

## SAFER RECRUITMENT & SELECTION POLICY

*Rooted in Christ and Catholic tradition and under the guidance of its patron, St Edmund's aims to realise the God-given potential, in body, mind and spirit, of all members of its community through service and leadership.*

*Avita Pro Fide*

*St Edmund's is committed to ensuring the welfare and protection of children in its care and this commitment is a fundamental part of the role of every person employed by St Edmund's.*

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## 1 Aims

St Edmund's is committed to providing the best possible care and education to our students and safeguarding and promoting their welfare. We are also committed to providing a supportive and flexible working environment to all members of staff. We recognise that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The staffing process is governed by principles of non-discrimination and is designed to achieve the best match between the individual's knowledge and skills, experience and character and the requirements of the vacant post.

St Edmund's is committed to tackling discrimination and promoting inclusion through equality and diversity. The safety and well-being of all our pupils is our highest priority. We all share an objective to help keep children and young people safe by contributing to providing a safe environment for children and this policy forms part of our portfolio of safeguarding policies.

The aims of this policy are:

- To set out the minimum requirements of the recruitment policy that aims to recruit and retain high calibre staff, and deter, identify and reject prospective applicants who are unsuitable for work with children or young people.
- To ensure that the best and most suitable 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 age, disability, gender, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation ("protected characteristics").
- To ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the *Department for Education (DfE)* and any guidance or code of practice published by the *Disclosure and Barring Service (DBS)*. This includes the *Independent School Standards: Education (Independent School Standards) Regulations 2014 (ISSRs)*, *Independent Schools' Inspectorate's (ISI) Commentary on the Regulatory Requirements*, *National Minimum Standards (NMS) for Boarding Schools*, the *Statutory Framework for the EYFS stage* and the *Department for Education's (DfE) regulatory guidance: Keeping Children Safe in Education (KCSIE)*, *Disqualification under the Childcare Act 2006 (DUCA)*, *the Prevent Duty Guidance for England and Wales updated in April 2021 (the Prevent Duty Guidance)*. Together these are referred to as the 'Guidance' within this policy.
- To ensure that the College meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

This policy is available to download in the 'Vacancies' section of the College website and electronically on the College's Microsoft Teams: SEC/General/Files/Handbook.

## 2 Authorisation of Posts

The HR Director must be informed prior to any new post being advertised or vacancy filled, to ensure that all relevant regulations and legislation are complied with.

All posts (both new and replacement) must be authorised by the Headmaster (for teaching staff) and the Bursar (for support staff) to ensure consistency of employment practice and that budget requirements are met. When such authorisation is requested, it should be considered whether replacement/new post creation is indeed the best solution or whether a re-organisation of duties within existing staffing might meet the needs of the College.

## 3 Advertising of Posts

Where posts are advertised, advertisements may be internal only or published simultaneously internally and externally. The aim of advertising is to attract a wide range of high quality candidates from diverse backgrounds. All advertisements for posts will include the following statements:

***The College is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment. Candidates will be required to undergo relevant Safeguarding Checks.***

We will seek references on short-listed candidates that will include questions about past disciplinary actions or allegations in relation to behaviour with children and may approach previous employers for information to verify particular experience or qualifications before interview.

This role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020.

A draft advertisement will be drawn up by Human Resources (HR) and forwarded to the Hiring Manager where it will be checked before the role is advertised.

Prospective applicants are supplied with the following documents through the 'Vacancies' page of the College website:

- Application form;
- Job description and Person Specification;
- Safeguarding & Child Protection Policy and confirmation form of receipt of the same;
- Code of Conduct for Staff Policy;
- ~~Overseas Police Checks form;~~
- Recruitment Monitoring form, and
- Safer Recruitment Policy and the College's Preventing Illegal Working Policy.

## 4 Job Description and Person Specification

The attitude, behaviours required of the role, qualifications, skills, experience, knowledge, aptitudes and abilities that are essential and desirable for the post will be identified clearly in the Job Description and Person Specification. They will not include any potentially discriminatory requirements. The Job Description will also state that the individual is responsible for promoting the welfare of children and young people with whom they come into contact.

