

Safer Recruitment Policy

Policy:	Safer Recruitment
Version:	8.0
Synopsis:	This policy defines Study Group principles with regard to recruitment, selection and pre-employment checking.
Policy Owner:	Study Group Human Resources
Relevant to:	All UK direct appointments, independent contractors, agency and third-party staff (supply staff) working with Study Group
Publication:	This policy will be made available to staff via myStudyGroup and to parents via the Study Group website.
Date introduced:	5 September 2016
Next review date:	This policy will be reviewed annually, or in line with legislative or regulatory changes or guidance from Codes of Practice.
Related Documents:	<p>Equality and Diversity Policy</p> <p>Immigration and Sponsorship Policy</p> <p>Keeping Children Safe In Education (September 2021) (KCSIE)</p> <p>Safer Recruitment Line Manager's Guide</p> <p>Disclosure & Barring Services Line Manager's Guide</p>

Version Control	Date Issued/Summary of changes	Next Review
1.0	April 2014	April 2015
2.0	20 July 2015	1 July KCSIE
3.0	1 June 2016	April 2017
3.1	11 July 2016 Sam Kneller - Updated to include new EEA Teacher Prohibition Check	April 2017
3.2	4 September 2016 Sam Kneller – updated to include additional information from VWV and new KCSIE Regulations	April 2017
4.0	4 April 2017 Sam Kneller – annual review; updated to reflect latest guidance from WV.	April 2018
5.0	24 May 2018 Sam Kneller – to reflect updates from VWV and introduction of GDPR	1 September 2018
5.1	30 August 2018 Sam Kneller – to reflect updates of KCSIE, Sept 2018.	August 2019
6.0	2 September 2019 Sam Kneller – annual review with inputs from Sandy Connors, Heather Duckett and David Hipkin. Includes updates from KCSIE, September 2019.	August 2020
7.0	1 September 2020 Melanie Metcalf – annual review with inputs from Sandy Connors, Heather Duckett, Andi Roberts, Ian Goodacre and David Hipkin. Reflects updates from KCSIE, September 2020. Signatory changed from Mike Everett as Chair of Bellerbys Educational Services Limited to Sir Keith Burnett as Chair of the Study Group Limited Board.	August 2021
8.0	September 2021 Ed Griffin – annual review with inputs from Sandy Connors, David Hipkin, Ian Stocker, Ian Goodacre, Justine Martin, Marilyn Aslam.	September 2022

Approved:

A handwritten signature in black ink that reads "Keith Burnett". The signature is written in a cursive style with a large initial 'K' and 'B'.

Sir Keith Burnett
Chair, Study Group Limited Board

1 Introduction

Study Group is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. Study Group is also committed to providing a supportive and flexible working environment to all its members of staff. Study Group recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment. It is the role of managers at all levels of the organisation to contribute to an organisational culture that actively safeguards and promotes the welfare of children and young people in our colleges and study centres.

The aims of Study Group's safer recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**), *Keeping Children Safe in Education – September 2020 (KCSIE)*, *the Prevent Duty Guidance for England, Scotland and Wales (the **Prevent Duty Guidance**)* and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that Study Group meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

This policy is updated each year in line with changes to legislation and guidance. Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy. The updated policy will be sent to Recruiting Managers every year and they are responsible for reading it and ensuring they understand how to fulfil their obligations under the policy.

1.2 Conflicts of interest

It is the responsibility of **all individuals** involved in the recruitment process to declare any personal relationship with an applicant as soon as they are aware of the individual's application. This is to enable alternative measures can be taken to minimise any potential conflict of interest.

