risk to children i.e. 'by association'.

Staff are expected to declare all their convictions and cautions, including those that are spent, but will not be required to declare details of spent convictions and cautions of those who live and work in their households.

If a person is 'disqualified' they may not work in the EYFS or childcare provision. Should a person be disqualified or doubt arises over the issue of disqualification, then pending resolution of the issue the member of staff will be removed from the work for which they are disqualified. The school will not automatically suspend or dismiss such a person. The school consider possible redeployment with an age group or other work from which they are not disqualified, subject to assessing the risk and, where appropriate, taking advice from the LADO. All actions taken during consideration of possible disqualification will be recorded in full.

Any relevant information passed to the school will be sent to Ofsted as soon as reasonably practicable, but at the latest within 14 days of the school becoming aware of the information.

If the school is aware that a member of staff is disqualified senior leaders will explain the implications to the individual concerned and advise them that they may apply to Ofsted for a waiver of disqualification unless they are barred from working with children.

Following consideration of the evidence Ofsted may grant a full or partial waiver, including a waiver that would allow an individual to work in the school settings described above. Whilst a waiver application is being considered an individual must not continue to work in a setting.

Further details about how to make an application for a waiver can be found in the Ofsted fact sheet: [Applying to waive disqualification: early years and childcare providers.](#)

This school uses a self-declaration form, with questions relevant and limited to the requirements of the legislation, including;

- cautions or convictions for a relevant offence;
- whether the individual has been disqualified from caring for a child (including their own child);
- whether they or anyone living or employed in their household is named on the DBS Children's Barred List.

No reference will be made to medical records, details about unrelated or spent convictions of household members, DBS certificates from third parties, or copies of a person's criminal record.

When responding to questions about their cautions or convictions, staff do not need to provide details about any protected cautions or protected convictions and are not required to disclose spent cautions or convictions of a person who lives or is employed in the household

Relevant existing staff will be asked to provide, to the best of their knowledge, information about someone who lives or is employed in their household. If information is obtained about third parties the individual to whom the information relates must be clearly informed about how, and for what purpose, the school will use their information. Such information will also be requested by the school as part of the pre-employment checks when appointing new staff.

The school must be certain that the information provided is adequate, accurate and relevant to our enquiries and where information is provided in error, or is not relevant, e.g. unspent caution or conviction which is not listed as a relevant offence, it will be destroyed.

If a person is found to be disqualified, including by association or if there is any doubt over the issue they must be removed from their work until the matter is resolved. The school may not automatically suspend or dismiss all those found to be disqualified- it may be possible to redeploy them with other age groups or in work from which they are not disqualified subject to a risk assessment and guidance from the LADO.

(See Appendix 1aa for details of Schedule 1, 2 and 3.)

(See Appendix 2aa for details of Regulation 4)

(See Appendix 3aa for details for Regulation 9)

Disqualification by Association Statement.

School;	
Name of member of Staff;	
Post held;	
Schools which provide care for pupils under the age of 8 are required to ensure that staff and volunteers working in these settings are not disqualified from doing so under the Childcare (Disqualification) Regulations 2009.	
<p>A person may be disqualified through;</p> <ul style="list-style-type: none"> - having certain orders or other restrictions placed upon them - having committed certain offences - living in the same household as someone who is disqualified by virtue of 1 or 2 above (this is known as disqualification by association) 	
<p>You are required to complete this form and sign the declaration below confirming that you are not disqualified under the Childcare Regulations from working in this school.</p> <p>Failure to complete and return the form will be regarded as a disciplinary matter which may result in dismissal and in the case of volunteers (where required to sign), may mean they can no longer work at the school.</p> <p>A disqualified person is not permitted to continue to work in a setting providing care for children under age 8, unless they apply for and are granted a waiver from OFSTED.</p>	
Orders or other restrictions	<u>Yes/ No</u>
Have any orders or other determinations related to childcare been made in respect of you?	
Have any orders or other determinations related to childcare been made in respect of a child in your care?	
Have any orders or other determinations been made which prevents you from being registered in relation to child care, children's homes or fostering?	
Are there any other relevant orders, restrictions or prohibitions in respect of you as set out in the Schedule 1 of the Regulations? (see Appendix 1)	
Are you barred from working with Children (Disclosure and Barring (DBS))?	