In addition, the safeguarding requirements of the role (i.e. the extent to which the role will involve contact with and responsibility for children, and whether it will amount to regulated activity with children), will be stated, as follows:

**Bursarial Roles:**

- Whilst not in a teaching role, as **{Role}** you will be working on a regular basis in a school in a role which gives opportunity for contact with children. As such, you will be in regulated activity and an enhanced DBS check (which includes children's barred list information) will be required in advance of appointment.
- Safeguarding and promoting the welfare of children is everyone's responsibility. As with all College staff members, you will therefore be responsible for providing a safe environment in which children can learn.

**Teaching Roles:**

- The post will involve close contact with, and a high degree of responsibility for, children and young adults. The majority of this will be regulated activity.
- Safeguarding and promoting the welfare of children is everyone's responsibility. As with all College staff members, you will therefore be responsible for providing a safe environment in which children can learn.

## **5 Application Form**

All applicants for employment will be required to complete the College's standard application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will not be accepted.

The College application form includes a statement confirming that it is an offence for a person to apply to work with children if they are barred from engaging in regulated activity relevant to children.

A curriculum vitae will be accepted alongside an application form, but will not be accepted in place of a completed application form. Any gaps in employment history must be accounted for in the appropriate section of the application form and will be explored at interview.

## **6 Short-listing**

The College will conduct a shortlisting exercise by reviewing all application forms received to determine which applicants will be invited for interview. The shortlisting exercise will be conducted by at least two members of staff.

Short-listing will be based on selection criteria which assess the candidate's qualifications, skills, experience, knowledge, attitude, behaviours required for the role, aptitudes, abilities and safeguarding requirements of the role against the Job Description and Person Specification for the role.

Shortlisted Candidates are asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Candidates are asked to sign the declaration confirming that the information they have provided is true. Any declarations are, discussed at interview stage and any concerns explored further by the panel.

Applicants will be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate will be asked to physically sign a hard copy upon arrival at interview.

Online searches on shortlisted Candidates will be completed prior to interview. This will help identify any incidents or issues that have happened and are publicly online, including social media. Any issues will be discussed during the interview. Records are retained of online searches in line with the employee privacy policy, retention and data protection policies.

## **7 References**

Two written references and declarations which make specific reference to candidates' suitability to work with or near children is required (see below for internal applicants). In the case of teaching staff, these should be obtained before interview, where possible, so that any discrepancies can be probed during the selection stage.

One of the two references preferably be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend. The College will ensure that references have been completed by a senior person with appropriate authority, and if the referee is school or college based, the reference should have been confirmed by the Headteacher / Principal as accurate in respect of any disciplinary investigations.

Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. A written note will be kept of such exchanges.

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

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

The College will only accept references obtained directly from the referee and it will not rely on open references (e.g. 'to whom it may concern' references) or testimonials provided by the applicant. The College will verify the authenticity of references and ensure that electronic references originate from

a legitimate source. Should a reference be taken over the telephone, a detailed note will be taken, dated and signed.

The College will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant (and if necessary, the 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 notes will be explored further. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.

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

The College may at its discretion make telephone contact with any referee to verify the details of the written reference provided, in particular to clarify content where information is vague or insufficient information is provided.

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

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

## **8 The Interview Process**

Shortlisted applicants will be invited to attend a formal interview at which the College will explore further the information contained in the applicant's application, discuss any information found as a result of online searches, suitability to work with children form and assess their suitability for employment. It will also enable the College to deal with any questions the applicant may have about the College and the role applied for.

Interview panels will include at least one individual who has undertaken safer recruitment training. A written record of the interview will be kept.

Candidates will be asked:-

- questions relating to their attitude and motivation to work with children and young people (or in an environment where they are present);
- technical/competency based questions;
- questions that attest to their match to the Job Description and Person Specification;
- for an explanation of any gaps in their employment history (recorded in writing), and

As all shortlisted candidates will be required to complete a self-declaration form prior to interview (in which they will be asked to provide information about their criminal records history and other factors relevant to their suitability to work with children), this information will be considered and discussed with candidates at interview.

The College is committed to safeguarding and promoting the welfare of its pupils. For security purposes and, in accordance with the Guidance, all applicants are to provide original documentation, on the interview day, of the below, with a reminder of these requirements at Appendix 1 of this Policy:-

- evidence of their identity (see 'Verification of identity' paragraph 10.1 below);
- proof of address (see 'Verification of identity' paragraph 10.1 below);
- right to work in the UK, and
- any documents confirming educational and professional qualifications that are relevant to the vacancy.

