



## Merchant Taylors' Schools, Crosby

# Safer Recruitment Policy

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## **1 Aims**

- 1.1 The safer recruitment of staff is the first step to safeguarding and promoting the welfare of our children. Merchant Taylors' School, Crosby is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.
- 1.2 This is to be achieved through effective recruitment and retention of competent, motivated staff members who are suited to, and competent in, their roles.
- 1.3 Merchant Taylors' School recognises the value of and seeks to achieve a diverse workforce comprising different backgrounds, skills and abilities. As such it is committed to a recruitment and selection process that is systematic, efficient, effective and equal. In doing so, it upholds its obligations under law to not discriminate against applicants on grounds of any protected characteristics.

## **2 Purpose**

- 2.1 The purpose of this policy is to set out the minimum requirements of a recruitment process that aims to:
  - a. attract the best possible applicants to vacant posts;
  - b. deter prospective applicants and identify and reject applicants who are unsuitable for work with children or young people;
  - c. to ensure that all job applicants are considered equally and consistently;
  - d. 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, gender reassignment, disability or age;
  - e. ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education- September 2024 [KCSiE], the Prevent Duty Guidance for England and Wales 2015 [the Prevent Duty Guidance], and any guidance or code of practice published by the Disclosure and Barring Service [DBS];
  - f. 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.
- 2.2 Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

## **3 Roles & Responsibilities**

- 3.1 The Board of Governors will:
  - a. ensure the school has effective policies and procedures in place for the safe and fair recruitment and selection of staff and volunteers in accordance with the Department for Education Guidance and legal requirements and monitor the school's compliance with them;
  - b. ensure that the appropriate staff have completed safer recruitment training and be responsible for the appointment of the Executive Head, Heads of School and the Chief Operating Officer (Executive Team).

3.2 The Executive Team will:

- a. ensure that the school operates safe and fair recruitment and selection procedures which are regularly reviewed and updated to reflect any changes in statutory guidance;
- b. ensure that all the appropriate checks have been carried out on staff and volunteers in the school;
- c. monitor any contractors' and agencies' compliance with this document;
- d. promote the safety and well-being of children and young people throughout this process.

The Board of Governors has delegated responsibility to the Executive Team to lead in all appointments.

**4 Identification of Recruiters**

- 4.1 The School will have at least one person on the interview panel who has successfully received accredited training in safer recruitment procedures. A record of such staff is maintained by the HR Department.
- 4.2 If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant, [s]he must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.
- 4.3 The School aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at Merchant Taylors' Schools Crosby.

**5 Inviting Applications**

- 5.1 Vacancies can be advertised either internally [or both internally and externally simultaneously], unless there is good business reason why this should not be the case capable of justification.
- 5.2 Job adverts will contain the following statement:

*The School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Applicants will be required to undergo safeguarding checks appropriate to the post, including checks with past employers and the Disclosure and Barring Service (DBS).*

*The post is exempt from the Rehabilitation of Offenders Act 1974 and the School is therefore permitted to ask job applicants to declare all convictions and cautions (including those which are "spent" unless they are "protected" under the DBS filtering rules) in order to assess their suitability to work with children.*

- 5.3 Prospective applicants will be supplied, as a minimum, with the following:

- a. job description and person specification (candidate brief);
- b. application Form;
- c. application Form Guidance Notes;
- d. Equal Opportunities Monitoring Form;
- e. the School's Safeguarding Policy; and
- f. the School's Safer Recruitment Policy.

- 5.4 All applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. Curriculum vitae will not be accepted in place of the completed application form.
- 5.5 Applicants will also be asked to provide details of their online profile, including account names and social media handles so that online searches can be carried out on shortlisted candidates [see section 11 for more information]. This information must be provided by the applicant in order for the application to be accepted.
- 5.6 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. All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.
- 5.7 All documentation relating to candidates will be treated strictly confidentially in line with the General Data Protection Regulations 2018 and the School's Privacy Notice.

## **6 Shortlisting & References**

- 6.1 Shortlisting of candidates will be against the person specification and job description for the post. The shortlisting process will usually be carried out by two members of staff who will ideally also be involved in the interview process.
- 6.2 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.
- 6.3 All shortlisted applicants will be required to complete a self-declaration form prior to interview in which they will be 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. Where this has been signed electronically, the applicant will be asked to sign this with a wet signature at interview.
- 6.4 For teaching staff, references for shortlisted applicants will be sent for immediately after shortlisting, where possible. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at this stage. In these cases, references will be taken up directly after interview stage. For professional services staff, references for the successful candidate will be sent following the interview, with the candidate's permission.
- 6.5 Two references will be sought; one of these must be from the current/most recent employer. References must come from the individual's current or most recent line manager or from the HR department. Where the previous employer was a school, the reference should be provided by the Head Teacher where possible, or counter signed by the Head Teacher
- 6.6 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 where applicable.

