



KEW COLLEGE

Recruitment and Selection Policy including Safer Recruitment

This policy applies to the whole school including the EYFS

This policy applies to all school employees and adults working with children, including volunteers. This policy is published on the Kew College website and is also available from the School Office upon request.

This policy is written with due regard to the following:

Disqualification under the Childcare Act 2006

The Equality Act (2010)

Independent Schools Standards Regulations (ISSRs) (Dec 2019)

ISI Handbook for the Inspection of Schools – Commentary on the Regulatory Requirements (Sept 2020)

Keeping Children Safe in Education (KCSIE) (Sept 2021)

Working Together to Safeguard Children (Sept 2018)

See also the School's policies as follows:

Safeguarding and Child Protection Policy, Internet and Online-safety Policy, Staff Induction Procedure, Staff Procedure Handbook and Whistleblowing Policy and Procedures.

Definitions or abbreviations used in this policy

CV: Curriculum Vitae

DBS: Disclosure and Barring Service checks (formerly – Criminal Records Bureau)

DfE: Department for Education

DSL: Designated Safeguarding Lead – person responsible for safeguarding in school

EYFS: Early Years Foundation Stage

ISI: Independent Schools Inspectorate

SCR: Single Central Register of Appointments

TUPE: Transfer of Undertakings (Protection of Employment) Regulations

At Kew College

DSL: Laura Liguori

Deputy DSL and Head: Jane Bond

1. INTRODUCTION

Kew College is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment. The School pays due regard to Safeguarding and Safer Recruitment and provides all staff with safeguarding training in line with government guidelines. As part of our culture of safe recruitment, the School adopts recruitment procedures that help deter, reject or identify people who pose a risk of harm to children.

The School's intention is to attract, select and retain employees who will successfully and positively contribute to the Kew College community. A motivated and committed workforce with appropriate knowledge, skills, experience and ability to do the job is critical to the School's performance and fundamental to the delivery of a high quality service.

2. PURPOSE OF THIS POLICY

To ensure that the recruitment of both permanent and temporary staff (including volunteers) is conducted in a safe, fair, effective, cost efficient and transparent manner, with all the necessary professional and safeguarding checks on staff being carried out and found to be satisfactory before an appointment is confirmed.

To achieve this, those responsible for each stage of the recruitment process will, at all times, be expected to demonstrate a professional approach by dealing honestly, efficiently and fairly with all internal and external applicants.

3. RESPONSIBILITY

The ultimate responsibility for recruitment and selection lies with School Governors. School Governors appoint the Head and the Bursar and have delegated the responsibility to the Head for appointing all other staff.

4. AIMS AND OBJECTIVES

- To ensure that the safeguarding and welfare of children and young people is first consideration at each stage of the process
- To ensure a consistent and equitable approach to the appointment of all school staff
- To ensure all relevant legislation (including equal opportunities legislation) is adhered to
- To ensure the most cost effective use is made of resources in the recruitment and selection process.

5. PRINCIPLES

The following principles are encompassed in this policy:

- Safer Recruitment guidance will be followed at all stages of the recruitment process
- All applicants will receive fair treatment in line with the requirement of current legislation
- A Job Description and Person Specification will be used. The Person Specification will specify the required knowledge, skills and experience needed for the job
- Selection will be based on a minimum of completed application form, shortlisting, interview, relevant skill tests where appropriate, satisfactory completion of all mandatory pre-recruitment checks including those to safeguard pupils and subject to receipt of two satisfactory references

- Suitability references will be sought for internal candidates. Internal references may be permissible when appropriate
- The School's procedures for gathering information and carrying out relevant background and vetting checks on a candidate will be followed
- The candidates' suitability to work with children will be explored at interview by asking open-ended questions, as well as questions which explore the candidates' attitude towards child protection
- The Equality Act (2010) makes it a requirement to make reasonable adjustment to the recruitment process if an applicant makes the employer aware that they have a disability. This applies to the entire recruitment process, from advertisement to appointment
- All job applicants will be considered solely on their ability to do the job.