Further information regarding valid identity documents is set out in the 'Verification of identity' paragraph 10.1 below and Appendix 1 of the Preventing Illegal Working Policy.

St Edmund's will ensure that reasonable adjustments for candidates with a disability or special needs are provided for at interview, provided notification has been made in advance.

## **9 After Interview**

If the College wishes to make an offer of employment, any such offer will be conditional on the following, as well as those checks outlined in the 'Pre-employment checks' paragraph 10 below:

- verification of the applicant's identity (see paragraph 10.1 below);
- verification of the applicant's employment history;
- the agreement of a mutually acceptable start date and the signing of a contract incorporating the College's standard terms and conditions of employment;
- the receipt and verification of at least two references which the College considers to be satisfactory (see 'References' paragraph 7 above);
- the receipt of an enhanced disclosure from the DBS, with barred list information where the candidate is to work in a regulated activity, which the College considers to be satisfactory;
- the receipt of a separate check of the Children's Barred List if an individual will start work in regulated activity before the DBS certificate is available;
- if the candidate has lived or worked outside the UK, any further checks the College considers appropriate (see 'Overseas criminal record check' paragraph 10.5 below);
- verification of the applicant's medical fitness for the role (see 'Medical Fitness' paragraph 10.4 below);
- verification of qualifications which the College deems a requirement for the post, or which the applicant otherwise cites in support of their application;
- 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 (TRA)* which renders them unable or unsuitable to work at the College (see paragraph 10.2, A, below);
- information about whether the applicant has ever been referred to, or is the subject of a *sanction* issued by, *a regulator of the teaching profession in any other country* which renders them unable or unsuitable to work at the College (see paragraph 10.2, A and B, below);
- if applicable, confirmation that the applicant is not disqualified from acting as a trustee / governor or senior manager of a charity under the Charities Act 2011 (if applicable, see paragraph 10.6 below)
- Information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008, which renders them unable or unsuitable to work at the College (see 'Prohibition from management', paragraph 10.2, C, below);



- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the College (see paragraph 10.2, D, below);
- the College being satisfied that the individual is not “disqualified” from working in connection with early or later years provision (see ‘Disqualification’ paragraph 10.6 below).

## 10 Pre-employment checks

The College carries out a number of pre-employment checks in respect of all prospective staff. These are an essential part of our responsibility under the Guidance.

In addition to the checks set out below, the College reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the College. This will include online searches on all candidates shortlisted for interview.

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

We adopt a high standard of scrutiny throughout these checks.

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

As per the ‘The interview process’ paragraph above (8), all applicants who are invited to interview will be required to bring with them original documentation as evidence of their identity, right to work in the UK, original proof of address and qualifications. The College checks the right to work documentation of each candidate attending interview, with reference to its Preventing Illegal Working Policy.

The College asks for this information at interview to ensure that the person attending interview is who they claim to be, that they are permitted to work for the College if appointed and that they hold appropriate qualifications.

**Identity and address:** all applicants must bring with them to interview, original documents which evidence their identity and address as set out at Appendix 1 of the Preventing Illegal Working Policy (these requirements comply with DBS identity checking guidelines).

All applicants must always provide their birth certificate as one form of identity (unless there is good reason why this cannot be provided).

The College aims to adopt best practice and KCSIE reinforces the importance of being aware of the potential for individuals changing their name, thus best practice is to check any applicant’s name on their birth certificate, where this is available.

Where an applicant claims to have changed his/her name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change together with their birth certificate.

**Right to work in the UK:** all applicants must also bring to interview a valid form of evidence which confirms their right to work in the UK. Valid forms of evidence can be found in the Home Office 'Right to Work Checklist': (Right to work checklist ([publishing.service.gov.uk](http://publishing.service.gov.uk))), here:-



<https://www.gov.uk/government/publications/right-to-work-checklist>

The College will check this evidence in accordance with its Preventing Illegal Working Policy and the Home Office 'Code of Practice on preventing illegal working: Civil penalty scheme for employers: 1 July 2021 (updated March 2022)' ([Code of practice on preventing illegal working](#) (publishing.service.gov.uk)).

**Qualifications:** all applicants must also bring to interview original documents which are relevant, evidence any educational and professional qualifications referred to in their application form and / or which the College requests.

## 10.2 Prohibition

Any offer of employment will not be confirmed until the College is satisfied that the individual is not prohibited from teaching and/or management (where necessary).