- 6.7 The HR department will apply judgement in verifying references, and will normally do so via a telephone call. References or testimonials provided by the candidate will not be accepted.
- 6.8 Where necessary, previous employers who have not been identified as referees may be contacted in order to clarify any anomalies or discrepancies. Prior consent will be obtained from the candidate before approaching an additional referee.
- 6.9 Referees will always be asked specific questions on a pro-forma reference template about:
- a. the candidate's suitability for working with children and young people;
  - b. any disciplinary warnings, including time-expired warnings that relate to the safeguarding of children;
  - c. whether the applicant could be considered to be involved in 'extremism'.
- 6.10 Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

## **7. Interviews**

- 7.1 Candidates invited to interview will receive:
- a. an email confirming the date, time and venue of the interview;
  - b. details of any original documents to be presented on the day;
  - c. details of any tasks that need to be undertaken as part of the selection process;
  - d. a contact name and number is given to the candidates to ensure they have the opportunity to discuss the process prior to interview date.
- 7.2 Candidates will be asked to provide photo ID, birth certificate, evidence of right to work in the UK and proof of qualifications (where applicable). All evidence must be original and not photocopies. Documents taken during the process from candidates who are unsuccessful in their application will be kept for a period of six months and then destroyed confidentially.
- 7.3 Where the application contains only an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview.

## **8 The Selection Process**

- 8.1 Appropriate selection techniques will be determined by the nature and duties of the vacant post, but all vacancies will require an interview of shortlisted candidates.
- 8.2 Interviews will usually be face-to-face, although may be held virtually where necessary, and may include additional interview exercises, such as a lesson observation, a written exercise, in-tray exercise or a presentation. Notes will be taken of all interviews and retained for a six-month period.
- 8.3 Candidates will always be required to:
- a. explain satisfactorily any gaps in employment;
  - b. explain satisfactorily any anomalies or discrepancies in the information available to recruiters;
  - c. declare any information that is likely to appear on a DBS disclosure;
  - d. demonstrate their capacity to safeguard and protect the welfare of children and young people and their willingness and ability to promote fundamental British values.

## 9. Pre-employment Checks

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

- a. the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment;
- b. verification of the applicant's identity (where that has not previously been verified);
- c. verification of qualifications, whether professional or otherwise, which the School takes into account in making the appointment decision, or which are referred to in the application form;
- d. verification of the applicant's employment history;
- e. the receipt of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;
- f. the School being satisfied that any information generated through online searches does not make the applicant unsuitable to work at the School;
- g. for positions which involve 'teaching work', 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;
- h. 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 (letter of professional standing);
- i. where the position amounts to 'regulated activity', the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- j. ordinarily staff will subscribe to the DBS Update Service;
- k. where the position amounts to 'regulated activity', confirmation that the applicant is not named on the Children's Barred List;
- l. 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;
- m. 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;
- n. confirmation that the applicant is not disqualified from acting as a trustee/ governor or senior manager of a charity under the Charities Act 2011, if applicable;
- o. confirmation that the applicant is not disqualified from working in connection with early or later years provision, if applicable;
- p. verification of the applicant's medical fitness for the role;
- q. verification of the applicant's right to work in the UK; and
- r. 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.

9.2 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.

- 9.3 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.
- 9.4 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.
- 9.5 It is the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. The School will arrange for the information contained in the Health Questionnaire to be reviewed by the School's medical advisor if necessary. 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, layout of the School etc. If the School's medical 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 or request that the applicant undertakes a full medical assessment.
- 9.6 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.

## **10. Disclosure of Criminal Convictions**

- 10.1 Prior to interview, all short-listed candidates must complete a criminal records declaration. All offers of employment are conditional upon the receipt of a satisfactory enhanced DBS and Children's Barred List check.
- 10.2 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.
- 10.3 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>
- 10.4 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).

## **11. Recruitment of Ex-Offenders**

- 11.1 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 11.5 below.
- 11.2 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 7.4 above).
- 11.3 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.
- 11.4 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:
  - a. it receives an application from a barred person;

- b. it is provided with false information in, or in support of an applicant's application; or
- c. it has serious concerns about an applicant's suitability to work with children.

