



**ST MARGARET'S**  
SCHOOL

# Safer Recruitment Pack

**Reviewed and updated January 2022**

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# ST MARGARET'S

## SCHOOL

### RECRUITMENT/STAFF PRIVACY NOTICE

*Please refer to the School's Staff Privacy Notice contained within the Staff Handbook.*

### RECRUITMENT, SELECTION AND DISCLOSURES POLICY AND PROCEDURE

#### 1. General

St Margaret's School ("the School") is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.

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

All queries on the School's Application Form and recruitment process must be directed to the HR Manager.

An entry will be made on the Single Central Register for all current members of staff at the School, the governors and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

All checks will be made in advance of appointment or as soon as practicable after appointment.

#### 2. Scope of this Policy

The Recruitment, Selection and Disclosures Policy and Procedure herewith refers and applies to staff directly recruited and employed by the School. In the Education (Independent Schools Standards) (England) Regulations 2014, staff are 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.*

In the case of agency or contract workers, the School should set out its safeguarding requirements in the contract between the organisation and the School and must obtain written confirmation from the agency or company that it has carried out the appropriate checks. The School conducts identity checks on agency and contract workers on arrival in School and, in the case of agency workers which includes supply staff, the School must be provided with a copy of the appropriate level of DBS check for such staff.

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure – renewed every 3 years, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus, those checks set out in KCSIE as ‘pre-employment’ checks). The Single Central Register shows these checks have been made, that the School carries out its own identity check and has seen a copy of the disclosure (whether or not it discloses any information).

Certain individuals are automatically disqualified from acting in senior management positions within a charity. Whether an individual falls into the category of a senior management position is judged using the following criteria:

- A person who is accountable only to the governors, and who carries overall responsibility for the day-to-day management and control of the charity. At St Margaret’s School this would be the Head.
- A person who is accountable only to the Head or the governors, and who is responsible for the overall management and control of the charity’s finances. At St Margaret’s School this would be the Director of Finance and Operations.

Being disqualified means that a person can’t take on, or stay in, a senior manager position – even on an interim basis, unless the Charity Commission has removed (or ‘waived’) the disqualification.

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

Any staff who TUPE transfer into the School's staff will be required to undertake the statutory requirements with regard to safer recruitment checks.

If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

### **3. Application Form**

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

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

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service (“DBS”) for the position and, where appropriate, a check of the Barred List will be undertaken. Any offer of employment will be conditional on obtaining such satisfactory checks. Additionally, successful applicants should be aware that they are required to notify the School immediately if there are any reasons why they should not be

working with children. This includes any staff who are disqualified from childcare or registration

The statutory guidance “Disqualification under the Childcare Act 2006” applies to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare.

The School takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the School immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.

Staff and/or successful candidates who are disqualified from childcare or registration may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please speak to the HR Manager for more details.

The School has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have *‘due regard to the need to prevent people from being drawn into terrorism’*. This is known as the Prevent duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment. More guidance for schools from the DfE on this can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/439598/prevent-duty-departmental-advice-v6.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf).

If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

If the candidate is not currently working with children, but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate’s suitability to work with children. Where the candidate has no previous employment history, the School may request character references which may include references from the candidate’s school or university.

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

#### **4. Invitation to Interview**

The School will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. At least two people will carry out the

shortlisting exercise, consider any inconsistencies, look for gaps in employment and reasons given for them, and explore all potential concerns.

Shortlisted applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

Shortlisted candidates should be asked to complete a self-declaration form in relation to their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. Applicants will be asked to sign a declaration confirming that the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at the point of interview.

Where possible, the School will obtain references prior to the interview. This allows any concerns raised to be explored further with the referee and can be taken up with the shortlisted candidate at interview.

All formal interviews will have a panel of at least two people chaired by the Head/Director of Finance and Operations or another designated senior member of staff. It is recommended best practice that at least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Governors should chair the panel for the Director of Finance and Operations and Head's appointments. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

The interview will be conducted in person and the areas which it will explore will include suitability to work with children including where appropriate, any discussion of information shared by a candidate in their self-declaration form.