Are you prohibited from Teaching?	
Specified and Statutory Offences	
Have you been cautioned (including a reprimand or warning) since 6 April 2007 or have you ever been convicted of:	
Any offence against or involving a child? (A child is a person under the age of 18)?	
Any violent* or sexual offence against an adult? (*a violent offence in this context is murder, manslaughter, kidnapping, false imprisonment, ABH, GBH)	
Any offence under the Sexual Offences Act?	
Any other relevant offence?	
Have you ever been cautioned, reprimanded, given a warning for or convicted of any similar offence in another country? <u>(see Appendix 1 for Schedule 2 and Schedule 3 details)</u>	
To the best of your knowledge, is anyone in your household* disqualified from working with children under the Regulations? (*household – includes family, lodgers, house-sharers, household employees)	
Does anyone in your household have an Order or Restriction against them or have they been cautioned, reprimanded, given a warning for or convicted of any offence	

Provision of Information

Details of the order, restriction, conviction, caution etc.

The date(s) of these

The relevant court(s) or body(ies)

You should also provide a copy of the relevant order, caution, conviction etc. In relation to cautions/convictions a DBS Certificate may be provided.

Declaration

In signing this form, I confirm that the information provided is true to the best of my knowledge and that;

- I understand my responsibilities to safeguard children.
- I understand that I must notify my head teacher immediately of anything that affects my suitability including any pending court appearances, cautions, warnings, convictions, orders or other determinations made in respect of me or a member of my household that may render me disqualified from working with children
- I have read, understand and agree to implement the school safeguarding and child protection policies and procedures

Signed

Date

Signature of school representative checking form

Date

Schedule 1 Orders etc. relating to the care of children

1. An order under section 31(1)(a) of the 1989 Act (care order).
2. An order under article 50(1)(a) of the Children (Northern Ireland) Order 1995 (care order)(1).
3. An order under section 3(3) of the Children and Young Persons (Guernsey) Law 1967 (fit person order or special care order)(2).
4. An order made further to an application as permitted under section 48(3) of the Children (Guernsey and Alderney) Law 2009 (community parenting order)(3).
5. An order under section 31(1)(a) of the Children and Young Persons Act 2001 (an Act of Tynwald)(4).
6. An order or determination specified in Schedule 4 to the Children (Jersey) Law 2002(5).
7. Any order that would have been deemed to be a care order by virtue of paragraph 15 of Schedule 14 to the 1989 Act (transitional provisions for children in compulsory care) had it been in force immediately before the day on which Part 4 of the 1989 Act came into force(6).
8. A supervision order which imposes a residence requirement under paragraph 5 of Schedule 6 to the Powers of Criminal Courts (Sentencing) Act 2000(7) or section 12AA of the Children and Young Persons Act 1969 (requirement to live in local authority accommodation)(8).
9. A fit person order, a parental rights order or a training school order under the Children and Young Persons Act (Northern Ireland) 1968(9).
10. A child protection order under section 57 of the Children (Scotland) Act 1995(10).
11. An exclusion order under section 76 of the Children (Scotland) Act 1995(11).
12. A supervision order which imposes a residence requirement under paragraph 5 of Schedule 9 to the Children and Young Persons Act 2001 (an Act of Tynwald) (requirement to live in accommodation provided by the Department of Health and Social Security).
13. An order made at any time imposing a supervision requirement with respect to a child so as to remove that child from P's care, under—
 - (a) section 44 of the Social Work (Scotland) Act 1968(12); or
 - (b) section 70 of the Children (Scotland) Act 1995(13).
14. An order made at any time vesting P's rights and powers with respect to a child in a local authority in Scotland—
 - (a) under section 16 of the Social Work (Scotland) Act 1968(14); or

(b)pursuant to a parental responsibilities order under section 86 of the Children (Scotland) Act 1995(**15**).

15. In relation to registration of a children's home—

(a)a refusal of P's application for registration under section 13 of the Care Standards Act 2000;

(b)cancellation of P's registration under section 14 or 20(1) of the Care Standards Act 2000;

(c)cancellation of the registration of any person under section 14 or 20(1) of the Care Standards Act 2000 in relation to a children's home which P has been concerned in the management of, or had any financial interest in; or

(d)refusal of P's application for registration or cancellation of P's registration under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**16**).

16. Refusal at any time of P's application for registration in relation to a voluntary home or a children's home, or cancellation of the registration of a voluntary home or children's home which was carried on by P or which P was otherwise concerned with the management of, or had any financial interest in, under, as the case may be—

(a)paragraph 1 of Schedule 5 to the 1989 Act(**17**);

(b)paragraph 1 or 4 of Schedule 6 to the 1989 Act;

(c)section 127 of the Children and Young Persons Act (Northern Ireland) 1968(**18**);

(d)article 80, 82, 96 or 98 of the Children (Northern Ireland) Order 1995;

(e)Part 1 of the Regulation of Care (Scotland) Act 2001(**19**) (care home services); or

(f)paragraph 2 or 4 of Schedule 2 to the Children and Young Persons Act 2001 (an Act of Tynwald).