#### **11.5 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:

- a. whether the conviction or other matter revealed is relevant to the position in question
- b. the seriousness of any offence or other matter revealed
- c. the length of time since the offence or other matter occurred
- d. whether the applicant has a pattern of offending behaviour or other relevant matters
- e. whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- f. 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:

- a. murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- b. 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.

#### **11.6 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. The assessment form must be signed by a member of the Executive Team before a position is offered or confirmed.

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

### **12. Ongoing Duty to Disclose**

- 12.1 All current employees must advise the School immediately if there is any change that may impact on their suitability to work with children. This includes being:

- a. barred from working with children;
  - b. under investigation, charged or convicted of a criminal offence;
  - c. in receipt of a police caution, reprimand or warning, or if there is a formal child protection investigation of you or any member of your household under Section 47 of the Children Act 1989 as amended.
- 12.2 All current volunteers must inform the School of any changes that may impact on their ability to volunteer in a School environment.
- 12.3 If there is any change in relation to the above, the School will seek to obtain a new DBS check in order to verify suitability to work or volunteer with children. In these circumstances, the individual will meet the cost of the full recheck.
- 12.4 Failure to inform the School of a change in circumstances with reference to any of the above may lead to investigation and potential disciplinary action, or for volunteers may lead to removal from voluntary duties at the School.
- 12.5 Any information disclosed is handled in accordance with the Code of Practice published by the DBS.
- 13. Time abroad**
- 13.1 Any applicants who have spent a period of 3 months or longer abroad within the previous 10 years must obtain a police check from the relevant country (or countries) of residence, known as a certificate of good conduct or an overseas check. It is the responsibility of the applicant to provide any necessary overseas police check(s) to the School and to meet the costs of doing so.
- 13.2 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.
- 13.3 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.
- 13.4 If no information is available from a particular country the School may allow an applicant to commence work if they are considered suitable based on all of the information that has been obtained during the recruitment process. The School will take proportionate risk-based decisions on a person's suitability in these circumstances. All suitability assessments must be documented and retained on file
- 13.5 If the formal check is delayed and the School is not satisfied about the applicant's suitability in the absence of that information, the applicant's proposed start date may be delayed until the formal check is received.

#### **14. Regulated activity**

- 14.1 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.
- 14.2 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.
- 14.3 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.

#### **15. Responsibility for DBS Checks and Update Service**

- 15.1 The cost of the initial DBS check for all new starters will be met by the School. There is no cost in order to undertake a DBS check for those defined by the DBS guidelines as volunteers.
- 15.2 All new staff will be expected to join the DBS Update Service as part of their recruitment process. The DBS update service requires an annual direct debit fee of £16 (it is free for those defined by the DBS guidelines as volunteers). This must be paid for by the employee and reclaimed from the School.
- 15.3 All staff must ensure that they keep their payment card details updated for the DBS renewal; a failure to renew in time means that the individual is automatically removed from the DBS update service and must apply again for a full recheck. In these circumstances, the individual will meet the cost of the full DBS recheck.
- 15.4 The School may undertake DBS rechecks on current staff and volunteers in regulated activity where it considers that putting them onto the DBS Update Service would be helpful given the role they undertake. The member of staff is responsible for renewing their annual membership of the DBS Update Service.
- 15.5 If the applicant has worked in another school or further education college in England in the three months prior to their appointment at the School, and has an enhanced DBS certificate which is registered on the DBS update service, the School may not be required to undertake a fresh DBS. In these circumstances, the original DBS certificate must be seen prior to commencing work and the DBS update service must be checked.

#### **16. Online searches**

- 16.1 In addition to the checks set out above, 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. In accordance with paragraph 226 of KCSiE, this will include online searches on shortlisted candidates (online searches). The online searches the School carries out may include searches of internet search engines, websites and social media platforms. Applicants are asked in the application form to provide details of their online profile, including account names and social media handles. This information will be used to carry out online searches. Applicants are not required to provide account passwords or to grant the School access to private social media accounts.