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

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

1. A current driving licence including a photograph or a passport and a full birth certificate;
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Where appropriate any documentation evidencing a change of name;
4. Where applicable, proof of entitlement to work and reside in the UK.

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

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

## **5. Conditional Offer of Appointment: Pre-Appointment Checks**

Any offer to a successful candidate will be conditional upon:

1. Receipt of at least two satisfactory references (if these have not already been received);
2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK (if not already received);
3. A satisfactory enhanced DBS check and, if appropriate, a check of the Barred List maintained by the DBS;
4. For a candidate to be employed as a teacher, a check that the candidate is not subject to a prohibition order issued by the Secretary of State or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012. Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:
  - Planning and preparing lessons and courses for pupils;
  - Delivering and preparing lessons to pupils;
  - Assessing the development, progress and attainment of pupils; and
  - Reporting on the development, progress and attainment of pupils;
5. Verification of professional qualifications, including Qualified Teacher Status, where appropriate;
6. Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999);
7. ***Where the successful candidate has worked or been resident overseas:*** Such further checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered. This shall include the candidate providing the School with proof of his/her past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which s/he has worked;<sup>1</sup>

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<sup>1</sup> The requirement to check an overseas' teacher's teaching status for proof of past conduct as a teacher is now included in KCSIE at paragraphs 262-267. The School **must** make any further checks it thinks appropriate

8. Evidence of satisfactory medical fitness;
9. Confirmation that the candidate is not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006” **OR** Receipt of a signed Self-Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006”;
10. For a candidate to be employed into a senior management position as set out above under “Scope of this Policy”, receipt of a signed “senior charity manager positions: automatic disqualification declaration” confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities.
11. Where the successful candidate will be taking part in the management of the school, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Governors, Senior Management Team and teaching heads of department; and

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

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

## 6. References

The School will seek the references referred to in section 5 above for shortlisted candidates (including internal applicants) and will approach previous employers for information to verify particular experience or qualifications, before interview. One of the references must be from the applicant's current or most recent employer. References must be received by a senior

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....which **could** include obtaining a letter of professional standing from the professional regulating authority in the country in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and/or that they are aware of any reason why they may be unsuitable to teach. We therefore recommend that the School requests the letter of professional standing for recruitment for teachers from all overseas applicants where possible.

person with appropriate authority. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying.

The School will ask all referees if the candidate is suitable to work with children.

The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials. The School will verify all references. Where references are received electronically, the School will ensure they originate from a legitimate source.

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

## **7. Criminal Records Policy**

The School will refer to the Department for Education (“DfE”) document, ‘Keeping Children Safe in Education’ and any amended version in carrying out the necessary required DBS checks.

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

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

There are limited circumstances where the school will accept a check from another educational institution which are as follows:

This is where the new member of staff (“M”) has worked in: –

- (a) A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- (b) A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
- (c) An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

during a period which ended not more than three months before M’s appointment.

In these circumstances the school may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.

## **DBS Update Service**

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the school to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required.

### **If disclosure is delayed**

A short period of work is allowed under controlled conditions, at the Head's discretion. However, if an 'enhanced disclosure' is delayed, a Head may allow the member of staff to commence work:

- Without confirming the appointment;
- After a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
- Provided that the DBS application has been made in advance;
- With appropriate safeguards taken (for example, loose supervision);
- Safeguards reviewed at least every two weeks by the Head/Director of Finance and Operations and member of staff;
- The person in question is informed what these safeguards are; and
- It is recommended, but is not a requirement, that a note is added to the single central register and evidence kept of the measures put in place.

### **8. Retention, Security of Records and Data Protection Obligations**

The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months.

The School will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Staff Privacy Notice and the Data Protection Policy.

## **Appendix**

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

The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

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

Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006".

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the School. The School will report the matter to the Police and/or the DBS if:

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

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

- whether the conviction or other matter revealed is relevant to the position in question;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- 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;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, 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.

### **Data Protection Obligations**

The School will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Staff Privacy Notice and the Data Protection Policy.