6. SAFER RECRUITMENT – RECRUITMENT AND SELECTION TRAINING

It is a requirement of the School that at least one member of the interview panel has successfully completed the Safer Recruitment Training prior to the start of the recruitment process.

The School is committed to maintaining a minimum of two people with relevant, current training that will be regularly updated.

7. PRE-RECRUITMENT PROCESS

The objective of the recruitment process is to attract, select and retain staff who will contribute positively and successfully to the future development of the School. The first experience an individual has is important; therefore the recruitment experience should be positive and all those responsible for recruiting will:

- Give successful applicants a clear understanding of the post and what is expected of them
- Seek to leave a positive image with unsuccessful applicants.

Job Description and Person Specification

An accurate Job Description is required for all posts. A Person Specification, which is a profile of the necessary requirements for the post together with other desirable criteria and the assessment method, is also required for all positions. It should also include mention of the individual's responsibility for promoting and safeguarding the welfare of the children he/she is responsible for or comes into contact with.

7.2. Advertisement

Statement of the School's commitment to safeguarding and promoting the welfare of children, and the need for the successful applicant to be DBS checked at the enhanced level. Short advertisements will not include the full statement but will refer applicants to the School's website where the full statement will be included on the Jobs page.

7.3. Information for Applicants

This includes a copy of:

- The application form and notes for applicants which includes relevant information about the School and the recruitment process
- The Job Description and Person Specification
- Statements of the existence of relevant policies on the School's website
- A statement confirming the School's commitment to safeguarding
- It will also inform them that the School will carry out all relevant recruitment checks

7.4. Application Form

A standard application form will be used to obtain a common set of core data from all applicants including full employment and education history and a Rehabilitation of Offender's Act Declaration Form.

8. INTERVIEWS

The interview will assess the merits of each candidate against the job requirements, and explore their suitability to work with children and young people. The selection process for people who will work with children and young people will always include a face-to-face interview even if there is only one candidate. Interview questions will not be of an unlawful discriminatory nature.

8.1. Invitation to interview

The invitation to interview gives details about the arrangements for interviews, including time and place, directions to the venue and name of the interviewer(s).

The invitation will also detail any tasks the candidate is required to carry out for example:

- For teaching staff this will always include teaching an observed lesson
- For teaching assistants this will be a suitable task such as reading with a group of children
- For admin staff this will include appropriate clerical tasks and in-tray exercises
- For middle and senior managers, tasks will be appropriate to the position, such as preparing and delivering a presentation and undertaking in-tray-exercises

All candidates should be instructed to bring with them documentary evidence of their identity and of their right to work in the UK eg. a passport

8.2. Interview Panel

The candidate will be interviewed by a minimum of two interviewers, one of whom will have the necessary authority to make decisions about appointments. At least one member of the panel will have completed Safer Recruitment Training. Before the interviews, the interviewers will meet to decide on the interview content, questions and methods of assessment and the minimum required standard for the role. Interviewers will ensure that there is no conflict of interest and that equal opportunities principles are adhered to. Interview questions will not be of an unlawful discriminatory nature.

Interview notes will be kept on all candidates and lesson observation notes on teaching applicants. For unsuccessful candidates, these will be kept for a minimum of three months and no more than twelve months after the decision has been made. For successful candidates the interview notes are added to the individual's personnel file.

8.3. Scope of the Interview

In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel will also explore:

- The candidate's attitude toward children
- His/her ability to support the School's agenda for safeguarding and promoting the welfare of children
- Gaps in the candidate's employment history
- Concerns or discrepancies arising from the information provided by the candidate and/or a referee.

Unless references are obtained before the interview, the candidate will also be asked at interview if there is anything she/he wishes to declare/discuss in light of the questions that have been (or will be) put to his/her referees.

9. PRE APPOINTMENT CHECKS

The decision as to which checks are appropriate are determined by whether the successful applicant will be engaged in *regulated activity* or not. The following guidelines are followed (ISI Sept 2018):

1 - ALL REGULAR WORK FOR SCHOOLS WITH OPPORTUNITY FOR CONTACT WITH CHILDREN IS REGULATED ACTIVITY

Except;

- Work (not entailing personal care, within definition 2) by supervised volunteers.
- Work (not entailing care or teaching, within definitions 2 or 3) by occasional/temporary contractors.
- Work by pupils for other pupils (excepting for those in early years) (known as "the peer exemption").