1.3. Roles & Responsibilities

Recruiting Managers are responsible for (in conjunction with the College/Centre Administrator where appropriate):

- understanding the reasons why people leave, identifying trends in leavers and taking action where appropriate;
- following Study Group's Safer Recruitment Policy and ensuring that all safeguarding policies and procedures used to promote the welfare of children and young people are followed in the recruitment process;
- being aware of the broader legal framework governing recruitment and selection;
- ensuring all vacancies have authorisation to recruit in line with the relevant Divisional Delegation of Authority

- administering the recruitment process in a timely manner;
- developing job descriptions include the skills, abilities, experience, attitude and behaviours required in in the role, and the safeguarding requirements;
- discussing the placement of external press or internet job board adverts with HR and ensuring that any advertisements are compliant with the Study Group template;
- ensuring that all shortlisted candidates for roles involving regulated activity complete the standard application form;
- obtaining and verifying two references for all shortlisted candidates for teaching roles prior to interview when appropriate in the circumstances and ensuring that any discrepancies are investigated as part of the interview process; ensuring that references are appropriately sought for applicants to non-teaching roles;
- conducting interviews in a fair manner and in line with the interview techniques guidance and guidelines contained within this policy, and in line with the *DfE Safer Recruitment Guidelines* for all roles involved in regulated activity;
- conducting interviews using questions that illicit capabilities, experience, motivation and attitude, particularly with reference to young people;
- ensuring at least one member of a recruitment panel is trained in ‘Safer Recruitment’. The Director of Safeguarding holds the Safer Recruitment Training Log with details of all members of staff who have been trained;
- submitting and overseeing Risk Assessments where needed;
- providing constructive candidate feedback in a timely manner if requested; and
- keeping records of the recruitment process including shortlisting and interview decisions in accordance with the Company’s *Data Protection Policy* and associated Privacy Notices.

Study Group Principal/Centre Director/Centre Head is responsible for:

- ensuring that all pre-employment checks and the HR New Starter File Checklist has been completed before confirming the date upon which a new hire is cleared to commence employment with the location for which they are responsible.

Human Resources (also incorporating the Talent Acquisition and HR Operations Teams) are responsible for:

- ensuring that all safeguarding policies and procedures are used to promote the welfare of children and young people are followed in the recruitment process.
- updating recruitment and selection documents on a regular basis to ensure compliance with changes to legislation and Codes of Practice.
- identifying appropriate channels to externally advertise roles, ensuring that all advertisements meet the relevant guidelines, are consistent with the *Study Group Equality and Diversity Policy* and template advertisement. As a rule, roles should be advertised internally for a period of at least 5 working days except where there are valid reasons for not doing so.
- supporting succession planning and fulfilling internal opportunities across the network to maximise the use of potential internal candidates for roles.

- supporting and advising managers on recruitment and selection processes, including providing training on effective recruitment and selection processes, and safer recruitment.
- issuing contracts of employment to successful candidates.
- checking the completeness of the New Starter File and Checklist prior to issuing an on-site start date to the new employee and the Recruiting Manager.

The Proprietor (with delegation to any Advisory Boards) is responsible for:

- ensuring that all safeguarding policies and procedures used to promote the welfare of children and young people are followed in the recruitment process;
- ensuring the correct approval processes are followed for recruiting new and replacement positions within their area of responsibility;
- the recruitment and selection of candidates for key leadership positions in the organisation;
- the regular review of compliance with this policy quarterly through the Bellerbys College Advisory Board, UK/EU Executive Leadership Team and reporting to the UK CRAB;
- ensuring regular audit of compliance against the requirements of this policy.

2 Attraction, Recruitment and selection procedure

Job adverts should include Study Group's commitment to safeguarding and promoting the welfare of children and young people, and should make clear:

- The safeguarding responsibilities of the role:
- Whether the role is exempt from the Rehabilitation of Offenders Act 1974.

For regulated roles the information provided to candidates should include a statement that it is an offence to apply for the role if the candidate is barred from engaging in regulated activity.

A link to Study Group's Safeguarding policy and approach to the employment of ex-offenders may be provided to applicants.

All applicants for employment, including internal applicants from the wider Study Group organisation, will be required to provide a complete CV and complete an application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form if there are any gaps in the required data.

Applicants will receive a job description for the role applied for. Applicants may then be invited to attend a **formal interview** at which their relevant skills and experience will be discussed in more detail. All shortlisted applicants will be asked questions at interview about their suitability to work in environments where children may be present.

Applicants will be asked to sign a declaration to confirm that the information they have provided is true.

At least two people will be involved in the selection process, through application screening, first or second interviews.