## STATEMENT TO BE USED IN ALL ADVERTISEMENTS

The following wording is suggested by way of example. The obligation is to use a form of words which demonstrates the School's commitment to safeguarding children, so these words may be adapted if you wish.

*St Margaret's School is committed to safeguarding and promoting the welfare of children and young people. Applicants must undergo child protection screening, including checks with past employers and the Disclosure and Barring Service. St Margaret's School is an equal opportunities employer.*

## **APPLICATION AND RECRUITMENT PROCESS - EXPLANATORY NOTE**

### **1. General**

St Margaret's School ("the School") is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.

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

All queries on the School's Application Form and recruitment process must be directed to the HR Manager.

### **2. Application Form**

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

Candidates should be aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Applicants will receive a Job Description and Person Specification for the role applied for.

As the job for which you are applying involves substantial opportunity for access to children, it is important that you provide us with accurate answers.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the post and, where appropriate, a check of the Barred List maintained by the DBS will be made. Any offers of appointment will be made conditional on obtaining such satisfactory checks. Additionally, successful applicants should be aware that they are required to notify the School immediately if there are any reasons why they should not be working with children.

The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 apply to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare.

The School takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the School immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive.

Staff and/or successful candidates who are disqualified from childcare or registration may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the

areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please speak to the HR Manager for more details.

The School has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment.

If you are currently working with children, on either a paid or voluntary basis, your current employer will be asked about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether you have been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

If you are not currently working with children but have done so in the past, that previous employer will be asked about those issues. Where neither your current nor previous employment has involved working with children, your current employer will still be asked about your suitability to work with children. Where you have no previous employment history, we may request character references which may include references from your school or university.

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

### 3. Invitation to Interview

Applicants will be shortlisted according to the relevance and applicability of their professional attributes and personal qualities to the role. Shortlisted applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

Shortlisted candidates will be asked to complete a self-declaration form in relation to their criminal record or information that would make them unsuitable to work with children. Applicants will be asked to sign a declaration confirming that the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at the point of interview.

All formal interviews will have a panel of at least two people chaired by the Head or Director of Finance and Operations or another designated senior member of staff. The Chair of Governors should chair the panel for the Head's and the Director of Finance and Operations appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should therefore withdraw from the panel. Should the Chair have a conflict of interest, the Vice Chair shall decide whether the Chair should withdraw from the panel.

The interview will be conducted in person and the areas which it will explore will include suitability to work with children (including discussion of any details provided on the candidate's self-declaration form).

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

All candidates invited to interview must also bring with them:

1. A current driving licence including a photograph and paper counterpart or a passport and a full birth certificate;
2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Where appropriate any documentation evidencing a change of name;
4. Where applicable, proof of entitlement to work and reside in the UK.

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

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

#### 4. Conditional Offer of Appointment: Pre-Appointment Checks

Any offer to a successful candidate will be conditional upon:

1. Receipt of at least two satisfactory references (if these have not already been received), including for internal appointments. All references should be provided by a senior person with appropriate authority, subject to the satisfaction of the School;
2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK;
3. A satisfactory enhanced DBS check and if appropriate, a check of the Barred List maintained by the DBS;
4. For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State or any sanction or restriction imposed (that remains current) by the historic General Teaching Council for England before its abolition in March 2012;

5. Verification of professional qualifications, including, where applicable, any award of Qualified Teacher Status;
6. Verification of successful completion of a statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999), where relevant;
7. ***Where the successful candidate has worked or been resident overseas:*** Such further checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered. This shall include the candidate providing the School with proof of his/her past conduct as a teacher in the form of a letter of professional standing from the professional regulating authority in the country in which s/he has worked<sup>2</sup>
8. Evidence of satisfactory medical fitness;
9. Confirmation from the candidate that they are not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006”. **OR** Receipt of a signed Self-Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006”;
10. For a candidate to be employed into a senior management position as set out within the School’s Recruitment, Selection and Disclosures Policy and Procedure, receipt of a signed “senior charity manager positions: automatic disqualification declaration” confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities;
11. If you are undertaking a management role, a check that you have not been prohibited from participating in the management of independent schools.