2 – Relevant personal care, or health care is regulated activity.

- Personal care includes helping a child for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing.

- Health care in this context means care for children provided by or under the direction or supervision of, a regulated health care professional.

Note that care within this definition is **always regulated**; considerations of regularity and supervision do not apply.

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

- Providing advice or guidance for children on well-being, or
- Driving a vehicle only for children.

Although the third definition concerns teaching, which is the primary function of schools, this definition rarely needs to be considered by schools as ALL work, including teaching, which is done for a school will usually be considered under the first definition above. The third definition is mainly of relevance to, for example, peripatetic teachers whose work in one school would not be “regular” but whose work across several schools meets the “regular” definition. (Regular is defined as frequently, once a week or more often. Or on 4 or more days in a 30-day period or overnight between 2am and 6am. Commentary on the Regulatory Requirements ISI)

Deciding whether a person is engaging in regulated activity.

Key questions:

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

If the answer to all these questions is “yes”, the person is working in regulated activity unless an exception as below applies:

Is the person a volunteer?

- If so, does their work involve personal care of pupils? (See definition of personal care, above.)
 - **If so, the volunteer is engaged in regulated activity because personal care work is always regulated activity.**
- If not, are they supervised? (See supervision guidance.)
 - **If so, the volunteer is not engaged in regulated activity as a supervised volunteer, not doing personal care work, is not in regulated activity.**

Is the person a contractor?

- If so, are they administering personal care or health care, as defined? (These are always regulated activity.)
- If not, are they teaching pupils? (Regular teaching is always regulated activity.)

- If not teaching work, is the contract for occasional or temporary non-teaching work (such as, a quick plumbing task)? (There is no definition of “occasional or temporary” but see the definition of “regular” above.)
 - **If so, the contractor is not in regulated activity as non-teaching work by occasional or temporary contractors is not regulated activity.**

The regulations and KCSIE provide a detailed list of the checks which are required for each new member of staff, where staff is defined as: *any person working at the school whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer.*

The three strands of the definition of staff can be applied as follows. Any person working at the school whether:

- **under a contract of employment** [this covers every employee, no matter what sort of work they do];
- **under a contract for services** [this covers self-employed people arranged and/or paid direct by the school; it does not include those in a contract for services with others, subject to the exception immediately below];
- **or otherwise than under a contract** [this covers self-employed people who are arranged by the school for the purposes of the school but, for example, paid direct by parents, such as some peripatetic teachers and therapists; it does not include, for example, private employees of parents permitted to enter school by agreement];

The following are included in ‘staff’: teachers, peripatetic teachers and coaches, part-time staff, students, administrative staff, caretakers and other ancillary staff, staff appointed from overseas, pupils paid to work at the school (for example as after-school carers).

The DfE permits schools to exercise professional discretion as to when self-employed people should be treated as ‘staff’ or as ‘contractors’. As a rule of thumb, if the person is in regulated activity in the school they are treated as ‘staff’. For a contractor where this is not clear a risk based decision will be made and a note recorded as evidence (eg a brief note on the SCR). *For further information on ‘contractors’ see section 17 below.*

(i) **Barred List**

All candidates who are to be engaged in regulated activity **must** have a satisfactory Barred List check **before** they can begin regulated activity. Barring information is obtained as part of an enhanced criminal record check via the DBS.

(ii) **Enhanced DBS**

A DBS certificate is a document containing details of a person’s criminal record, including convictions, cautions, reprimands and warnings held on the Police National Computer. An enhanced disclosure may also contain details of information held on local police records which the police consider to be relevant to the workforce in which the person is applying for work.

The School carries out Enhanced DBS checks according to the table below and must always have sight of the original enhanced disclosure certificate, which will have been supplied to the applicant. (see DBS certificates not available). The School does not retain copies of DBS certificates for longer than 6 months.

In accordance with The Police Act 1997 no unauthorised disclosure of DBS certificates is allowed, including to a third party or a school inspector.