If it is decided to make an offer of employment following the **formal interview**, the Hiring Manager

will make a verbal conditional offer of employment. Any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating Study Group's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- verification of qualifications, whether professional or otherwise, which the Company takes into account in making the appointment decision or which are referred to in the application form, whether a requirement for the role or not;
- verification of the applicant's employment history, including an explanation of any gaps in employment within a 6 year period prior to the start of employment;

- the receipt of two references (one of which must be from the applicant's most recent employer) which Study Group considers to be satisfactory.
- for positions which involve "teaching work" or regular access to students or student data and student personal information, information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency which renders them unable to work in the Company;
- for applicants who have carried out teaching work outside of the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable to work in the Company.
- where the position amounts to "regulated activity (see section 3.3.2 below) the receipt of an enhanced disclosure from the DBS which Study Group considers to be satisfactory;
- where the position amounts to "regulated activity" (see section 3.3.2 below) confirmation that the applicant is not named on the Children's Barred List*;
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable to work in the Company;
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable to work in the Company;
- verification of the applicant's medical fitness for the role (see section 3.6 below);
- verification of the applicant's right to work in the UK; and
- any further checks which are deemed necessary as a result of the applicant having lived or worked outside of the UK, including an overseas criminal records check, certificate of good conduct or professional references. This applies to any candidate who has lived or worked outside of the UK for any period longer than 3 months in the past 5 years.

If the applicant accepts the conditional offer, then the Hiring Manager should complete an Employee Starter Form via the HR Portal in order to generate a contract of employment.

Candidates may not start employment with Study Group until Human Resources have confirmed that the correct pre-employment checks have been completed to a satisfactory level.

*Study Group is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". Study Group will ensure that an enhanced DBS check has been made for all staff, agency and third-party (supply) staff and governors who will be engaging in regulated activity. However, Study Group can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently. Whether a position amounts to "regulated activity" must therefore be considered by Study Group in order to decide which checks are appropriate. It is however likely that in nearly all cases the Company will be able to carry out an enhanced DBS check and a Children's Barred List check.

3 Pre-employment checks

In accordance with the recommendations set out in *KCSIE* a number of pre-employment checks in respect of all prospective employees.

In addition to the checks set out below, the Company reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work in the Company. This may include internet and social media searches.

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

Where an internal applicant applies for a new role in Study Group, the Company reserves the right to undertake or repeat any employment checks which it deems necessary to fully satisfy the requirements of this policy. Additional checks may also be undertaken when an individual moves from a role which is deemed to non-regulated employment to one which is deemed to be regulated employment.

3.1 Verification of identity and qualifications

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

- one document from Group 1; and
- two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address; and
- original documents confirming any educational and professional qualifications referred to in their application form.

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

Study Group asks for the date of birth of all applicants to assist with the vetting of applicants. Proof of date of birth is necessary so that Study Group may verify the identity of and check for any unexplained discrepancies in the employment and education history of all applicants. Study Group does not discriminate on the grounds of age.

3.2 References

References will be taken up on short listed applicants for all teaching roles. Where a candidate does not give permission to contact their current employer prior to interview, this reference will be taken after the completion of the selection process and prior to the successful candidate's start date.

For non-teaching roles, references will be sought after the conditional offer has been accepted.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by Study Group:

- One of the references must be from the applicant's current or most recent employer;
- If the current/most recent employment does/did not involve work with children, then the Company will seek to obtain the second reference from the employer with whom the applicant most recently worked with children (where available);
- If the applicant does not have any prior experience working with children, then the second reference will be sought from the most suitable referee in their employment or academic history;
- References should, as far as possible, be obtained from two different sources (ie: not two references from a single employer); and
- Neither referee should be a relative or someone known to the applicant solely as a friend.
- Open references ("to whom it may concern") will not be accepted.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism" (see the definition of "extremism" at Section 7 below). If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title/duties, reason for leaving, performance, sickness* and disciplinary record;
 - whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated or malicious;
 - whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious;
 - whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at Section 7 below)
- (*Questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.)

Study Group 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.