### A. Prohibition from teaching check

The College uses the Teaching Regulation Agency (TRA) Secure Access service 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 TRA.

Teacher prohibition and interim prohibition orders prevent a person from carrying out teaching work as defined in the Teachers' Disciplinary (England) Regulations 2012 in England. Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so. The TRA's role in making prohibition orders and the processes used to impose them are described in more detail in the publication "*Teacher misconduct: disciplinary procedures for the teaching profession*" and "*Teacher misconduct: the prohibition of teachers: Advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession*".

A person who is prohibited **must not** be appointed to a role that involves teaching work (as defined in the Teachers' Disciplinary (England) Regulations 2012).

Therefore, we ask all shortlisted applicants for roles (whether a teaching or non-teaching role) to declare whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or other equivalent body in the UK.

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

The College 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 pupils;
- delivering lessons to pupils;



- assessing the development, progress and attainment of pupils; 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 person nominated by the Headmaster. 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 and peripatetic staff.

## **B. Prohibition From Teaching in Other Countries**

For all appointments to roles which involve “teaching work” the College needs to be satisfied that the applicant is not subject to a sanction imposed by a regulator of the teaching profession in any country.

Therefore, the College will ask the applicant to obtain from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher, evidence which confirms that they have not imposed any sanctions or restrictions on the applicant and that they are not aware of any reason why the applicant may be unsuitable to work as a teacher. The College will also ask shortlisted applicants (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work.

Sanctions and restrictions issued by the regulating authority of another country will not prevent a person from working as a teacher at the College. However, the College will take all relevant information into account in determining whether an applicant is suitable to work at the College.

The College may allow an applicant to commence work pending receipt of a formal check from a particular country if it has received an additional reference and/or letter of professional standing from that country and considers the applicant suitable to start work. Decisions on suitability will be based on all of the information that has been obtained during the recruitment process. Unless expressly waived by the College, continued employment will remain conditional upon the College being provided with the outcome of the formal check and it being considered satisfactory.

If no information is available from a particular country the College may allow an applicant to commence work if they are considered suitable based on all of the information that has been obtained during the recruitment process, and any additional checks that the College deems appropriate have been undertaken.

If the formal check is delayed and the College is not satisfied about the applicant's suitability in the absence of that information, the applicant's proposed start date may be delayed until the formal check is received.

## **C. Prohibition From Management Directions (section 128 Directions)**

The College is required to check for the existence of directions made by the Secretary of State under s.128 of the Education and Skills Act 2008 which prohibits, disqualifies or



restricts an individual from being involved in the management of an independent school (a section 128 direction).

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

Section 128 directions are applicable to appointments made to the following positions, made on or after 12 August 2015: the governing body; headmaster; any teaching positions on the senior leadership team; any teaching positions which carry a departmental headship; for non-teaching staff, management positions, such as those as part of the senior leadership team. The College will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support staff roles which carry additional responsibilities.

All staff employed by the College are regarded as being in 'regulated activity' for the purposes of this check.

The relevant information is contained in the enhanced DBS disclosure certificate (which the College obtains for all posts at the College that amount to regulated activity). It can also be obtained through the TRA Secure Access system. The College will use either, or both, methods to obtain this information.

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

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

#### **D. Section 142**

Under section 142 of the Education Act 2002, the Secretary of State has powers to bar people from taking part in the management of an independent school (since 01/09/2003). These powers have been strengthened by the section 128 direction, above. The new section 128 power replaced the existing power under section 142, which related to misconduct, but the College still asks candidates:

*Have you ever been the subject of a direction under section 142 of the Education Act 2002 which prohibits you from teaching, working regularly with children or from being involved in the management of an independent school?*

The basis of this question is that it enables the College to take a 'whole view' approach on the suitability of a particular applicant.



### 10.3 Right to Work

No contract of employment will be issued until the successful candidate has provided proof of their right to work in the UK in accordance with the College's Preventing Illegal Working Policy.

### 10.4 Medical Fitness

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

It is the College's practice that all applicants to whom an offer of employment is made must complete a Medical Declaration.

The College will arrange for the information contained in the Medical Declaration to be forwarded to the College's Health Centre and Health and Safety Officer, in the event of a disclosure, with the candidate's consent.