The table below indicates the various ways in which the requirements for an enhanced DBS check can be met for a person 'P'.

Situation	Actions for the School
Within three months of an appointment, P has been working in a school or college.	The School may apply for an enhanced disclosure but is not required to do so. A new, separate Barred List check must be obtained.
P has a disclosure from a previous employer but does not fall within the three month rule and has not subscribed to the DBS Update service	A Barred List check will always be undertaken. A new enhanced disclosure will be undertaken.
P has a disclosure from a previous employer at the enhanced level (including children's Barred List) and has subscribed to the Update service and gives permission to the School to check the status.	The School should examine the original certificate, check it matches the individual's identity and run an online Update check which will provide information about any changes since the certificate was issued. If the check indicates that there has been a change then the individual must apply for a new certificate. If the original check did not include barring information for the children's workforce, a separate barred list check must be obtained. At Kew College a Barred List check will always be carried out.
P has a disclosure from a previous employer at <u>the standard level</u> and has subscribed to the Update service.	The School will apply for a new enhanced disclosure because the previous disclosure is not at the correct level. At Kew College a Barred List check will always be carried out.

When a DBS check is required, the School may apply once an appointment has been made, even if that is more than 3 months before the applicant will start work. However, the School will adopt best practice and apply for a new enhanced disclosure within 3 months of the candidate taking up regulated activity.

(iii) Identity checks for DBS

Photographic identity checks are made against an official document such as a passport or driving licence. Evidence of address is also required (for example, a utility bill, bank statement or similar).

(iv) Medical fitness

The School's Medical fitness form, which adheres to section 60 of the Equality Act, allows the School to satisfy itself of the medical fitness of staff to carry out the duties of the post applied for, and includes both physical and mental health.

The School is committed to make reasonable adjustments for any member of staff with disabilities.

(v) Previous employment history/CV/References

At least two written references will always be sought directly from the referees who should ideally be a senior person with appropriate authority (in a position to be aware of issues), not usually just a colleague. One reference should be from the candidate's current employer and, if applicable, the last educational establishment for whom they worked. The second reference may be a character reference where a second employment reference is not forthcoming or applicable. Where there is no current employer, verification of the most recent period of employment and reasons for leaving should be obtained. Such references will be supplemented by one or more others to address the suitability question. (ie: whether they are aware of any reason or have any concern that the applicant may be not suitable to work with children.)

References are sought on all successful candidates prior to taking up position. The references include a request for any reason why the applicant should not be employed for work with children and are checked on receipt to ensure that all specific questions have been answered satisfactorily. The referee will be contacted to provide further clarification as appropriate, for example if the answers are vague or if insufficient information is provided. Written references will also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies will be taken up with the candidate and should be resolved satisfactorily, before the appointment is confirmed.

Checks of previous employment history should ascertain satisfactory reasons for any gaps in employment. The information provided by the candidate is checked against references subsequently received, and any discrepancies taken up with the candidate. Application Forms are also scrutinised for any time when the candidate has lived or worked overseas. If this is the case the procedures in (vii) will apply.

References should be addressed to the school. Open references, for example in the form of 'to whom it may concern' testimonials, are not acceptable nor will the School only rely on information provided by the candidate as part of the application process without verifying that the information is correct.

References not received in good time before appointment are chased and alternative referees approached if needed. For minimum compliance purposes, written references should be received before the person starts work. Should this not be practicable, for example, for an appointment made at short notice, the Head may give permission for a reference to be taken over the telephone by a suitably senior member of staff. If a reference is taken over the telephone, for evidential purposes detailed notes must be taken, dated and signed, and make clear who was spoken to. Confirmation must be given and recorded that

there is no reason why the candidate should not work with children. Unless there is good reason not to, a written and signed reference from the referee should still be sought.

The School verifies that electronic references originate from a legitimate source.

Extra references are requested for applicants from countries which do not provide criminal record checks.

(vi) Qualifications, where appropriate

Where an appointment is dependent on an applicant's qualifications, such qualifications will be checked in advance of appointment .

