

# Recruitment, Selection and Disclosure Policy and Procedure

2023-2024

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# 1 Introduction

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

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

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital status or civil partner status, gender reassignment, disability or age;
- to 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 2023 ([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); and
- to ensure that the college meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

# 2 Data protection

The college is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to MPW to enable the college to carry out the checks that are applicable to their role. The college 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 MPW not being able to meet its employment, safeguarding or legal obligations. The college will process personal information in accordance with its Staff Privacy Notice.

# 3 Recruitment and selection procedure

All applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history; a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

Application forms, job descriptions, person specifications and the college's safeguarding and staff recruitment policies are available from the college's HR Department. The job description will clearly and accurately set out the duties and responsibilities of the job role. The person specification is of equal importance and details the skills, experience, abilities and expertise required to do the job effectively.

The college will then conduct a shortlisting exercise by reviewing all application forms received in order to determine which applicants will be invited for interview. The shortlisting exercise will usually be conducted by two members of staff.

The applicant may then be invited to attend one or more formal interviews at which their relevant skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children. For teaching positions, it is college practice for the applicant to also teach a lesson on a relevant subject topic which will be observed by colleagues. The precise format of the interview will vary according to the type of post that has been applied for. Applicants will receive further guidance about the selection process if they are invited to interview and will be given adequate time to prepare.

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.

If an offer of employment is made following a formal interview, it will be conditional on the following:

- the agreement of a mutually acceptable start date and the entering into a contract incorporating the college's standard terms and conditions of employment;
- verification of the applicant's identity;
- verification of qualifications, whether professional or otherwise, which the college takes into account in making the appointment decision, or which are referred to in the application form;
- verification of the applicant's employment history;
- the receipt of at least two references (one of which must be from the applicant's most recent employer) which the college considers to be satisfactory;
- 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 college;
- 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 college;
- any further checks which the college 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;
- where the position amounts to "regulated activity" (see section 4.3 below), the receipt of an enhanced disclosure from the DBS which the college considers to be satisfactory;
- confirmation that the applicant is not named on the Children's Barred List\*;
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the college;
- 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 college;
- verification of the applicant's medical fitness for the role; and
- verification of the applicant's right to work in the UK.

*\* The college is required to carry out an enhanced DBS check and a Children's Barred List check for all staff, supply staff and governors who will be engaging in "regulated activity". The college 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, ie roles which would amount to regulated activity if carried out more frequently. In nearly all cases the college will be able to carry out an enhanced DBS check and a Children's Barred List check.*

## 4 Pre-employment checks

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

In addition to the checks set out below, the college reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the college. This will include internet and social media searches on shortlisted applicants. For successful candidates, the college retains the information generated from online searches for the duration of the individual's employment and in accordance with its record retention protocols after employment ends. The report produced from its online searches for unsuccessful applicants will be retained for up to six months after which they will be destroyed.

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

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

All applicants who are invited to an interview will be required to bring with them evidence of their identity, right to work in the UK, address and original documents confirming any relevant educational and professional qualifications referred to in their application form. A list of valid identity documents recognised by the DBS is provided in Appendix 1:

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

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

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

All applicants must also bring to interview a valid form of evidence which confirms their right to work in the UK. Valid forms of evidence can be found in the Home Office 'Right to Work Checklist'.

All applicants must also bring to interview original documents which evidence any educational and professional qualifications referred to in their application form and/or which the college requests.

Copies are made of the documents identified above and are stored in the staff member's personnel file.

### 4.2 References

References will be taken up on shortlisted applicants prior to interview where possible to allow concerns to be explored further with a referee and taken up with the applicant at interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the college. One of the references must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second reference should, where possible, be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

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

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

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

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

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

If factual references are received (ie those which contain limited information such as job title and dates of employment), this will not necessarily disadvantage an applicant although additional references may be sought before an appointment can be confirmed. The college may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

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

Work can only commence once all the required references have been received and the college considers them satisfactory.

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

#### **4.3 Regulated activity**

The college 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 college 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 college will amount to "regulated activity" if, as a result of their work, the appointee:

- will be responsible, on a “regular” (see below) basis, for teaching, training, instructing, caring or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for students; or
- will carry out paid, or unsupervised unpaid work regularly at the college where that work provides regular contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

For the purposes of the Act, “regular” refers to work carried out:

- frequently (once a week or more often); or
- on 4 or more days in a 30-day period; or
- overnight (between 2.00 am and 6.00 am); and
- provides the opportunity for contact with children.