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

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

If factual references are received (ie: those which contain limited information such as job title and dates of employment only), this will not necessarily disadvantage an applicant, although additional references may be sought before an appointment can be confirmed,

Study Group may at its discretion make telephone contact with any referee to verify the details of the written reference provided.

Under the *Data Protection Act 2018* any reference provided in confidence is exempt from disclosure under a Subject Access Request. This means that if an organisation receives a subject access request, confidential employment references about the individual making the request, whether created by that organisation or received from a third party, will be exempt from disclosure.

3.3 Criminal records check

Prior to 29 May 2013 an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the *Rehabilitation of Offenders Act 1974*) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at the Company.

3.3.1 DBS Filtering Rules

Since 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows.

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

An adult conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- eleven years have elapsed since the date of conviction;
- it is the person's only offence; and
- it did not result in a custodial sentence.

It will not be removed under any circumstances if it appears on a list of "**specified offences**" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over for an offence committed in the United Kingdom will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

For those aged under 18 at the time of an offence

A conviction for an offence committed in the United Kingdom will be removed from a DBS disclosure if:

- five and a half years have elapsed since the date of conviction;
- it is the person's only offence; and
- it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record.

A caution received when a person was aged under 18 for an offence committed in the United Kingdom will not be disclosed if two years have elapsed since the date it was issued and if it does not appear on the list of "specified offences".

The list of "specified offences" which must always be disclosed

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at this link: <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

3.3.2 Regulated Activity

Study Group applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at Study Group which amount to "regulated activity" as defined in the *Keeping Children Safe in Education (September 2020)* and *Safeguarding Vulnerable Groups Act 2006* (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. Any position undertaken at or on behalf of Study Group will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30 day period; and
- provides the opportunity for contact with children.

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

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

3.3.3 The DBS Disclosure Certificate

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to Study Group. It is a condition of employment with Study Group that the **original** disclosure certificate is provided to Study Group within two weeks of it being received by the applicant. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the Company should be arranged with the College/Centre Administrator or Human Resources as soon as it has been received. Where this is not possible, the original DBS certificate may be viewed via electronic methods onscreen, for example via Skype, Zoom, Teams, etc. This check can only be conducted by an employee or manager who is authorised to do so, by virtue of their role within the company, subject to the individual bringing the original in on their first physical day at work. Alternatively, certified copies may be sent to the College/Centre Administrator or Human Resources. Where a certified copy is sent, the original disclosure certificate must still be provided prior to the first day of work or on the first working day prior to the individual commencing any work in Study Group. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by Study Group.

3.3.4 Starting Work pending receipt of a DBS Disclosure Certificate

If there is a delay in receiving a DBS disclosure, the Company has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if:

- all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity) have been completed; and
- a risk assessment is completed by the Hiring Manager which has also been countersigned by the relevant Centre Head/Centre Director or Principal; and
- appropriate measures (including supervision) have been put in place.

All instances of this nature will require review and approval from the DBS Review Panel in line with the DBS Policy

3.3.5 Applicants with periods of overseas residence

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

The Company takes into account the guidance issued by the NSPCC when deciding whether to request overseas information from applicants. This recommends that such information should be sought on those who have lived overseas for a period of 3 months or more in the last five years. However, the Company recognises that the Education (Independent Schools Standards) Regulations 2014 do not specify that a minimum period overseas residence is required. The Company therefore assesses each applicant's situation on its individual facts.

Where applicants are asked to provide further overseas information, this will include a criminal records check from the relevant jurisdiction(s) or a certificate of good conduct and/or references from any employment held.

The applicant will not be permitted to commence work until sufficient overseas information has been received and is considered satisfactory by Study Group.

In exceptional situations where it is not possible for a formal criminal record check to be completed or where there are any outstanding concerns about a period of time which the applicant has spent overseas, the Company will undertake such alternative checks as it deems necessary to meet this requirement. This may include the completion of a "GlobeX" Check which provides a comprehensive global search which uncovers adverse information about individuals by searching worldwide records from foreign governments, global and local news media sources, courts, regulatory and law enforcement agencies and other public and proprietary data sources around the globe.

3.4 Prohibition from teaching check

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

In addition Study Group requires all applicants for roles which involve "teaching work" (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or other equivalent body in the UK.

