

MAYFIELD GRAMMAR SCHOOL

GRAVESEND

SAFER RECRUITMENT POLICY

Approved by:

Last reviewed on:

Next review due by:

September 2023

September 2024

Date: September 2023

Safer recruitment

Governors at Mayfield Grammar School, Gravesend, are determined that recruitment will be a fair, lawful and cost-effective process. Account will be taken of both the specific provisions of education legislation and of the employment law requirements on discrimination, with the aim of ensuring equality of opportunity.

Recruitment and selection process

At Mayfield Grammar School, Gravesend, we believe that it is vital that we create a culture that safeguards and promotes the welfare of children in our school. As part of this culture, it is important to have robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities in our school.

The governing body will ensure that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training.

The Senior Leadership Team and the Chair of Governors have all completed safer recruitment training.

Advert

The following information will be considered when defining the role (through the job or role description and person specification):

- the skills, abilities, experience, attitude, and behaviours required for the post; and
- the safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children.

The advert will include:

- the school's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken;
- the safeguarding responsibilities of the post as per the job description and personal specification; and
- whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. Which means that when applying for certain jobs and activities certain spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Further information about filtering offences can be found in the [DBS filtering guide](#).

Application forms

Where a role involves engaging in regulated activity relevant to children, we will include a statement in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

We will also provide a copy of the school's safeguarding and child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on our website.

We will require applicants to provide:

- personal details, current and former names, current address and national insurance number;
- details of their present (or last) employment and reason for leaving;
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment;
- qualifications, the awarding body and date of award;
- details of referees/references (see below for further information); and
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.
- a curriculum vitae (CV) should only be accepted alongside a full application form. CVs on their own will not contain all the information required to support safer recruitment.

Shortlisting

Shortlisted candidates will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children (MGSG criminal records self-declaration form). Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records, further information can be found on [GOV.UK](https://www.gov.uk)

For example:

- if they have a criminal history;
- whether they are included on the barred list;
- whether they are prohibited from teaching;
- whether they are prohibited from taking part in the management of an independent school;
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted;
- if they are known to the police and children's social care;
- have they been disqualified from providing childcare (see paras 245-249); and,
- any relevant overseas information.

This information will only be requested from applicants who have been shortlisted. The information will not be requested in the application form to decide who should be shortlisted.

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 should physically sign a hard copy of the application at point of interview.

The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

Mayfield Grammar School, Gravesend will:

- ensure that at least two people carry out the shortlisting exercise (for a consistent approach);
- consider any inconsistencies and look for gaps in employment and reasons given for them; and,
- explore all potential concerns.

Employment history and references

The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. Mayfield Grammar School, Gravesend will obtain references before interview, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

We will:

- not accept open references e.g. to whom it may concern;
- not rely on applicants to obtain their reference;
- ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations);
- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed;
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer;
- always verify any information with the person who provided the reference;
- ensure electronic references originate from a legitimate source;
- contact referees to clarify content where information is vague or insufficient information is provided;
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate;
- establish the reason for the candidate leaving their current or most recent post; and,
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

When asked to provide references we will ensure the information confirms whether we are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations. We will not include information about allegations

which are unsubstantiated, unfounded, false, or malicious. References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings.

Selection

We will use a range of selection techniques to identify the most suitable person for the post. Those interviewing will agree structured questions.

These should include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children;
- exploring their skills and asking for examples of experience of working with children which are relevant to the role; and
- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

The interviews should be used to explore potential areas of concern to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- implication that adults and children are equal;
- lack of recognition and/or understanding of the vulnerability of children;
- inappropriate idealisation of children;
- inadequate understanding of appropriate boundaries between adults and children; and,
- indicators of negative safeguarding behaviours.

Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case.

Pupils/students will be involved in the recruitment process in a meaningful way. Observing short listed candidates and appropriately supervised interaction with pupils/students is common and recognised as good practice.

All information considered in decision making will be clearly recorded along with decisions made.