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

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<sup>2</sup> The requirement to check an overseas' teacher's teaching status for proof of past conduct as a teacher is now included in KCSIE at paragraphs 262-267. The School **must** make any further checks it thinks appropriate ....which **could** include obtaining a letter of professional standing from the professional regulating authority in the country in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and/or that they are aware of any reason why they may be unsuitable to teach. We therefore recommend that the School request the letter of professional standing for recruitment for teachers from all overseas applicants where possible.

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

## 5. References

We will seek the references referred to in section 4 above for all shortlisted candidates, including internal candidates and may approach previous employers for information to verify particular experience or qualifications, before interview. If you do not wish us to take up references in advance of the interview, please notify us at the time of submitting your application.

For internal candidates, formal written references may be sought from a senior person with appropriate authority.

All referees will be asked if the candidate is suitable to work with children.

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

## 6. Criminal Records Policy

The School will refer to the Department for Education (“DfE”) document, ‘Keeping Children Safe in Education’ and any amended version in carrying out the necessary required DBS checks.

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

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

## 7. Retention and Security of Records and Data Protection

The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months. Details of how we use candidates’ data is explained in the Staff Privacy Notice and Data Protection Policy.

## POLICY ON THE RECRUITMENT OF PROPRIETORS, GOVERNORS, TRUSTEES AND VOLUNTEERS – GUIDANCE FOR SCHOOLS

### References

ISI Commentary on the Regulatory Requirements, September 2020:

[1.02 Commentary on the Regulatory Requirements 2021-09.pdf](#)

DfE Statutory Guidance 'Keeping Children Safe in Education', September 2021:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

### Regulated activity

The requirement for an enhanced DBS check, barred list check and prohibition from management depends on whether the volunteer is undertaking a regulated activity. In a school or college, a **supervised** volunteer who regularly teaches or looks after children is not in regulated activity. The Department for Education (DfE) has published separate statutory guidance on supervision and regulated activity which schools and colleges should have regard to when considering which checks should be undertaken on volunteers. This is set out at Annex F of Keeping Children Safe in Education (issued July 2021).

DfE have provided guidance on when volunteers would be supervised:

- there must be supervision by a person who is in regulated activity (e.g. a teacher or classroom assistant);
- the supervision must be regular and day to day; and
- the supervision must be '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).

There is also a useful flowchart at Appendix 3 of the ISI Handbook and page 60 of KCSIE.

### Single Central Register

The Education (Independent Schools Standards) Regulations 2014 Part 4 requires all schools to maintain a centralised register of appointments, including those of Governors. Guidance on checking the Single Central Register is set out at Appendix 2 to the ISI Handbook (see references).

## Prohibition on participation in management of independent schools

The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014 came into force on 1 September 2014 (also known as 'section 128 checks'). These regulations set out the grounds on which a person's suitability to take part in the management of an independent school can be restricted or prohibited. There is an obligation on independent schools to check whether those involved in the management of schools (including governors) and those who undertake roles of a leadership nature have been prohibited from management in independent schools. The section 128 power applies to all those who are taking part in the management of an independent school. This has been defined as Governors, Senior Management Team and all teaching heads of department.

## Charity Trustee Automatic Disqualification Rules

Certain individuals are automatically disqualified from acting as trustees for a charity. A person is disqualified from acting as a charity trustee, if certain legal disqualification reasons apply to them. The [guidance for charities](#) produced by the Charity Commission also includes a disqualifying reasons table that can be downloaded [here](#).

Trustees and potential trustees should be asked to confirm that they are not disqualified. The Charity Commission has produced sample declarations for trustees to state that they are not disqualified from acting in these positions. These can be downloaded from the [guidance for charities](#).

If it is discovered that a trustee or potential trustee is disqualified, they can apply to have their disqualification waived. The process for this is set out in the Charity Commission [guidance for individuals](#).

# **POLICY ON THE RECRUITMENT OF PROPRIETORS, GOVERNORS, TRUSTEES AND VOLUNTEERS**

## **1. General**

St Margaret's School ("the School") is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.