(vii) Overseas checks, where appropriate

If, because of a person 'living or having lived' outside of the UK, a DBS check is not considered sufficient to establish suitability to work in a school, the School will carry out 'such further checks as considered appropriate, having regard to any guidance issued by the [DfE]'. Such checks must be completed before the person starts work. This applies where relevant both to foreign nationals and UK nationals returning from overseas.

The School will check those who have lived or worked overseas for 12 months or more (whether continuously or in total) in the last 10 years where reasonably possible.

The School will obtain whatever evidence of checking is available from the person's country of origin (or any other countries in which he or she has lived within the past ten years) and do this before the appointment is made. The Government site:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> will be used to establish the availability of checks in the relevant country.

In the absence of a response from official sources overseas before the person starts work, the School will seek alternative "further checks" before the person starts work, eg. additional references .

(viii) Right to work in the UK

All candidates have their right to work in the UK checked before they take up appointment. Should the applicant be on a visa, the details and length of the visa will be checked carefully.

(ix) Prohibition from teaching orders

The School will always check Qualified Teacher Status or equivalent (for overseas candidates) for teaching positions. The School policy is to check that anyone employed to carry out teaching work is not subject to a Prohibition Order issued by the Secretary of State. The check is completed using Teachers Services (formerly Employer Access Online) and can be undertaken on those without QTS, by searching alphabetically.

Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:

- 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.

However, none of these activities is “teaching work” if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the Head.

Teaching Assistants may also need Prohibition Checks as it is likely that there will be occasions when they cover for a colleague and are unsupervised. The School will therefore decide on a case by case basis, in the light of their own practice relating to Teaching Assistants, whether these assistants require Prohibition Checks. Similar reasoning would also apply to those employed as sports coaches and similar posts.

(x) Prohibition from Management of independent schools directions (also known as “section 128 directions”)

Staff appointed, both internally and externally, to management positions are checked against s.128 direction. The following staff are considered to be in management positions for the purpose of this check:

- Heads
- All staff on the Senior Leadership Team (including non-teaching staff)
- Teaching positions with departmental leadership positions
- Governors

(xi) Disqualification under the Childcare Act 2006

This Act relates to staff working in the Early Years (EYFS) and those involved in childcare for children under the age of eight in before and after-school settings. At Kew College, all staff could potentially work with EYFS children. The School asks all employees and anyone else who works in the school community with such children (e.g. club providers etc.) to self-declare that they are not “disqualified” from childcare. The declaration will be held with the safeguarding training records where consent to retain the declaration is obtained.

The grounds for disqualification include, in summary:

- being on the DBS Children’s Barred List;
- being cautioned for, convicted of or charged with certain violent and sexual criminal offences against children and adults, at home or abroad;
- any offence involving death or injury to a child;
- being the subject of certain other orders relating to the care of children;
- refusal or cancellation of registration relating to childcare or children’s homes or being prohibited from private fostering.

The School will take advice from ISI or other professionals should it be unclear if a candidate is disqualified or not. From September 2018 the ‘by association’ check has been dropped.

(xii) Transfer of employees under TUPE

If there is continuous employment under TUPE arrangements (e.g. through a change of cleaning company) there is a requirement for information to be passed on to the new owner. If the details are fully in order, the School as the new employer enters them on the

SCR, including the number and the date of the DBS checks, and adds a note to the register that the details have been accepted under the TUPE arrangements. There must have been less than a three month break in employment. However, if the information is incomplete, it is necessary to undertake a new DBS check and to include all the other necessary checks.

10. DBS CERTIFICATE NOT AVAILABLE BEFORE THE EMPLOYEE COMMENCES WORK

If the DBS certificate is not yet available before the person starts in regulated activity, the Head has the discretion to allow a member of staff to commence work if;

- The Barred List check has been undertaken and is satisfactory
- All other relevant checks have been completed satisfactorily
- The DBS application has been made in advance
- Appropriate safeguards, which are determined through risk assessment are taken (eg loose supervision) and the matter will be reviewed every two weeks.

11. RECORDING OF CHECKS

Progress of the pre-appointment checks for each appointment is tracked.