17. A prohibition imposed at any time under—

(a)section 69 of the 1989 Act, section 10 of the Foster Children Act 1980(**20**) or section 4 of the Children Act 1958 (power to prohibit private fostering)(**21**);

(b)article 110 of the Children (Northern Ireland) Order 1995 (power to prohibit private fostering);

(c)section 10 of the Foster Children (Scotland) Act 1984 (power to prohibit the keeping of foster children)(**22**);or

(d)section 59 of the Children and Young Persons Act 2001 (an Act of Tynwald) (power to prohibit or impose restrictions upon private fostering).

18. A notice in writing given by a Health and Social Services Board under section 1(3) of the Children and Young Persons Act (Northern Ireland) 1968 (withholding consent to the care and maintenance of the child being undertaken by a person).

19. Refusal at any time of registration in respect of the provision of nurseries, day care, child minding or other provision of childcare, disqualification from such registration or cancellation of any such registration under—

(a) section 1 or section 5 of the Nurseries and Child-Minders Regulation Act 1948(**23**);

(b) Part 10 or Part 10A of the 1989 Act(**24**);

(c) Chapter 2, 3 or 4 of Part 3 of the Act;

(d) Part XI of the Children (Northern Ireland) Order 1995;

(e) section 11(5) or section 15 of the Children and Young Persons Act (Northern Ireland) 1968;

(f) Part 1 of the Regulation of Care (Scotland) Act 2001;

(g) section 1 of the Nurseries and Child Minders Regulation Act 1974 (an Act of Tynwald);

(h) section 65 or 66 of, or Schedule 7 to, the Children and Young Persons Act 2001 (an Act of Tynwald); or

(i) Part III of the Child Protection (Guernsey) Law 1972(**25**).

20. Disqualification from working with children at any time under the Protection of Children (Scotland) Act 2003(**26**).

21. Refusal at any time of P's application for registration or cancellation of P's registration under section 62 of the Social Work (Scotland) Act 1968 (registration of residential and other establishments)(**27**).

22. Refusal at any time of P's application for registration as a provider of a child care agency under section 7 of the Regulation of Care (Scotland) Act 2001 or cancellation of any such registration under section 12 or 18 of that Act.

23. Inclusion of P's name at any time on a list of persons unsuitable to work with children under article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(**28**) or disqualification from working with children under Chapter II of Part II of that Order.

Schedule 2a Repealed statutory offences

1.—(1) An offence under any of the following sections of the Sexual Offences Act 1956⁽¹⁾—

- (a) section 1 (rape)⁽²⁾;
- (b) section 2 or 3 (procurement of woman by threats or false pretences);
- (c) section 4 (administering drugs to obtain or facilitate intercourse);
- (d) section 5 (intercourse with a girl under 13);
- (e) section 6 (intercourse with a girl under 16)⁽³⁾;
- (f) section 14 or 15 (indecent assault);
- (g) section 16 (assault with intent to commit buggery);
- (h) section 17 (abduction of women by force or for the sake of her property);
- (i) section 19 or 20 (abduction of girl under 18 or 16);
- (j) section 24 (detention of woman in brothel or other premises);
- (k) section 25 or 26 (permitting girl under 13, or between 13 and 16, to use premises for intercourse)⁽⁴⁾;
- (l) section 28 (causing or encouraging prostitution of, intercourse with or indecent assault on, girl under 16).

(2) An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child)⁽⁵⁾.

(3) An offence under section 54 of the Criminal Law Act 1977 (inciting girl under 16 to incest)⁽⁶⁾.

(4) An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust)⁽⁷⁾.

(5) An offence under section 70 of the 1989 Act, section 16 of the Foster Children Act 1980 or section 14 of the Children Act 1958 (offences relating to private fostering)⁽⁸⁾.

(6) An offence under section 63(10) of, paragraph 1(5) of Schedule 5 to, or paragraph 2(3) of Schedule 6 to, the 1989 Act (offences relating to voluntary homes and children's homes)⁽⁹⁾.