It is the Company's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves "teaching work". Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the Teaching Regulation Agency (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the Company will consider whether the facts of the case render the applicant unsuitable to work at the Company.

The Company carries out this check, and requires associated information, for roles which involve "teaching work". In doing so the Company applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012 which states that the following activities amount to "teaching work":

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

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

In addition, for all appointments made on or after 18 January 2016, where an applicant has carried out teaching work outside of the UK the Company will ask the applicant (and their referees) whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work. This will include checking for the existence of any sanctions issued by regulators of the teaching profession in other EEA countries using the Teaching Regulation Agency Teacher Services system.

3.5 Prohibition from management check

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

The Company will carry out checks for such directions when appointing applicants into management positions from outside the school or via internal promotion.

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

- Head of Centre or Centre Director, College Director;
- teaching posts on the senior leadership team;
- teaching posts which carry a departmental head role;
- support staff posts on the senior leadership team; and
- the Company will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support roles which carry additional responsibilities.

It also applies to appointments to the governing body.

The relevant information is contained in the enhanced DBS disclosure certificate (which the Company obtains for all posts in the Company that amount to regulated activity). It can also be obtained through the Teaching Regulation Agency Teacher Services system. The Company will use

either or both methods to obtain this information.

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

It is the Company's position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the Company will consider whether the facts of the case render the applicant unsuitable to work at the Company.

3.6 Medical fitness

Study Group is legally required to verify the medical fitness of anyone to be appointed to a post at Study Group, **after** an offer of employment has been made for non-regulated roles and **before** the appointment can be confirmed. Questions regarding mental and physical capacity to undertake a regulated role may be asked prior to this in line with KCSIE. In respect of regulated roles, KCSIE says that "a job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role". All individuals offered a role will be sent a Health Declaration Form, which they must complete and return confirming their fitness to perform in post.

All successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on the grounds of mental or physical health, why they should not be able to discharge the responsibilities required of the role for which they have been offered employment. Where there are reasons for concern, then the individual may be required to attend an Occupational Health Assessment.

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

4 Confirmation of Employment and Start Date

Once all the pre-employment checks have been completed, the College Principal, Centre Director or Centre Head or Human Resources will be required to sign the New Starter Checklist document to confirm this. Any recruiting manager agreeing a start date for any new employee without the HOC approval may be subject to disciplinary action.

The College/Centre Administrator or Human Resources will send this and all supporting documentation to the Human Resources team who will be responsible for communicating the agreed start date to the applicant, subject to all items on the New Starter Checklist being in order.

5 Independent Contractors, agency and third-party staff (supply staff)

Study Group must complete the same checks for contractors and their employees undertaking regulated activity as it is required to complete for its own employees. Study Group requires written confirmation from the contractor that it has completed these checks on all individuals whom it intends will work in the Company before any such individual can commence work with the Company on an unsupervised basis. For further information, please refer to any local policies about access to premises.

Agencies who supply staff to Study Group must also complete the pre-employment checks which Study Group would otherwise complete for its staff. Again, Study Group requires confirmation that Study Group Safer Recruitment Policy v7.0

these checks have been completed before an individual can commence work at Study Group. Study Group will independently verify the identity of individuals supplied by contractors or an agency in accordance with section 3.1 above and requires the provision of the original DBS disclosure certificate before those individuals can commence work at Study Group.

6 Volunteers

Volunteers should be supervised and accompanied by a Study Group employee at all times whilst they are on Company premises.

If this is not possible, or creates an operational issue, then the relevant Manager must contact Human Resources to arrange for the volunteer to undergo the appropriate pre-engagement checks. As a rule, the same checks will be applied to volunteers as would be applied to staff employed by Study Group.

7 External speakers and the Prevent Duty

The Prevent Duty Guidance requires Study Group to have clear protocols such as our Safeguarding and External Speakers' policies for ensuring that any external speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

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

All visiting speakers will be subject to Study Group's usual visitor protocols. This will include signing in and out at Reception, the wearing of a visitor's badge at all times and being escorted by a fully vetted member of staff between appointments.