All checks (i) – (xii) above, as required, will be:-

- confirmed in writing
- documented
- recorded on the Single Central Register of Appointments (other than (xi) and (xii), and
- followed up where they are unsatisfactory or there are discrepancies in the information provided.

Checks (iv) – (viii) (excluding (vii) EEA) and check (xii) will be retained on the personnel file and check (xi) will be retained with the safeguarding training records.

NB: The facts must be reported to the police and/or the Independent Safeguarding Authority where:

- the DBS disclosure shows she/he has been disqualified from working with children by a court or
- an applicant has provided materially false information in, or in support of, his/her application or
- there are serious concerns about an applicant's suitability to work with children.

12. HANDLING AND SAFEKEEPING OF DBS CERTIFICATE INFORMATION

The School's policy is to observe the guidance issued or supported by the DBS on the correct use, storage, retention and disposal of certificates and certificate information. The School does not normally retain certificates once a decision has been made whether or not to appoint, and the relevant information for those appointed has been recorded on the SCR (see 13 below).

In particular, the School will:

- store certificate information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to those who are entitled to see it as part of their duties.
- only use certificate information for the specific purpose for which it was requested
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. The School will keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, 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.

13. SINGLE CENTRAL REGISTER OF APPOINTMENTS

Kew College maintains a Single Central Register (SCR) with an entry for all those engaged in Regulated Activity (see 9 above) at the School. In addition, an entry is made for all Governors, and Visiting Speakers to the pupils.

For those in Regulated Activity, the Single Central Register shows the date of the following checks and the initials of the checker where applicable. In relation to every person in Regulated Activity appointed on or after 1 May 2007, the following is entered in the SCR:

- Identity check
- Barred List check
- Prohibition Order check
- Prohibition for Management check where appropriate
- Qualifications where appropriate
- Enhanced DBS check (number and date actual certificate seen)
- Right to work in the UK
- Overseas checks including EEA where appropriate

The SCR notes the date on which each check was completed or the certificate obtained.

In addition, the following checks whilst not obliged to be recorded on the SCR are recorded by the School:

- Application form or CV
- Medical declaration
- References

Transfers under TUPE will also be recorded on the SCR to enable a note of all checks to be recorded in one place.

With effect from 1st April 2015, there is no longer a general requirement to include volunteers on the SCR.

For School Governors, the SCR contains the following information:

- Enhanced disclosure
- Barred List check
- Identity

- Right to work in the UK
- Prohibition from management of independent schools (from Aug 2015).

(NB. Neither the prohibition from teaching check nor the overseas check are applicable for School Governors).

See also Supply Staff and Contractors (below)

See also Visiting Speakers (below)

The SCR contains an entry for all current members of **staff** at the school but also retains the record of those who may have left since the start of the academic year. At the end of each academic year, the details of staff leavers is removed, archived and retained until no more than 3 years after the next inspection.

For the Chair of Governors, the procedures detailed in the current ISI Handbook for the Inspection of Schools are followed, and the DBS clearance will be countersigned by the Secretary of State.

Should the School renew any checks these must not overwrite the original entry but comment may be entered under the 'notes' section and copies (where permitted) kept in personnel files. The reason for a new check may be for a member of staff who subscribes to the DBS update service, when a staff role changes or on review of the SCR.

14. PRIOR TO START DATE

The Head will see the new employee's staff file and the SCR on a regular basis, to ensure that all the requisite checks (i) – (xii) above have been received. All such checks except the Enhanced DBS certificate must have been received before any employee can start work. Should the DBS certificate or a second reference not have been received the Head may allow the employee to start work providing the arrangements in paragraph 9 are followed.

The Head will sign off each employee's Staff File to indicate that they may commence employment.

For employees of contractors and visiting speakers, see below.

15. POST APPOINTMENT INDUCTION

There will be an induction programme for all staff and volunteers newly appointed to the School, regardless of previous experience. See **Staff Induction Procedure**.

16. SUPPLY STAFF

Kew College occasionally uses a supply agency to provide teaching and non-teaching staff. The School will only use a reputable supply agency which has rigorous employment procedures.

The School confirms with the relevant supply agency that the required checks have been carried out to the extent relevant to that person. The confirmation must list the checks that

have been done for each individual person and the date of the checks. Confirmation that states 'all necessary checks' is not acceptable.