The School aims to recruit volunteers and governors that share and understand our commitment to the aims of the School.

All queries about the School's recruitment process must be directed to the HR Manager.

## **2. Identification of Potential Governors and Trustees**

As Trustees of a registered charity, the Governors of the School are responsible for the selection and appointment of new Governors. This is a legal responsibility that cannot be delegated, although recommendations for potential candidates are encouraged from the Head, senior staff, other stakeholders and supporters of the School. Trustees are aware of the importance of identifying the appropriate mixture of skills and experience (using the AGBIS Skills Audit) that are needed to govern the multi-faceted affairs of the School, recognising that it is also a medium sized business and a significant local employer, with over 100 employees.

## **3 Governor & Trustees Selection & Appointment Process**

When a potential Governor has been identified and has expressed an interest in the role, the following process is followed: -

### **3.1 Visit to the School**

The potential Governor will be invited to visit the School for an informal meeting with the Chair, or a suitable alternate such as the Vice Chair or Chair of the Governance and Nominations Committee.

The meeting will cover: -

- the role and responsibilities of a Governor at the School, including the time and work commitment required for it;
- an expectation that any appointment is for a minimum of three years;
- the School's strategic direction and priorities in the coming years;

### **3.2 Information about the School**

The potential Governor will be given sufficient material already in the public domain about the School (such as the prospectus, the latest ISI Inspection Reports, the Statutory Accounts and the Annual Return for the previous year) to allow them to make a well-informed judgement before committing themselves to the appointment process.

### **3.3 Initial Assessment of Skills, Experience & Suitability**

Assuming that there is ongoing interest in and by the potential Governor, they will be invited to: -

- submit a copy of their CV and other relevant information to the Chair of Governors and to the Chair of the Governance and Nomination Committee;
- complete a Charity Trustee automatic disqualification declaration in line with the Charity Commission's published disqualifying reasons table

### **3.4 Interview**

Potential Governors will be interviewed by three Governors: The Chair, the Chair of the Governance & Nominations Committee and the Safeguarding Governor, or suitable alternates.

### **3.5 Recommendation**

Following a satisfactory outcome from the interview, the interviewing Governors will recommend the appointment of the potential Governor to the full Governing Body. This recommendation is subject to Safer Recruitment procedures.

### **3.6 Safer Recruitment Procedures**

If the full Governing Body accepts the recommendation in principle, the following will be obtained by the HR Manager of the School before the appointment is confirmed: -

- an enhanced DBS certificate;
- if the potential Governor will be undertaking a regulated activity, a barred list check;
- evidence of their entitlement to work in the UK, where relevant;
- confirmation that they are not disqualified from acting as a Charity Trustee or Company Director, for example by virtue of an undischarged bankruptcy;
- evidence that the potential Governor has not been prohibited from participating in the management of independent schools;
- a declaration that they are not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006"
- if the potential Governor is also to be appointed as a Company Director, a completed FormAP01 (downloadable from <https://www.gov.uk/government/publications/appoint-a-director-ap01>) will be sent to Companies House to register the appointment.

All the relevant paperwork should be handled by the HR Manager and the Clerk to the Governors.

### **3.7 Approval of Appointment**

Following the satisfactory completion of the Safer Recruitment Procedures, the appointment of the potential Governor will be approved by the full Governing Body and the appointment is formally recorded in the minutes of the Board.

A formal letter of appointment will be sent by the Chair, specifying the term of the appointment and, if appropriate, the Committee(s) of which the potential Governor will be invited to become a member.

### **3.8 Induction of Governors and Trustees**

Governors will be provided with training and guidance on the following once in post:

- Safeguarding including Child Protection;
- Governor & Trustee Responsibilities;
- All School Policies;
- Staff Privacy Notice;
- The Staff Code of Conduct;
- Confidentiality obligations;
- Matters relevant to their role.