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

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

#### **4.4 The DBS disclosure certificate**

The DBS issues a DBS disclosure certificate to the subject of the check only, rather than to the college. It is a condition of employment with the college that the **original** disclosure certificate is provided to the college within four weeks of it being received by the applicant. A convenient time and date for doing so should be arranged with the HR Department as soon as the certificate has been received. Applicants who are unable to come to the college to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to the HR and Compliance Officer. Where a certified copy is sent, the original disclosure certificate must still be provided on the first working day. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the college.

#### **4.5 Starting work pending receipt of the DBS disclosure**

If there is a delay in receiving a DBS disclosure the Principal has the 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, have been completed. In addition, a full risk assessment based on all available information will be completed by the college. This will determine the level of risk involved in allowing the individual to commence working, any restrictions that need to be imposed, and the nature of the supervision arrangements to be put in place.

The college may accept a DBS certificate that has previously been undertaken if the applicant has been working in a school in England in a post that brought them in regular contact with children in the three months prior to beginning work at MPW. In this situation, a separate Children’s Barred List check would be undertaken.

For those who subscribe to the DBS update service, the college will examine the original certificate, check it matches the individual’s identity and undertake an online update check, which will provide any changes since the certificate was issued. If the check shows that there has been a change, a new certificate will be required. The college will obtain permission from the individual before conducting the online update check.

#### **4.6 Applicants with periods of overseas residence**

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. The college will take into account the “DBS unusual addresses guide” in such circumstances.

For applicants who are living overseas, or who have lived overseas previously, obtaining a DBS certificate may be insufficient to establish their suitability to work at the college. In such cases the applicant will be required to provide additional information about their suitability from the country (or countries) in which they have lived. The college's policy is to request such information from each overseas country in which the applicant has lived for a period of three months or more in the previous five years. Such checks must be completed before the person starts work. This applies where relevant both to foreign nationals and UK nationals returning from overseas.

When requesting such information the college has regard to relevant government guidance and will therefore always require the applicant to apply for a formal check from the country in question ie a criminal records check (or equivalent) or a certificate of good conduct. Where a check is not received before the start date the applicant will be required to delay starting work unless the college is able to undertake further checks and put a risk assessment in place. The college recognises that formal checks are not available from some countries. In such circumstances MPW will seek to obtain further information from the country in question, such as a reference(s) from any employment undertaken in that country.

In addition, where an applicant has carried out teaching work outside of the UK, the college will ask the applicant to provide proof of their past conduct as a teacher by obtaining a letter of professional standing from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher. The college will also ask the applicant (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work.

#### **4.7 Prohibition from teaching check**

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

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

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

The college carries out this check, and requires associated information, for roles which involve “teaching work”. The college applies the definition of “teaching work” set out in the Teachers' Disciplinary (England) Regulations 2012, which state that the following activities amount to “teaching work”:

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

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

#### **4.8 Prohibition from management check**

The college is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school (a section 128 direction).

The college will carry out checks for section 128 directions when appointing applicants into management positions from both outside the college and by internal promotion.

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

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

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

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

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

#### **4.9 Medical fitness**

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

It is the college’s practice that all applicants to whom an offer of employment is made must complete a health questionnaire. The college may arrange for the information contained in the health questionnaire to be reviewed by the college’s medical adviser. 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, ie proposed timetable, extra-curricular activities, layout of the college etc. If the college’s medical adviser has any doubts about an applicant’s fitness, the college will consider reasonable adjustments in consultation with the applicant. The college may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role.



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

## **5 Contractors and Agency Staff**

The college must ensure the same checks for contractors (and their employees) undertaking regulated activity at the college as it does for its own employees. The college requires written confirmation from the contractor that it has completed these checks on all of those individuals whom it intends will work at the college before any such individual can commence work at the college.

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

The college will independently verify the identity of individuals supplied by contractors or an agency, in accordance with section 5.1 above and requires sight of the original DBS disclosure certificate before those individuals can commence work at the college.