The SCR must contain the same entries for supply staff as it does for the School's own employees as set out in paragraph 13 above. The SCR will record the date that the confirmation of each check was received from the supply agency.

On arrival at the School for the first time, the supply staff member must show a photographic identity document and enhanced DBS certificate. These must be checked; the date when the school viewed ID and DBS certificate and the name of the person carrying out the check is entered on the SCR.

The School is not required to retain a copy of identity documents on file but should retain the information from the supply agency until after the next inspection.

17. CONTRACTORS

This applies to contractors working in school whilst children are on the premises

(i) Employees of contractors

Employees of contractors who are working at the School on a long term basis while children are present (caterers, cleaners, et al) should be subject to the same checks as school staff with written confirmation supplied by the employing organisation. **The School must check identity on arrival and must carry out a Barred List check immediately before the start date.**

Where the employees of contractors such as builders will have access to areas where unsupervised contact with children is possible, the School has arrangements in place to ensure that DBS checks are undertaken by the contractor. Before a new individual starts work, the School should receive confirmation from the company that the required checks have been undertaken. The School will carry out a Barred List check and check photographic identification on arrival at the School. The School will keep records of the confirmations from the contractor, to be checked on inspection as part of the School having regard to safeguarding guidance.

Where an external contractor does not have access to the necessary databases to do the relevant checks, the school will undertake the missing check(s) themselves, such as prohibition from teaching, where it applies.

Employees of a contractor who provides after school activities to pupils are in regulated activity and the same pre recruitment checks need to have been undertaken before they are employed at the school as for teaching staff. Their employer needs to confirm in writing that their identity, qualifications, right to work in the UK, employment record including living or working overseas, references and medical fitness have been checked. They will also need a prohibition from teaching check that the school may undertake if necessary. The school will require sight of their photographic ID and DBS clearance, including any equivalent clearance from overseas, and will run a barred list check.

(ii) Self-employed contractors

Self-employed contractors should generally be checked by their professional associations. This is because it is not possible for self-employed people to check themselves but professional associations usually assist to enable their members to access work. If the self-employed person subscribes to the DBS update service, the School will check identity, view the original certificate and check online for updated information.

(iii) Occasional/temporary contractors

The Protection of Freedoms Act 2012 carved out an exception to the definition of regulated activity for occasional and temporary contractors who are not involved in teaching/training etc or personal care. The exception is intended to enable schools to employ emergency workmen but has been used also for professional musicians at Christmas, for example.

KCSIE advises that in the absence of statutory definitions, it is for the School to determine when contractors are occasional or temporary, and therefore whether or not they are working in regulated activity. Such decisions should always be referred to the Head. If the Head decides the workers are not in regulated activity a Barred List check will not be required, but if their work gives them opportunity for regular contact with children, KCSIE stipulates that an enhanced DBS check without Barred List information will be required. Where workers are not frequent or regular, the School risk assesses whether a DBS check is necessary and proceeds accordingly.

If it is not possible to find workers at short notice who have already been checked, the discretion permitted in relation to occasional or temporary contractors must be exercised in good faith. This will entail the issue being considered at the time of the work and the School will retain a note of the basis of a decision not to carry out checks which will form part of the audit-trail for inspectors.

(iv) Supervision of contractors.

It is recognised that it is not normally practicable for the School to provide supervision of contractors making emergency repairs by a qualified person at the same level as for volunteers. KCSIE clarifies that while unchecked contractors should under no circumstances be allowed to work unsupervised, schools are responsible for determining the appropriate level of supervision depending on the circumstances. The School will endeavour to find contractors where staff have been checked.

As outlined above, the School ensures where there is a need for checks that the written confirmation of checks by the contractor company should contain some detail in terms of names of employees, checks and dates; an un-particularised assertion that 'we check all staff' would not suffice.