- 16.2 Online searches may be carried out at the shortlisting stage or after an offer of employment has been made (but prior to work commencing). The School will not carry out online searches as part of its initial sift of applications.
- 16.3 The School will determine how it approaches online searches on a case-by-case basis. However, all applicants for a role at the School will be treated consistently with regard to online searches.
- 16.4 Wherever possible, online searches will be undertaken by a person who will play no other part in the recruitment process (including the shortlisting exercise) or the appointment decision. In carrying out online searches, the School is looking for any publicly available information about an applicant that:
  - a. may be relevant to their suitability to carry out the role for which they have applied;
  - b. may be relevant to their suitability to work at the School or in an education setting;
  - c. is of a safeguarding nature; and/or
  - d. may have an impact on the School's reputation (whether positive or negative).
- 16.5 Any information generated from online searches will be entered in an 'Online search results record'. Where online searches are undertaken on shortlisted applicants, any relevant information generated will be provided to the interview panel for discussion with shortlisted applicants at interview. Where online searches are undertaken on the successful applicant only, any relevant information generated will be discussed prior to employment commencing. All offers of employment will be conditional upon the School being satisfied that the successful applicant is suitable to work at the School in light of any information generated from online searches.
- 16.6 In evaluating any online information for relevance the School will use the following criteria:
  - a. whether the information is relevant to the position applied for;
  - b. whether the information is relevant to the applicant's suitability to work at the School or in an education setting;
  - c. whether the information could have an impact on the School's reputation (whether positive or negative);
  - d. whether the information calls into doubt the applicant's willingness or ability to uphold the School's commitment to safeguarding and promoting the welfare of children;
  - e. the length of time since the information became publicly available and whether the applicant's circumstances have changed since the information was published;
  - f. whether the information reveals a pattern of concerning behaviour; and
  - g. the relevant circumstances and the explanation(s) offered by the applicant.

16.7 For successful candidates, the School will retain information generated through online searches for the duration of the individual's employment and in accordance with its Retention of Records Policy after employment ends.

16.8 For unsuccessful candidates, the School retains the information generated from online searches for six months from the date on which they are informed their application was unsuccessful, after which it will be securely destroyed.

## **17. Casual Workers**

17.1 Casual workers may be engaged by the School to undertake work on an as and when basis. All of the checks listed in section 10 must be completed. Due to the *ad hoc* nature of the assignments, casual staff are deemed to be workers rather than employees and have no fixed hours. Casual workers will be asked to sign a Casual Worker Agreement.

## **18. Agency Supply Staff**

18.1 Merchant Taylors' School will only use those agencies which operate a safer recruitment process and provide written confirmation that all relevant checks have been satisfactorily completed. The School will ask to see proof of identity, right to work, enhanced DBS certificate (including check of Children's Barred List) and qualifications on the first day of work. All documents must be originals.

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

18.3 The School will independently verify the identity of individuals supplied by an agency and requires the provision of the original DBS disclosure certificate before those individuals can commence work at the School.

## **19. Governors**

19.1 The Governors of Merchant Taylors' School require the following checks prior to their appointment: completion of an application form, enhanced DBS and Children's Barred List check, two character references, proof of identity and right to work, overseas checks, online search, childcare disqualification and confirmation that the applicant is not 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.

19.2 The requirement for the Chair of Governors to have an enhanced DBS check countersigned by the Secretary of State for Education, is set out in the Education (Independent School Standards) Regulations 2014.

## **20. Contractors**

20.1 The School must complete the same checks for contractors and their employees undertaking regulated activity at the School as it does for its own employees.

20.2 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.

- 20.3 The School will carry out an ID check on new contractors upon their arrival and will also request sight of the original enhanced DBS certificate.

## **21. Visiting Speakers & Visiting Professionals**

- 21.1 The Prevent Duty guidance requires the School to have clear protocols for ensuring that any visiting speakers and visiting professionals are suitable and appropriately supervised.
- 21.2 The School is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker or visiting professional.
- 21.3 All visiting speakers and visiting professionals will be required to provide photographic ID on arrival and will be subject to the School's usual visitors signing in protocol. This will include signing in and out at Reception, the wearing of a visitor's badge at all times and being escorted by a fully vetted member of staff between appointments. At the end of the visit the visiting speaker will be asked to report back to reception to sign out.
- 21.4 For visiting professionals, it is necessary for the teacher in charge to contact the visiting professional's employer to establish whether an enhanced DBS check with children's barred list has been carried out on the visiting professional, in line with Section 308 of KCSiE.
- 21.5 The School will also obtain such formal or informal background information about a visiting speaker or visiting professional 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 Prevent Duty Guidance and the definition of 'extremism' set out in KCSiE.
- 21.6 In fulfilling its Prevent Duty obligations, the School will not discriminate on grounds of any protected characteristic.