The Medical Declaration 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 (such as proposed timetable, extra-curricular activities and layout of the College). If the College has any doubts about an applicant's fitness the College will consider reasonable adjustments in consultation with the applicant. The College may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

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

### 10.5 Criminal Record Checks

#### Disclosure and Barring Service (DBS)

As an organisation using the DBS to assess applicants' suitability for positions of trust, St Edmund's complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.

The College actively promotes equality of opportunity for all with the right mix of talent, skills and potential and accepts applications from a wide range of candidates. The College makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the College. Each case will be decided on its merits in accordance with objective assessment criteria such as the nature of the offence, the relevance of it to the position, how long ago and at what age it was committed, any pattern of offending behaviour, the circumstances surrounding the offence including the seriousness of it or other matter revealed, whether the applicant's circumstances have changed since the offending behaviour and any other relevant factors.



At interview, or in a separate discussion, we ensure that a discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to disclose a previous conviction (which should be declared) may lead to an application being rejected, an offer being withdrawn 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.

The College applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the College which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.

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

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

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

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

All positions within the College are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules. The filtering rules in respect of criminal record disclosures are further explained at Appendix 2 of this policy.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the College will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Bursar or the Headmaster (as appropriate for the position) before a position is offered or confirmed.

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

### **Overseas Criminal Record Check**

If the College does not consider the DBS certificate alone as sufficient (because it would not cover offences committed abroad), the College will require whatever evidence of checking is available from the person's country of origin (or any other countries in which they have lived)



before the appointment is confirmed. This may include: an overseas criminal records check, certificate of good conduct or professional references.

When requesting such information, the College has regard to relevant government guidance and will therefore always require the applicant to apply for a formal check from the country in question i.e. a criminal records check (or equivalent), a certificate of good conduct or obtaining a letter from the professional regulating authority (this is often the Department/Ministry of Education but varies across the world) in the country (or countries) 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.

The College recognises that formal checks are not available from some countries, that they can be significantly delayed or that a response may not be provided. In such circumstances the College will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country.

The College requests early disclosure of whether an applicant has lived or worked abroad (in the 'Overseas Police Checks' form, at application stage).

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

The Home Office has published updated guides on checks available from different countries, here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

A UK national returning after working in a foreign country is required to obtain a certificate of good conduct or equivalent from the country in question.

## 10.6 Disqualification

### **Disqualification from acting as a charity trustee or senior manager**

Under the Charities Act 2011 it is a criminal offence for a person to act as a trustee or senior manager of a charity when disqualified from doing so. The Charities Act 2011 sets out the grounds on which a person can be disqualified from acting as a trustee or senior manager. These include various spent and unspent criminal offences and other sanctions.

A person is considered to be a charity trustee if they are one of the people who have general control and management of the administration of the charity. In an independent school the trustees will typically be the governors of the school.

Senior managers include those employees who report directly to the charity trustees or have responsibility for the overall management and control of the charity's finances. At the College



the disqualification rules will be applicable to all governors, the Headmaster and Bursar and potentially other senior staff who report directly to the governors.

There is no single list or register that covers all of the disqualification criteria and the College therefore adopts a pragmatic approach to checking whether a person is disqualified. This is achieved by the use of a self-declaration form and the checking of relevant publicly accessible registers.

All those who are covered by the disqualification rules are required to complete a self-declaration form to confirm whether, to the best of their knowledge, they are subject to any of the disqualification criteria.

A failure to disclose relevant information, or the provision of false information, which subsequently comes to the College's attention may result in the termination of an appointment as a governor or senior manager or the withdrawal of an offer of employment and may also amount to a criminal offence.

All those who are required to complete a self-declaration form are also under an ongoing duty to inform the College if there is a change in their circumstances that results or may result in them becoming disqualified from acting as a governor or senior manager.

To ensure that it has accurate and up to date information the College will also check the following registers in respect of each governor and senior manager who is already in post or is appointed in future:

- (a) the Bankruptcy and Insolvency Register;
- (b) the register of disqualified directors maintained by Companies House; and
- (c) the register of persons who have been removed as a charity trustee.

A person who discloses that one or more of the disqualification criteria is applicable to them may apply to the Charity Commission for a waiver of the disqualification.

The College may at its absolute discretion withdraw an offer of employment for a senior manager or cease or terminate an appointment to the governing body if a waiver application becomes necessary or is rejected by the Charity Commission. The College is under no obligation to await the outcome of a Charity Commission waiver application before taking such action.