Study Group will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend Study Group. In doing so Study Group will always have regard to the policy on Access to Study Group Premises by People from outside, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

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

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

8 Policy on recruitment of ex-offenders

8.1 Background

Study Group makes appointment decisions based on an individual's merit and ability. We will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. Our aim is always to ensure that where practicable, no student is put unnecessarily at risk. Therefore, consideration may be given to incidents that have occurred outside of a school or college environment. Whilst these may not have involved children, we shall consider whether there could be an impact on an individual's suitability to work with children.

If an applicant has a criminal record, this will not automatically bar them from employment with Study Group. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 8.2 below.

All positions within Study Group are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered “spent”, except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 3.3.1 above).

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

It is unlawful for Study Group to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at Study Group. Study Group will make a report to the Police and / or the DBS if:

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

8.2 Assessment criteria

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

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.

If the post involves regular contact with children, it is Study Group'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; or
- religious or racially aggravated assault

If the post involves access to money or budget responsibility, it is Study Group'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 Study Group's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

8.3 Assessment procedure

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

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

8.4 Retention and security of disclosure information

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

9 Data Protection

Study Group is legally required to undertake the pre-appointment checks detailed in this document. Staff and prospective staff will be required to provide certain information to enable Study Group to carry out the checks that are applicable to their role. We will also be required to provide certain information to third parties such as the Disclosure and Barring Service and the Teaching Regulation Agency (previously known as the National College for Teaching and Leadership (NCTL)). Failure to provide requested information may result in the Company not being able to meet its employment, safeguarding or legal obligations. The Company will process information in accordance with its Employee and Candidate Privacy Notices.

10 Referrals to the DBS and Teaching Regulation Agency

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks, Study Group also has a legal duty to make a referral to the DBS in circumstances where an individual:

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

If the individual referred to the DBS is a teacher, Study Group may also decide to make a referral to the Teaching Regulation Agency.

11 Queries

If an applicant has any queries on how to complete the application form or any other matter, they should contact the College/Centre Administrator or Human Resources.

Appendix 1 List of valid identity documents

Group 1: primary identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence (photocard ; full or provisional; (UK / Isle of Man / Channel Islands and EEA)
- birth certificate (UK & Channel Islands; issued within 12 months of birth including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces)
- adoption certificate (UK and Channel Islands)

Group 2a: trusted government documents

- current driving licence (photocard – full or provisional (all countries outside of the EEA excluding the Isle of Man and Channel Islands
- current valid driving licence (paper version; UK/Isle of Man/Channel Islands and EEA; full or provisional)
- birth certificate (issued after time of birth (UK, Isle of Man and Channel Islands)
- marriage / civil partnership certificate (UK and Channel Islands)
- Immigration document, visa or work permit (issued by a country outside of the EEA. Valid only for roles where by the applicant is living and working outside of the UK. Visa/work permit must relate to the non-EEA country in which the role is based.
- HM Forces ID card (UK)
- fire arms licence (UK, Channel Islands and Isle of Man)

Group 2b: Financial and social history documents

- mortgage statement (UK or EEA)**
- bank / building society statement (UK and Channel Islands or EEA)*
- bank / building society statement (countries outside the EEA)*
- bank / building society account opening confirmation letter (UK)*
- credit card statement (UK or EEA)*
- financial statement e.g. pension, endowment, ISA (UK)**
- P45 / P60 statement **(UK and Channel Islands)
- council tax statement (UK and Channel Islands) **
- letter of sponsorship from future employment provider (non UK / non EEA only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)
- utility bill (UK; not mobile telephone bill)*
- benefit statement e.g. child benefit, pension (UK)*
- a document from central or local government/ government agency / local council giving an entitlement e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs, Job Centre, Job Centre Plus, Social Security (UK and Channel Islands)*
- EEA national ID card (must be valid at time of application)
- Irish Passport Card (cannot be used with an international passport; must be valid at the time of application)
- cards carrying the PASS accreditation logo (UK and Channel Islands; must be valid at time of applications)
- letter from Head or College Principal (for 16-19 year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application)

Note

If a document in the list of valid identity documents is:
denoted with * - it should be less than three months old
denoted with ** - it should be less than 12 months old