## **22. Volunteers**

- 22.1 Before allowing an individual to volunteer in regulated activity for the School, all of the pre-employment checks required for a staff member will be undertaken. Character references will be sought, in place of employment references.
- 22.2 The School will not permit an unchecked volunteer to have unsupervised contact with pupils.

## **23. Starting Work Pending Receipt of the DBS Disclosure**

- 23.1 If there is a delay in receiving a DBS disclosure, the School has discretion 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 should be completed to document this decision and this should be reviewed fortnightly.

## **24. Single Central Record of Appointments**

- 24.1 In addition to the various staff records kept in School, a single centralised record of all recruitment checks is kept in accordance with the Education Regulations 2017 requirements (Independent School Standards). This standard was amended by the Education (Independent School Standards) (Coronavirus) (Amendment) Regulations 2020; see section 22. This is maintained by the HR Department.

- 24.2 The single central record is maintained by the HR Department and is inspected termly by the Head Teacher and annually by the Safeguarding Governors. It contains details of the following 'staff'; employees, agency supply, casual workers, governors and volunteers in regulated activity and certain self-employed contractors.

## **25. Data Protection & Data Retention**

- 25.1 The School is legally required to carry out the pre-appointment checks detailed in this procedure.
- 25.2 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.
- 25.3 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.
- 25.4 The School is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the School will retain on their personal file any relevant information provided as part of the application process. This will include copies of documents outlined previously.
- 25.5 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 prior to commencing employment. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.
- 25.6 DBS disclosure information will only be used for the specific purpose for which it was requested and for which the applicant's full consent will have been obtained.
- Once a recruitment (or other relevant) decision is made, copies of any DBS certificates will be kept for a period of up to six months, to allow for the consideration and resolution of any disputes. If, in exceptional circumstances, it is considered necessary to keep certificate information for longer than six months we may consult the DBS and seek legal advice. We will give full consideration to the Data Protection and Human Rights of the individual before doing so, including our own retention periods.
- 25.7 Once the retention period has elapsed, any DBS certificate information will be destroyed by secure means. A record of the date of the certificate, the date it was seen and by whom will be saved on the Single Central Register.
- 25.8 Other documentation will be retained by the School for the duration of the successful applicant's employment with the School and after termination in line with data retention guidance. All personal information will be treated confidentially in line with the General Data Protection Regulations 2018 and the School's Privacy Notice.
- 25.9 The School engages an umbrella body to process its DBS checks. An umbrella body is an organisation who can process and submit applications to the DBS on behalf of other organisations. The School takes all reasonable steps to satisfy themselves that the umbrella



body will handle, use, store, retain and dispose of certificate information in full compliance with the DBS code of practice and in full accordance with this policy.

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

## **26. Induction**

- 26.1 All staff who are new to the School will receive induction training that will include the School's safeguarding policies.

- 26.2 New staff will be subject to a probationary period (three academic terms for teaching staff, and six months for professional services staff). During the probationary period regular meetings will be held between the new employee and their line manager in order to ensure the new employee feels well supported and to monitor their performance, aptitude, suitability, attendance and conduct.

## **27. Referral to the DBS and Teacher Regulation Agency**

- 27.1 Despite the best efforts to recruit safely there will be occasions when allegations of serious misconduct or abuse against children and young people are raised. The School has a legal duty to make a referral to the DBS in circumstances where an individual:

- i. has applied for a position at the School despite being barred from working with children; or
- ii. 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.

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

- 27.3 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.

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

## **28. Temporary Amendments to this Policy – COVID-19**

- 28.1 Although vetting requirements were not changed, temporary changes were made by the DBS to ID checking guidelines in 2020 and 2021 and by the government to processes for checking Right to Work in order to limit the need for face-to-face contact. These allowed checks to be initiated on the basis of scanned images and live video links [such as Zoom or Teams calls]. Where this concession was relied on, original documents were then viewed when the individual could be seen in person.

- 28.2 The Independent Schools Inspectorate [ISI] have confirmed that there is no requirement to repeat vetting checks on staff following periods of lockdown where there is continuity of employment even if they have not been deployed during the period of closure. Risk based decisions will be made on other categories of 'staff' such as regular self-employed people and on re-appointments when schools re-open.

Examples of risk factors in relation to individuals might include; the member of staff's role, the nature of their work, the degree of their contact with children, level of supervision, the extent to which the school has been in touch with the person during lock-down and what is known about their whereabouts and activity during this period. Where vetting checks are repeated, these will be recorded as separate entries on the Single Central Record.