### **4. Checks regarding the Proprietor and Chair of Governors**

If the Proprietor or Chair of Governors, is to change, the School will ensure that the DfE obtains an enhanced criminal records check, and checks both the individual's identity and right to work in the UK before they take up the appointment. Further overseas checks are required if the person lives or has lived outside the UK. The Chair's disclosure application must be made by the DfE and not by the School. If an existing and vetted Governor is appointed Chair, the DfE check must still take place.

### **5. The recruitment of other volunteers**

#### **5.1 General**

Volunteers at the School bring with them a range of skills and experience that can enhance the learning opportunities of pupils. The Board of Governors, therefore, welcomes and encourages volunteers from the local community to assist in its day to day running. The kinds of activities that volunteers may assist with are hearing pupils read, working with small groups of pupils to assist them in their learning, working alongside individual pupils, as an additional tutor, or accompanying school visits.

Volunteers will be recruited and vetted via the process set out below. Volunteers who take part in a regulated activity will be subject to safer recruitment checks.

#### **5.2 Recruitment**

Volunteers will be subject to an informal recruitment process which will involve a meeting with a relevant Head of Department to discuss the requirements of the School and the skills of the volunteer. The purpose of this meeting will be to understand whether the prospective volunteer has any previous relevant experience and find out whether the expectations and requirements of each party meet and whether there is a volunteering opportunity at the School.

Any volunteering placement may be offered subject to the following checks, if relevant:

1. an enhanced DBS certificate;
2. if the volunteer will be undertaking a regulated activity, a barred list check;
3. evidence of their entitlement to work in the UK, where relevant;
4. confirmation that the volunteer has not been disqualified from participating in the management of independent schools;

5. [if the successful candidate will be undertaking a regulated activity and has worked or been resident overseas, such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered;
6. [a declaration that they are not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006”;
7. depending on the nature of the role, the volunteer may also be asked to sign a confidentiality statement; and
8. references may also be required.

### **5.3 Induction**

Volunteers will be provided with training on the following matters once the volunteering placement commences:

- Child Protection Policy and safeguarding obligations
- Policy for induction of new staff, governors and volunteers in child protection
- Staff Behaviour Policy
- Health and Safety
- Confidentiality obligations
- Supervision
- Data Protection

### **5.4 Data Protection**

The School will comply with its obligations under the relevant data protection legislation. Volunteers’ attention should be drawn to the Staff Privacy Notice and Data Protection Policy which sets out details of how the School will process volunteers’ personal data.

## **VISITING SPEAKER POLICY**

### **Introduction**

St Margaret's School ('the School') often invites speakers from the wider community to give talks to enrich our pupils' experience. The School recognises the enormous benefit gained by pupils from speakers from all walks of life. Both the School and pupils greatly appreciate the time and effort that Visiting Speakers put into their presentations.

The purpose of this Policy is to set out the School's legal obligations when using Visiting Speakers and to set out the standards of behaviour expected from Visiting Speakers.

This policy should be read in conjunction with the School's Safeguarding Policy.

### **Overview**

The Prevent statutory guidance (<https://www.gov.uk/government/publications/prevent-duty-guidance>) expects schools to have clear protocols for ensuring that any visiting speakers are appropriately supervised and suitable. This policy was therefore drawn up having had regard to the Government's Prevent Duty guidance and the School's wider safeguarding obligations.

The School's responsibility to pupils is to ensure that they can critically assess the information that they receive as to its value to themselves, and that such information is aligned to the ethos and values of the School and British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.

### **School Protocol**

All requests for outside speakers (be this from a pupil or school staff) must firstly be discussed with the Head.

The School will undertake a risk assessment before agreeing to a Visiting Speaker attending the School. This will take into account any vetting requirements considered appropriate in the circumstances and may include a DBS check if relevant. The School may also conduct research on the Visiting Speaker and/or their organisation, as appropriate. The School will not use a Visiting Speaker where any link is found to extremism, such as extremist groups and movements.

The School will obtain an outline of what the speaker intends to cover in advance of the Visiting Speaker's visit. In some cases, the School may also request a copy of the Visiting Speaker's presentation and/or footage in advance of the session to ensure it is appropriate to the age and maturity of the pupils to be in attendance and does not undermine British values or the ethos and values of the School.