Pre-appointment vetting checks, regulated activity and recording information

This section provides the legal requirements that governing bodies and proprietors need to understand (and which **must** be carried out) when appointing individuals to engage in regulated activity relating to children. It covers the importance of ensuring the correct pre-appointment checks are carried out. These checks will help identify whether a person may be unsuitable to work with children (and in some cases is legally prohibited from working with children and/or working as a teacher). They should be seen as the part of a wider safeguarding regime which will carry on following appointment. This section also explains what information the school **must** record on the single central record.

All offers of appointment should be conditional until satisfactory completion of the mandatory pre-employment checks. The school **must**:

- verify a candidate's identity, it is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Further identification checking guidelines can be found on the [GOV.UK](https://www.gov.uk) website.
- obtain (via the applicant) an enhanced DBS check (including children's barred list information, for those who will be engaging in regulated activity with children). Note that when using the DBS update service you still need to obtain the original physical certificate;
- obtain a separate children's barred list check if an individual will start work in regulated activity with children before the DBS certificate is available;
- verify the candidate's mental and physical fitness to carry out their work responsibilities. 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;
- verify the person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then schools and colleges should follow advice on the [GOV.UK](https://www.gov.uk) website;
- if the person has lived or worked outside the UK, make any further checks the school consider appropriate; and,
- verify professional qualifications, as appropriate. The Teaching Regulation Agency's (TRA) Employer Access Service should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.
- Mayfield Grammar School, Gravesend will inform shortlisted candidates that online searches may be done as part of due diligence checks.
- The school complies with the law on data protection and UK GDPR.

In addition:

- We will check that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State;
- the school will ensure that an applicant to be employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State before its abolition in March 2012;
- before employing a person to carry out teaching work in relation to children, we will take reasonable steps to establish whether that person is subject to a prohibition order issued by the Secretary of State.

Applicant moving from previous post

There is no requirement for the school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person's appointment, the applicant has worked, in a school in England, in a post:

- which brought the person regularly into contact with children; or
- to which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons; or

- in another institution within the further education sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

Whilst there is no requirement to carry out an enhanced DBS check in the circumstances described above, we may still choose to request one to ensure we have up to date information. However, must **must** still carry out all other relevant pre-appointment checks, including where the individual is engaging in regulated activity with children, a children's barred list check.

Regulated activity

In summary, a person will be engaging in regulated activity with children if, as a result of their work, they:

- will be responsible, on a regular basis in school, for teaching, training instructing, caring for or supervising children;
- will be working on a regular basis in the school, where the work gives opportunity for contact with children; or
- engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

Further details on regulated activity below.

Regulated activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced [Factual note on regulated activity in relation to children: scope](#).

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
- b) work for a limited range of establishments (known as 'specified places', which include Mayfield Grammar School, Gravesend), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
 - personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability;
 - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Regulated activity will not be:

- paid work in specified places which is occasional and temporary and does not involve teaching, training; and
- supervised activity which is paid in non-specified settings such as youth clubs, sports clubs etc.

Types of DBS checks

These are the types of checks available.

- **Basic DBS check** – this provides details of convictions and conditional cautions considered to be ‘unspent’ under the terms of the Rehabilitation of Offenders Act 1974.
- **Standard DBS check** –this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.
- **Enhanced DBS check** – this provides the same information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) as a Standard DBS check, plus additional information held by police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for/or activities being undertaken **must** be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.
- **Enhanced DBS check with children’s barred list information** – where people are working or seeking to work in regulated activity relating to children, this allows an additional check, to be made, about whether the person appears on the children’s barred list, along with a check of the Police National Computer records plus additional information held by police as above. The position being applied for or activities being undertaken **must** be eligible for an enhanced DBS check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check **can** also include information as to whether an individual is subject to a section 128 direction. However, they have to use specific wording in the position applied for field.

Considering which type of check is required

Most staff in the school will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children’s barred list information, will be required.

For all other staff (e.g. contractors) who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

Barred list information **must not** be requested on any person who is not engaging in or seeking to engage in regulated activity.

The flowchart below (page 9) provides more information on the decision making process.

Where a DBS certificate is required, it **must** be obtained from the candidate before, or as soon as practicable after, the person's appointment, including when using the DBS update service.