### **Childcare Disqualification**

The Childcare Act 2006 (Act) and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (Regulations) state that it is an offence for the College to employ anyone in connection with our early years provision (EYP) or later years provision (LYP) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP.

EYP includes usual school activities and any other supervised activity for a child up to 1<sup>st</sup> September after the child's 5th birthday, which takes place on the school premises during or outside of the normal school day;

LYP includes provision for children not in EYP and under the age of 8 which takes place on school premises outside of the normal school day, including, for example





breakfast clubs, after school clubs and holiday clubs. It does not include extended school hours for co-curricular activities such as sports activities.

Only those individuals who are employed directly to provide childcare are covered by the Regulations. "Childcare" means any form of care for a child, which includes education and any other supervised activity for a child who is aged 5 or under. "Childcare" in LYP does not include education during school hours but does cover before and after school clubs.

Roles which are covered by the Regulations are teaching and teaching assistant positions in EYP, and those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Headmaster, and may also include other members of the leadership team as well as those involved in the day to day management of EYP or LYP at the College.

Cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

Some roles at the College may involve the provision of childcare in EYP or LYP on an occasional basis. They will not automatically be within the scope of the Regulations and the College will therefore consider whether they do on a case by case basis. The Regulations only apply to a limited number of roles within the College but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP.

The criteria for which a person will be disqualified from working in connection with EYP or LYP are set out in the Regulations. They are not only that a person is barred from working with children (by inclusion on the Children's Barred List) but also include:

- having been cautioned (after 6 April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;
- various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;
- having been refused an application for registration of a children's home or having had any such registration cancelled;
- having been prohibited, restricted or disqualified from private fostering;
- any offence involving death or injury to a child.

All applicants to whom an offer of employment is made to carry out a relevant role in EYP or LYP will be required to complete a Self-Declaration Form confirming whether they meet any of the criteria for disqualification under the Regulations.

The College will decide whether a role is relevant and within the scope of EYP or LYP by having regard to the guidance in DUCA. Employment with the College in any relevant role will be conditional upon completion of the Self-Declaration Form and upon the applicant not being disqualified.

The College cannot permit any person who is currently disqualified to start work in a relevant role. The College also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the College, any information disclosed in the Self-Declaration Form renders that person unsuitable to work at the College.

Applicants who have any criminal records information to disclose about themselves must also provide the following information:

- details of the order, restriction, conviction or caution and the date that this was made;
- the relevant court or body and the sentence, if any, which was imposed; and
- a copy of the relevant order or conviction.

Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see Appendix 2).

For the avoidance of doubt the College does not require applicants to request any criminal records information directly from the DBS. The College only requires applicants to provide relevant information about themselves "to the best of their knowledge".

A person who discloses information which appears to disqualify them from working in a relevant role may apply to Ofsted for a waiver of the disqualification. The College may withdraw an offer of employment at its absolute discretion and is under no obligation to await the outcome of an Ofsted waiver application. If a waiver application is rejected the College will withdraw the conditional offer of employment.

After making this declaration, staff in a relevant role are under an on-going duty to inform the College if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information now, or of a future change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

## **11 Risk Assessment & Issued DBS Certificate**

No employee will be able to work alone and will be subject to a risk assessment (incorporating the appropriate level of supervision) until a suitable DBS disclosure certificate is received by the College. All appointments are subject to the continued declaration of any criminal record and failure to disclose this could lead to the termination of employment.

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the College. It is a condition of employment with the College that the original disclosure certificate is provided to the College when received by the applicant. Original certificates should not be sent by post. Applicants must instead bring the original certificate into the College. A convenient time and date for doing so should be arranged with the HR Department as soon as the certificate is received. Applicants who are unable to attend the College to provide the certificate are required to send in a certified copy by post or email. Certified copies must be sent to HR. Where a certified copy is sent, the original disclosure certificate must still be provided before the first working day. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the College.

If there is a delay in receiving a DBS disclosure the Headmaster has discretion to allow an individual to begin work pending receipt of the disclosure. This will only be allowed if all other pre-employment checks (see paragraph 10 above), including a clear check of the Children's Barred List, where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. The College will take into account the "DBS unusual addresses guide" in such circumstances. These applicants may also be asked to provide further

information, including a criminal records check from the relevant jurisdiction/s, a certificate of good conduct, references from any employment held and/or references from a professional regulating authority (for example, the Department/Ministry of Education) in the country (or countries) 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 (refer to 'Overseas criminal record check' paragraph above).