18. VOLUNTEERS

There is no set formula for the vetting of volunteers, unless they **are in regulated activity**. The arrangements for volunteers will vary by individual and activity. The School must, therefore, assess whether the individual will be in regulated activity. The guidance (*Disqualification under the Childcare Act 2006*) does not only apply to employees, although the word 'employ' is used in the regulations. Others such as volunteers, supply/agency staff,

self-employed people, staff of other organisations contracted to provide childcare, governors who volunteer with the relevant groups or are directly concerned with their day-to-day management, are also potentially within the scope of the guidance.

When volunteers are supervised, they do not fall within the definition of regulated activity and so Barred List checks would not be available or required. This is so no matter how frequently or regularly an individual is a volunteer. The exception would be for volunteers carrying out 'personal care'; 'personal care' is always regulated activity.

A person is deemed to be 'supervised' when:

- they are supervised by a person who is in regulated activity (eg a teacher or classroom assistant);
- the supervision is regular and day to day; and
- the supervision is 'reasonable in all the circumstances to ensure the protection of children' (taking into account: the age of the children, the number of children; whether or not other workers are helping to look after the children; the nature of the work; how vulnerable the children are; and the levels of supervision).

Even where a volunteer is not in regulated activity, they may still require other checks which come from having regard to DfE guidance, in particular *KCSIE* (paragraphs 157–162). In summary, the School makes decisions about the need for additional, discretionary checks (particularly enhanced DBS certificates, without barring information), on the basis of a risk assessment in relation to the person, the work, the vulnerability of the children, other information known and the situation. These could include, for example: references, an informal interview, and checking with the school community for any concerns. Details of these risk assessments for volunteers should be recorded.

An unsupervised volunteer, whose presence is frequent and regular, is in regulated activity and the School will obtain an enhanced DBS certificate with Barred List information.

If in doubt the current ISI Handbook on Regulatory Requirements should be consulted or a direct enquiry to ISI made.

'One-off' volunteers, for day outings, school concerts and such would not require vetting checks but they should not be unsupervised or must not undertake any kind of personal care.

Existing volunteers (prior to April 2014) should have been checked as required at the time of appointment. The School will consider obtaining new checks if there are concerns.

19. WORK EXPERIENCE

Occasionally past pupils or others come to the School on Work Experience. *KCSIE* suggests that Barred List checks by the DBS might be required on some people who supervise a child under the age of sixteen on Work Experience Placement. All staff at Kew College who supervise children on Work Experience are in regulated employment and consequently no further checks are required. All Work Experience Placements involving children of school age are risk assessed for the benefit of the child on Work Experience.

In addition, all persons on work experience who are still themselves of school age are fully supervised during their work experience placement and as such do not require a DBS. For other persons on Work Experience Placements, please see “Volunteers” on section 17 above.

20. VISITING SPEAKERS

The *Prevent* statutory guidance requires that the School has clear protocols for ensuring that any visiting speakers who might fall within the scope of the *Prevent* duty, whether invited by staff or pupils, are suitable and appropriately supervised. At Kew College, **Speakers are always supervised.**

Before the visit occurs, identity checks are carried out and the School keeps a record as to how the individual and/or organisation were selected.

Should these checks give rise to any concerns, the Head and the DSL must be informed immediately.

21. EXISTING STAFF

If the School has concerns about an existing staff member’s suitability to work with children, the School will carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the School moves from a non-regulated to a regulated activity, the relevant checks for the regulated activity must be carried out.

The School will refer to the DBS:

- anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult
- Where the harm test is satisfied in respect of that individual
- Where the individual has received a caution or conviction for a relevant offence or If there is reason to believe that individual has committed a listed relevant offence
- And that individual has been removed from working in regulated activity, or would have been removed had they not left.

The referral will be made as soon as possible after the resignation or removal of the individual. The School will also consider whether to refer the case to the Secretary of State as required by sections 141D and 141E of the Education Act 2002. In the event that harm has occurred and a crime has been committed, the school will immediately contact the Police.

Reviewed by:	Approved by:	Updated by:
The Education and Welfare Committee	Name: Jane Bond	Name: Margaret Panayi
	Title: Head	Title: HR Manager
Date: 17 Nov 2021	Date: 30 Oct 2021	Date: 30 Oct 2021

This policy will be reviewed by the governing body every year or earlier if it is considered necessary.