Once the checks are complete, the DBS will send a DBS certificate to the applicant. The applicant **must** show the original paper DBS certificate to their potential employer before they take up post, or as soon as practicable afterwards. The school will be able to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process. DBS guidance on how to check a DBS certificate can be found on [GOV.UK](https://www.gov.uk).

Mayfield Grammar School, Gravesend will assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the school can defend its decision, in line with its policy on recruitment of ex-offenders.

When assessing any disclosure information on a DBS certificate the school should take into consideration the explanation from the applicant, including for example:

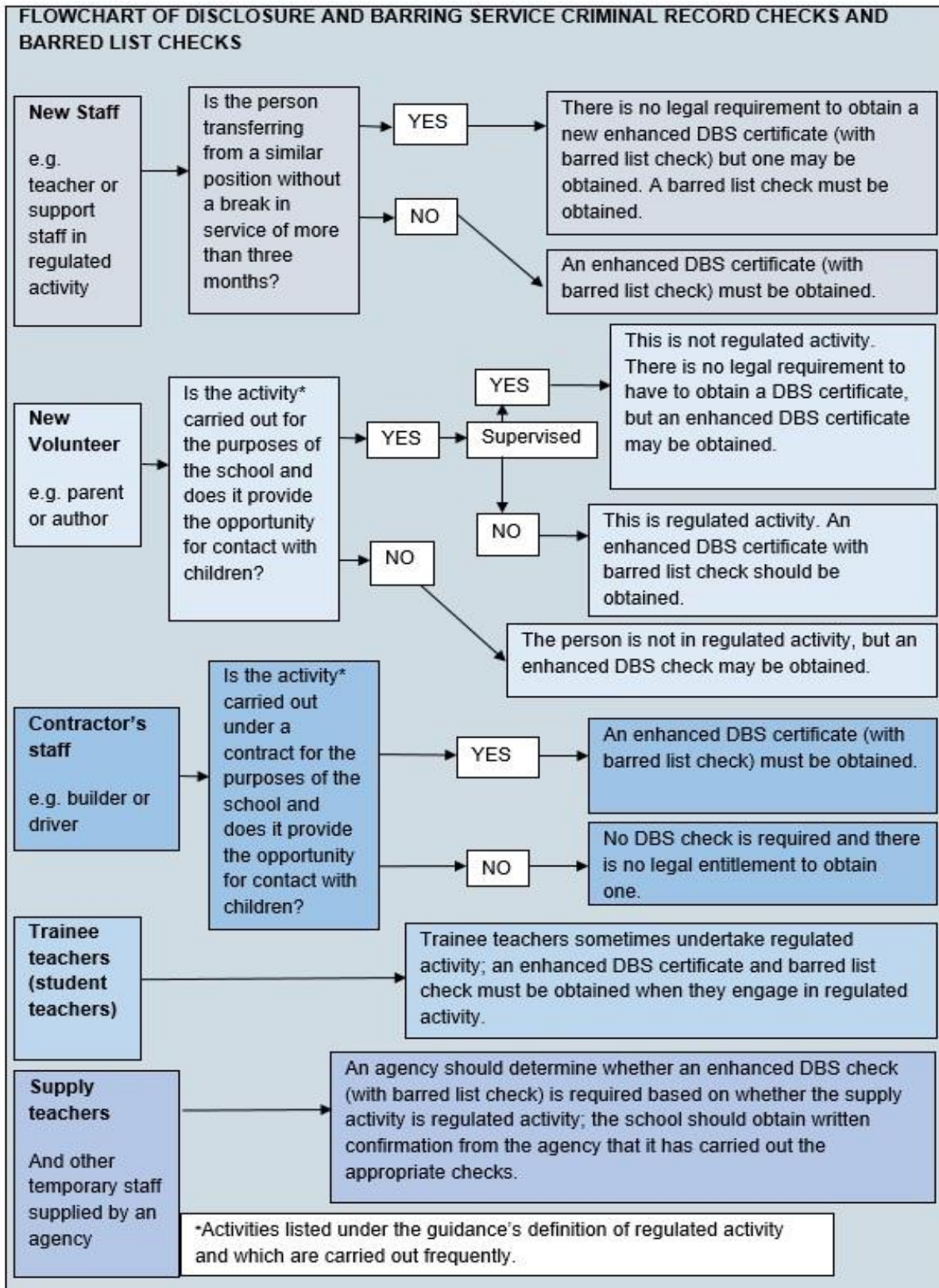
- the seriousness and relevance to the post applied for;
- how long ago the offence occurred;
- whether it was a one-off incident or a history of incidents;
- the circumstances around the incident; and
- has the individual accepted responsibility for their actions?