## 12 Persons Over 16 Not on the Roll of the College

In accordance with the Guidance, for all persons over 16 (not on the roll of the College) who after April 2002 began to live on the same premises as boarders but are not employed by the College, there is a criminal records check completed at enhanced level, with a check of the children's barred list together with an appropriate written agreement between the College and those persons.

## 13 Visiting speakers and the Prevent Duty

The Prevent Duty Guidance requires the College to have clear protocols for ensuring that any visiting speakers are suitable and appropriately supervised. The content of this section is reiterated in the College's Safeguarding & Child Protection Policy.

In following the ISSRs and KCSIE, the College maintains a monitor of visiting speakers which includes an assessment of the education value, the age appropriateness of what is going to be delivered, whether relevant checks will be required and confirmation from the individual making the arrangements that the subject matter forms part of a balanced curriculum.

As set out in the College's *Personal, Social and Health Education (PSHE) Policy* (see *Pastoral Handbook, Section Three, Document 35*), the Assistant Head (Pastoral) has oversight of the College-wide programme, with the Head of PSHE having oversight of visiting speakers for PSHE. In addition, teachers, the Head of Rhetoric and Deputy Head of Rhetoric and the Chaplaincy Co-ordinator may arrange for visiting speakers to attend the College. All College staff are aware to notify HR of any visiting speakers, whether invited by staff or pupils, and that they must be checked for suitability and must be supervised. This requirement falls within the scope of the *Prevent* duty which is further explained within the College's *Safeguarding & Child Protection Policy*.

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

The College will obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and / or permit a speaker to attend the College. In doing so the College will always have regard to the Prevent Duty Guidance and the definitions of "extremism", "radicalisation" and "terrorism" as set out in *Keeping Children Safe in Education (KCSIE)* which states:

**Extremism** is the vocal or active opposition to our fundamental values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. This also includes calling for the death of members of the



*armed forces.*

**Radicalisation** is the process of a person legitimising support for, or use of, terrorist violence.

**Terrorism** is an action that endangers or causes serious violence to a person/people; causes serious damage to property; or seriously interferes or disrupts an electronic system. The use or threat must be designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious or ideological cause.”

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

The College reserves the right to obtain such information on any other person appointed to work for or at the College.

## 14 Volunteers

The College will request an enhanced DBS disclosure *and* Children's Barred List information on all volunteers.

Under no circumstances will the College permit an unchecked volunteer to have unsupervised contact with pupils or engage in regulated activity (regulated activity is defined at paragraph 10.5 above).

The College completes a 'Volunteer Questionnaire' for each volunteer and will, in addition, seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include, but is not limited to, the following:

- formal or informal information provided by staff, parents and other volunteers (for each volunteer, a notice is placed in the College's common room, inviting such information);
- online searches;
- identity check;
- references;
- child protection briefing with the Designated Senior Lead;
- a safer recruitment interview;
- overseas criminal record check, if applicable;
- a Prohibition from Teaching check (if teaching), and
- a Disqualification Declaration (Prep, see paragraph 10.6 above).

## 15 Contractors and Agency Staff

The College must complete the same checks for contractors (and their own employees) undertaking regulated activity at the College as it does for its own employees. Where the employees of contractors, such as builders, will have access to areas where *unsupervised* contact with children is

possible, the College has arrangements in place to ensure that DBS checks are undertaken by the contractor, together with other suitability checks. No contractor will be permitted to carry out work until the College receives confirmation from the company that the required checks have been undertaken. Alternatively, if not carried out by the company, the College will complete the same, together with other checks as the College considers suitable, before work is carried out by the contractor.

Under no circumstances will unchecked contractors be allowed to work at the College unsupervised, where opportunity for contact with children is possible.

Agencies who supply staff to the College must complete the pre-employment checks which the College would otherwise complete for its staff. The College requires confirmation that these checks have been completed before an individual can commence work at the College. The relevant agency must complete the College's 'agency staff' form and respond to the College's queries in advance of the agency staff member working at the College.

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

## **16 Data and Retention of records**

The College is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to the College to enable us to carry out the checks that are applicable to their role. The College will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency. Failure to provide requested information may result in the College not being able to meet its employment, safeguarding or legal obligations.

The College will process personal information in accordance with its Privacy Notices, available on the College's website: (<https://www.stedmundscollege.org/information/gdpr/>).