2. P falls within this paragraph if P has been found to have committed an offence under any of the following provisions committed against or involving a child—

- (a) section 7 of the Sexual Offences Act 1956 (intercourse with defective);
- (b) section 9 of that Act (procurement of defective);
- (c) section 10 of that Act (incest by a man);
- (d) section 11 of that Act (incest by a woman);
- (e) section 12 of that Act (buggery)(**10**) except if the other party to the act of buggery was aged 16 or over and consented to the act;
- (f) section 13 of that Act (indecent between men)(**11**) except if the other party to the act of gross indecency was aged 16 or over and consented to the act;
- (g) section 21 of that Act (abduction of defective from parent or guardian);
- (h) section 22 of that Act (causing prostitution of women);
- (i) section 23 of that Act (procurement of girl under 21);
- (j) section 27 of that Act (permitting defective to use premises for intercourse);
- (k) section 29 of that Act (causing or encouraging prostitution of defective);
- (l) section 30 of that Act (man living on earnings of prostitution);
- (m) section 31 of that Act (woman exercising control over prostitute);
- (n) section 128 of the Mental Health Act 1959 (sexual intercourse with patients)(**12**);
- (o) section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts)(**13**);
- (p) section 5 of that Act (living on earnings of male prostitution);
- (q) section 9(1)(a) of the Theft Act 1968 (burglary); or
- (r) an offence that is related to an offence specified in sub-paragraphs (a) to (q).

Schedule 3a Specified offences

Offences in England and Wales

1.—(1) An offence under section 49 or 50(9) of the 1989 Act (offences relating to the abduction of a child in care).

(2) An offence under any of the following provisions of the Sexual Offences Act 2003—

(a) section 62 or 63 (committing an offence or trespassing with intent to commit a sexual offence);

(b) section 64 or 65 (sex with an adult relative);

(c) section 69 (intercourse with an animal); or

(d) section 70 (sexual penetration of a corpse).

(3) An offence in relation to a children's home under or by virtue of any of the following provisions of the Care Standards Act 2000—

(a) section 11(1) (failure to register);

(b) section 24 (failure to comply with conditions);

(c) section 25 (contravention of regulations);

(d) section 26 (false descriptions of establishments and agencies); or

(e) section 27 (false statements in applications).

Appendix 2a

Regulation 4

Care of children and offences against children or adults

4.—(1) Subject to paragraphs (9) and (10) and regulation 10, a person (“P”) is disqualified from registration if any of paragraphs (2) to (8) apply.

(2) Any of the orders or other determinations specified in Schedule 1 has been made—

(a) with respect to P;

(b) which prevents P from being registered in relation to any facility in which children are looked after or from being involved in the management of or otherwise concerned with the provision of any such facility; or

(c) with respect to a child who has been in P’s care.

(3) An order has been made with respect to P under section 104 of the Sexual Offences Act 2003⁽¹⁾.

(4) P has been found to have committed an offence against a child within the meaning of section 26(1) of the 2000 Act.

(5) P—

(a) has been found to have committed any offence specified in paragraph 1 of Schedule 2 or an offence that is related to such an offence; or

(b) falls within paragraph 2 of that Schedule,

despite the fact that the statutory offences in that Schedule have been repealed.

(6) P has been found to have committed any offence other than an offence referred to in paragraph (4) or (5) involving bodily injury to, or death of, a child.

(7) P has been found to have committed any offence specified in Schedule 3 or an offence that is related to such an offence.

(8) P has been—

(a) found to have committed any offence, committed against a person aged 18 or over, mentioned in paragraph 2 of Schedule 4 to the 2000 Act or an offence that is related to such an offence; or

(b) charged with any offence, committed against a person aged 18 or over, mentioned in paragraph 2 of Schedule 4 to the 2000 Act or an offence that is related to such an offence in respect of which a relevant order has been imposed by a senior court.

(9) P shall not be disqualified from registration under paragraphs (1) to (8) in respect of any order, determination or offence if—

- (a) P has successfully appealed against the order, determination or conviction;
- (b) a caution in respect of that offence has been withdrawn or set aside; or
- (c) a direction based wholly or in part on the offence has been revoked.

(10) P shall not be disqualified from registration under paragraph (2) in respect of any refusal or cancellation of registration under the provisions set out in paragraph 19(c) of Schedule 1 if the sole reason for such refusal or cancellation was the failure to pay any fee prescribed under Part 3 of the Act.

Regulation 9

Persons living or working on premises where a disqualified person lives

9. Subject to regulation 10, a person who lives—

- (a) in the same household as another person who is disqualified from registration; or
 - (b) in a household in which any such person is employed,
- is disqualified from registration.