The school will also consider the incident in the context of the [Teachers' Standards](#) and [Teacher misconduct guidance](#), if the applicant is applying for a teaching post.

Where the school allows an individual to start work in regulated activity relating to children before the DBS certificate is available, it should ensure that the individual is appropriately supervised and that they carry out **all other** checks, including a separate **children's barred list check**.

Separate barred list checks **must** only be carried out in the following circumstances:

- for newly appointed staff who are engaging in regulated activity, pending the receipt of an Enhanced Certificate with Barred List information from the Disclosure and Barring Service (DBS) (and where all other relevant checks have been carried out); or,
- where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the organisation (and where all other relevant checks have been carried out).



DBS Update Service

Individuals can join the DBS Update Service at the point that an application for a new DBS check is made. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

As good practice, we will require new staff to join the Update Service as part of their employment contract. The benefits of joining the Update Service are:

- portability of a DBS check across employers;
- free online checks to identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new DBS check; and
- that individuals will be able to see a full list of those organisations that have carried out a status check on their account.

Before using the Update Service, we will:

- obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check;
- confirm the DBS certificate matches the individual's identity;
- examine the original certificate to ensure that it is valid for the children's workforce; and
- ensure that the level of the check is appropriate to the job they are applying for, e.g. enhanced DBS check/enhanced DBS check including with barred list information.

Further information about the Update Service, including when updated information can be used, can be found on [GOV.UK](https://www.gov.uk).

DBS checks on volunteers are free.

Prohibitions, directions, sanctions and restrictions

Secretary of State teacher prohibition, and interim prohibition orders

Teacher prohibition and interim prohibition orders, prevent a person from carrying out teaching work as defined in the Teachers' Disciplinary (England) Regulations 2012 in schools, sixth form colleges, 16-19 academies, relevant youth accommodation and children's homes 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).

Historic General Teaching Council for England (GTCE) sanctions and restrictions

There remain a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE (prior to its abolition in 2012).

How to check TRA, Teacher Employer Access service for prohibitions, directions, sanctions and restrictions

Mayfield Grammar School, Gravesend will use the TRA's Employer Access service to make prohibition, direction, restriction, and children's barred list checks. The service is free to use and is available via the TRA's [web page](#). Users will require a DfE Sign-in account to log onto the service.

European Economic Area (EEA) regulating authority teacher sanctions or restrictions

From 01 January 2021 the TRA Teacher Services system no longer maintains a list of those teachers who have been sanctioned in EEA member states.

Recording information

Single central record

Mayfield Grammar School, Gravesend maintains 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 covers the following people:

- **all** staff, including teacher trainees on salaried routes, agency and third party supply staff, even if they work for one day.

The minimum information that **must** be recorded in respect of staff members (including teacher trainees on salaried routes) is set out below. For agency and third party supply staff, the school includes whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.

The single central record indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained:

- an identity check, (identification checking guidelines can be found on the [GOV.UK](#) website);
- a barred list check;
- an enhanced DBS check requested/certificate provided;
- a prohibition from teaching check;
- further checks on people who have lived or worked outside the UK;
- a check of professional qualifications, where required; and
- a check to establish the person's right to work in the United Kingdom.

In addition:

- the school **must** record whether the person's position involves 'relevant activity', i.e. regularly caring for, training, supervising or being solely in charge of persons aged under 18.

The details of an individual will be removed from the single central record once they no longer work at the school.

Non statutory information

We are free to record any other information they deem relevant. For example:

- whether relevant staff have been informed of their duty to disclose relevant information under the childcare disqualification arrangements;
- checks made on volunteers;
- checks made on governors;
- dates on which safeguarding and safer recruitment training was undertaken; and
- the name of the person who carried out each check.