For health and safety reasons, the majority of building works are carried out when students are not on site. Emergency repair contractors are supervised by a member of staff. In the event that building contractors have access to areas where unsupervised contact with students is possible, the college undertakes DBS checks on the contractor or requires the company to confirm the checks have been undertaken.

## **6 Volunteers**

MPW will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with students at or on behalf of the college.

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

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

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

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

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

## **7 Visiting speakers and the Prevent Duty**

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

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

All visiting speakers will be subject to the college's usual visitor 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 at all times.

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

"'Extremism' is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

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

## **8 Policy on recruitment of ex-offenders**

### **8.1 Background**

The college will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The college makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record, this will not automatically bar them from employment with the college. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 9.2 below.

All positions within the college are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent", except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see Appendix 2).

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is a criminal offence for any person who is barred from working with children to apply for a position at the college and it is unlawful for the college to employ anyone who is barred from working with children.

The college will make a report to the police and/or the DBS if:

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

### **8.2 Assessment criteria**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the college will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;

- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.

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

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- serious class A drug-related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the college's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the college's normal policy to consider it a high risk to employ anyone who has been convicted of drink-driving within the last ten years.

### **8.3 Assessment procedure**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the college will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Principal of the college and a Director of the MPW Group before a position is offered or confirmed.

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

### **8.4 Retention and security of disclosure information**

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

In particular, the college will:

- store confidential documents in locked, non-portable storage containers, access to which will be restricted to members of the college's Senior Leadership Team and the HR Officer;
- not retain disclosure information or any associated correspondence for longer than is necessary and for a maximum of six months. The college will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken.
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

## **9 Retention of records**

The college is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the college will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the college to discharge its

obligations as an employer, eg so that the college may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

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

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months unless the applicant specifically requests the college to keep their details on file.

## **10 Referrals to the DBS and Teaching Regulation Agency**

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

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

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

In addition, if a teacher is dismissed because they are found to have committed serious misconduct, or they have breached the Teachers' Standards, or they resign prior to dismissal on such grounds, the School will make a referral to the Teaching Regulation Agency.

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

## **11 Queries**

If an applicant has any queries on how to complete the application form or any other matter they should contact the college HR Officer.

## Appendix 1: List of valid identity documents

### Group 1: Primary identity documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence photocard - (full or provisional)	UK, Isle of Man and Channel Islands
Birth certificate - issued within 12 months of birth	UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands

### Group 2a: Trusted government documents

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

***\* All driving licences must be valid.***

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

<b>Document</b>	<b>Notes</b>	<b>Issue date and validity</b>
<b>Mortgage statement</b>	UK	Issued in last 12 months
<b>Bank or building society statement</b>	UK and Channel Islands	Issued in last 3 months
<b>Bank or building society account opening confirmation letter</b>	UK	Issued in last 3 months
<b>Credit card statement</b>	UK	Issued in last 3 months
<b>Financial statement, eg pension or endowment</b>	UK	Issued in last 12 months
<b>P45 or P60 statement</b>	UK and Channel Islands	Issued in last 12 months
<b>Council Tax statement</b>	UK and Channel Islands	Issued in last 12 months
<b>Letter of sponsorship from future employment provider</b>	Non-UK only - valid only for applicants residing outside of the UK at time of application	Must still be valid
<b>Utility bill</b>	UK - not mobile telephone bill	Issued in last 3 months
<b>Benefit statement, eg Child Benefit, Pension</b>	UK	Issued in last 3 months
<b>Central or local government, government agency, or local council document giving entitlement, eg from the Department for Work and Pensions, the Employment Service, HMRC</b>	UK and Channel Islands	Issued in last 3 months
<b>EEA National ID card</b>	-	Must still be valid
<b>Cards carrying the PASS accreditation logo</b>	UK, Isle of Man and Channel Islands	Must still be valid
<b>Letter from head teacher or college principal</b>	UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided	Must still be valid

## Appendix 2: DBS filtering rules

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

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

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

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

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

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

- eleven years have elapsed since the date of the conviction;
- it did not result in a custodial sentence; and
- 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:

- six years have elapsed since the date it was issued; and
- 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:

- five and a half years have elapsed since the date of the conviction;
- it did not result in a custodial sentence; and
- 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).