If an applicant is appointed, the College will retain any relevant information provided on his / her application form (together with any attachments) on his / her personnel file in accordance with the College's data retention policy. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

Schools and colleges must maintain a single central record of pre-appointment checks, referred to in the Regulations as "the register" and more commonly known as "the single central record".

The single central record must cover the following people:

- for schools, all staff, including teacher trainees on salaried routes agency and third-party supply staff, even if they work for one day
- for colleges, details of staff, including agency and supply staff providing education to children under the age of 18, and,
- for independent schools, all members of the proprietor body.

## **17 Referrals**

The College is legally required to make a referral to the DBS where it considers that an individual has engaged in conduct that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child.

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

- an individual has applied for a position at the College despite being barred from working with children; and / or
- an individual has been removed by the College from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, and the College believes the individual has:
  - engaged in relevant conduct in relation to children and / or adults; and/or
  - satisfied the harm test in relation to children and/or vulnerable adults; and/or
  - been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

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

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

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

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

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

## **18 Whistleblowing and Exit Interviews**

Staff are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with the College's policies (including the Whistleblowing Policy, the Safeguarding Policy and the Staff Code of Conduct). These Policies are available in the Staff Handbook on the College's Microsoft Teams: General/Files/Handbook.

Safeguarding children is at the centre of the College's culture and is accordingly considered formally during development reviews and appraisals and finally at exit interviews.

## **19 College Policy on Employment of Ex-Offenders**

Having a criminal record will not necessarily prevent you from taking up employment with the College.

Each case will be referred to the Headmaster who will assess each case fairly, on an individual basis, taking into consideration the explanation from the applicant, and other criteria, such as:

- the nature / seriousness of the offence
- the relevance of it to the post applied for
- how long ago and at what age the offence occurred



- any pattern of offending behaviour
- any specific or relevant circumstances surrounding the offence
- whether the individual accepted responsibility for their actions

If the applicant is applying for a teaching role, the College would also consider the incident in the context of the Teachers' Standards and Teacher Misconduct Guidance.

## **20 Queries**

If an applicant has any queries on how to complete the application form or any other matter they should contact the HR Department in the first instance.



## Appendix 1 - Documents to Bring to Interview

The list below is an aide memoire for applicants, reminding them of what to bring to interview. Further documents may be required.

- Photographic ID which is valid (original)
- Proof of address (original, dated within the last 3 months)
- Birth certificate (**must** be provided, unless very good reason)
- Any change of name documentation
- Any other ID and right to work documentation as outlined in Appendix 1 of the Preventing Illegal Working policy
- Qualifications including all certificates (original)
  
- A completed self-disclosure form regarding any criminal record. Ideally this should be provided to HR in advance of the interview day itself, so that the information can be provided to interviewers, together with the applicant's other documentation.
  
- If any references are outstanding (for example, for a teaching position, whereby references are required in advance), the applicant must remind their referee to send the references to HR by the interview day.



## Appendix 2 - Filtering rules (DBS)

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 College.

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

A conviction will **always be disclosable** if it was imposed for a "specified offence" committed at any age. "Specified offences" are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults. See the paragraph below, 'The list of "specified offences"'.

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

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

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

An adult conviction will be removed from a DBS disclosure if:

- eleven years have elapsed since the date of conviction;
- it did not result in a custodial sentence, and
- it was not imposed for a "specified offence".

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

- six years have elapsed since the date it was issued, and
- it was not issued for a "specified offence".

### For those aged under 18 at the time of an offence

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

- five and a half years have elapsed since the date of conviction;
- it did not result in a custodial sentence, and
- it was not imposed for a "specified offence".



A caution issued for an offence committed when a person was under the age of 18 will never be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant).

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

A conviction will **always be disclosable** if it was imposed for a "specified offence", committed at any age, and these are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults.

A caution issued for a "specified offence" committed over the age of 18 will always be disclosable. However, a caution issued for a "specified offence" committed under the age of 18 is never disclosable.

The list of "specified offences" can be found at the link below and it contains a large number of offences, which includes 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.

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

Owner of policy:	HR Director		
Reviewed by:	HR Director		
Frequency of review:	Annually		
Policy last reviewed:	Michaelmas	2024	
Next review date:	Michaelmas	2025	
Sub-Committee reviewed at:	Finance Sub-Committee		