The single central record can be kept in paper or electronic form.

Retention of documents

Copies of documents used to verify the successful candidate's identity, right to work and required qualifications will be kept on their personnel file.

Copies of DBS certificates and records of criminal information disclosed by the candidate are covered by UK GDPR/DPA 2018 Article 10. If Mayfield Grammar School, Gravesend chooses to retain a copy, there will be a valid reason for doing so and it will not be kept for longer than six months. When the information is destroyed the school may keep a record of the fact that vetting was carried out, the result and the recruitment decision taken if they choose to. Mayfield Grammar School, Gravesend does not have to keep copies of DBS certificates, in order to fulfil the duty of maintaining the single central record.

Further information on handling DBS information can be found on [GOV.UK](https://www.gov.uk).

Other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools for children in other settings

This section sets out the checks that are necessary for individuals who have lived or worked outside the UK; agency and third-party staff; contractors; trainee teachers; volunteers; governors and proprietors. It also sets out responsibilities placed on the school in relation to other settings, including alternative provision, work experience and host families.

Individuals who have lived or worked outside the UK

Individuals who have lived or worked outside the UK **must** undergo the same checks as all other staff in this school. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, the school **must** make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, the school will apply the same approach for any individuals

who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

These checks **could** include, where available:

- criminal records checks for overseas applicants - Home Office guidance can be found on [GOV.UK](#); and for teaching positions
- obtaining a letter (via the applicant) from the professional regulating authority 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. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the [Regulated Professions database](#). Applicants can also contact the [UK Centre for Professional Qualifications](#) who will signpost them to the appropriate EEA regulatory body.

Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.

Where this information is not available we will seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, we will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE Guidance: [Recruit teachers from overseas](#).

Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. We will also be mindful that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. The Home Office provides guidance on criminal records checks for overseas applicants which can be found on [GOV.UK](#).

Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. More information about this is available [here](#). Holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

Agency and third-party staff (supply staff)

Mayfield Grammar School, Gravesend **will** obtain written notification from any agency, or third party organisation, that they have carried out the same checks as the school would otherwise perform on any individual who will be working at the school or college (or who will be providing education on the school or college's behalf, including through online delivery). In respect of the enhanced DBS check, Mayfield Grammar School, Gravesend will ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school, which has disclosed any matter or information, or any information

was provided to the employment business, we **must** obtain a copy of the certificate from the agency.

Where the position requires a children's barred list check, this **must** be obtained by the agency or third party by obtaining an enhanced DBS certificate with barred list information, prior to appointing the individual.

We should also check that the person presenting themselves for work is the same person on whom the checks have been made.

Contractors

Where Mayfield Grammar School, Gravesend uses contractors to provide services, we will set out our safeguarding requirements in the contract between the organisation and the school.

We will ensure that any contractor, or any employee of the contractor, who is to work at the school, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity relating to children will require an enhanced DBS check (including children's barred list information).

For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several sites. In cases where the contractor does not have opportunity for regular contact with children, the school should decide on whether a basic DBS disclosure would be appropriate.

Under no circumstances should a contractor on whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity relating to children. Mayfield Grammar School, Gravesend is responsible for determining the appropriate level of supervision depending on the circumstances.

If an individual working at the school is self-employed, the school should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

We will always check the identity of contractors on arrival at the school or college.

Trainee/student teachers

Where applicants for initial teacher training are salaried by the school, we **must** ensure that all necessary checks are carried out. If these trainee teachers are engaging in regulated activity relating to children (which in most cases by the nature of the work, they will be), an enhanced DBS check (including children's barred list information) **must** be obtained.

Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The school should obtain written confirmation from the provider that it has carried out all pre-appointment checks that the school would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.

There is no requirement to record details of fee-funded trainees on the single central record. However, the school may wish to record this information under non statutory information.

Visitors

Mayfield Grammar School, Gravesend has different types of visitors, those with a professional role i.e. educational psychologists, social workers etc. those connected with the building, grounds maintenance, children's relatives or other visitors attending an activity in school such as a sports day.