A member of school staff will be present during the visit/talk, who will monitor what is being said to ensure that it aligns with the values and ethos of the school and British values. In the unlikely event that the talk/presentation does not meet this requirement, Visiting Speakers will be informed that school staff have the right and responsibility to interrupt and/or stop a presentation. The member of staff will report this to the Head as soon as reasonably practicable after the talk/visit.

Visiting Speakers will be supervised by a School employee whilst on School site. At no point will a Visiting Speaker be left unsupervised on School site whilst pupils are present.

On arrival at the School, Visiting Speakers will be required to show an original current identification document including a photograph such as a passport or photo card driving licence and will be asked to sign the visitor's book. The Visiting Speaker will be issued with a visitors' badge which they must wear at all times whilst on school site. Visiting Speakers will also be briefed on the School's Safeguarding Policy and should confirm to the School that they have the appropriate DBS check (unless the Visiting Speaker's employers have already confirmed that their staff have had the appropriate checks).

The School will keep a formal register of visiting speakers, which will include their contact details and information on the subject matter of their presentations. The School may also process details of the Visiting Speaker's health where necessary in order to protect their health and safety. Any information gathered will be kept in accordance with the School's Data Protection Policy and the Staff Privacy Notice.

If you have any queries regarding this Policy, please contact the HR Manager.

# ST MARGARET'S

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## CHECKLIST FOR VISITING SPEAKERS

Action		Details
<b>Details of the arrangements</b>		
1.	Name of the staff member responsible for booking the Visiting Speaker.	
2.	Name of Visiting Speaker.	
3.	Visiting speaker contact details.	
4.	Date of presentation.	
5.	Audience details.	
6.	<p>Confirm that:</p> <ul style="list-style-type: none"> <li>the Visiting Speaker Policy has been sent to the Visiting Speaker</li> <li>the Visiting Speaker has been briefed on the School's Safeguarding Policy</li> <li>the Visiting Speaker has had the appropriate DBS check.</li> </ul>	
<b>Checklist</b>		
7.	Visiting Speaker biography, to include speaker's organisation and other affiliations.	

8.	Details of presentation to be provided.	
9.	Details of research undertaken on visiting speaker (i.e. check the internet for any recent published reports, statements or speeches made by the individual, any retractions or public apologies etc).	
10.	<p>Are you satisfied that the content seen in response to 9 above is not in any way contrary to the School's Equality Policy, the ethos of inclusion of the School, British values or any concern in relation to the Prevent Duty?</p> <p>If such concerns exist, refer the matter to the designated safeguarding lead (DSL).</p>	<p>Yes</p> <p>No (refer to DSL)</p>
11.	Will the Visiting Speaker be left alone with pupils and undertaking a regulated activity? If yes, complete 12 below and inform the DSL.	<p>Yes (refer to DSL)</p> <p>No</p>
12.	Enhanced DBS certificate details:	<p>DBS number:</p> <p>Date of issue:</p>
13.	Name of person responsible for supervising the Visiting Speaker whilst they are on site.	
14.	Confirm the Risk Assessment form has been completed and a copy provided to the DSL	
15.	Confirm a copy of this form has been provided to the Director of Finance and	

	Operations for inclusion on the Single Central Register.	
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Signed

Date

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Countersigned by [Head/Director of Finance and Operations/Senior Leader]

Signed

Date

.....

# ST MARGARET'S

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## RISK ASSESSMENT

<b>School</b>		<b>Assessor's Name &amp; Job Title</b>	INSERT NAME & JOB TITLE
		<b>Date</b>	
<b>Description of area to be assessed:</b>		<b>Who is at risk?</b>	
		<b>How many people affected?</b>	
		<b>How often and for how long?</b>	

Hazards and Risks Identified	Existing Control Measure	Action to be taken by	Level of Risk (when action taken)
			INSERT LOW MEDIUM OR HIGH

			INSERT LOW MEDIUM OR HIGH
			INSERT LOW MEDIUM OR HIGH
			INSERT LOW MEDIUM OR HIGH
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Signature.....

Date.....