The school should not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a sports day.

The Headteacher will use her professional judgment about the need to escort or supervise such visitors.

For visitors who are there in a professional capacity we will check ID and be assured that the visitor has had the appropriate DBS check (or the visitor's employers have confirmed that their staff have appropriate checks).

Whilst external organisations can provide a varied and useful range of information, resources and speakers that can help the school enrich children's education, careful consideration should be given to the suitability of any external organisations.

Mayfield Grammar School, Gravesend's safeguarding policies will set out the arrangements for individuals coming onto their premises, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.

Volunteers

Under no circumstances will a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies, so the school will undertake a written risk assessment and use our professional judgement and experience when deciding what checks, if any, are required.

The risk assessment should consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision;
- what the school knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability; and
- whether the role is eligible for a DBS check and if it is, what level is appropriate.

Details of the risk assessment should be recorded.

When should a DBS with barred list be obtained for volunteers?

Mayfield Grammar School, Gravesend, will obtain an enhanced DBS check (which should include children's barred list information) for all volunteers who are new to working in regulated activity with children, i.e. where they are unsupervised and teach or look after children regularly, or provide personal care on a one-off basis in schools and colleges.

Employers are not legally permitted to request barred list information on a supervised volunteer, as they are not considered to be engaging in regulated activity.

Supervision of volunteers

It is for the school to determine whether a volunteer is considered to be supervised. Where an individual is supervised, to help determine the appropriate level of supervision, the school **must** have regard to the statutory guidance issued by the Secretary of State.

For a person to be considered supervised, the supervision **must** be:

- by a person who is in regulated activity relating to children;
- regular and day to day; and
- reasonable in all the circumstances to ensure the protection of children.

Existing volunteers

Volunteers engaging in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information) unless we have any concerns.

School governors

The chair will ensure that enhanced DBS checks are undertaken, for the other members of the body, and that where such a check has been undertaken, an enhanced DBS certificate is obtained, and the chair **must** ensure that identity checks are completed before, or as soon as practicable after, any individual takes up their position.

The chair **must** also ensure that other members are not subject to a section 128 direction that would prevent them from taking part in the management of an independent school (including academies and free schools).

Further checks, as the chair considers appropriate, should be undertaken where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS check is not sufficient to establish an individual's suitability to work in a school.

All those in management positions should have Section 128 checks.

Alternative provision

Where the school places a pupil with an alternative provision provider, we continue to be responsible for the safeguarding of that pupil and should be satisfied that the provider meets the needs of the pupil.

The school will obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff.

Adults who supervise children on work experience

When organising work experience placements the school will ensure that the placement provider has policies and procedures in place to protect children from harm.

Children's barred list checks via the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. The school will consider the specific circumstances of the work experience. Consideration **must** be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary.

These considerations would include whether the person providing the teaching/training/instruction/supervision to the child on work experience will be:

- unsupervised themselves; and
- providing the teaching/training/instruction frequently (more than three days in a 30 day period, or overnight).

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity relating to children. If so, the school could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

The school is not able to request that an employer obtains an enhanced DBS check with children's barred list information for staff supervising children aged 16 to 17 on work experience.

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or sixth form college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity relating to children. In these cases, and where the child doing the work experience is 16 years of age or over, the work experience provider e.g. school or sixth form college should consider whether a DBS enhanced check should be requested for the child in question. DBS checks cannot be requested for children under the age of 16.

Children staying with host families (homestay)

The school quite often makes arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to whom they are not related. This might happen, for example, as part of a foreign exchange visit or sports tour, often described as 'homestay' arrangements.

In some circumstances the arrangement where children stay with UK families could amount to "private fostering" under the Children Act 1989.

Private fostering - LA notification when identified

Private fostering occurs when a child under the age of 16 (under 18 for children with a disability) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home.

A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer. Such arrangements may come to the attention of school staff through the normal course of their interaction, and promotion of learning activities, with children.

Where the arrangements come to the attention of the school (and the school is not involved in the arrangements), they should then notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child. If the school is involved (whether or not directly) in arranging for a child to be fostered privately we will notify local authorities of the arrangement as soon as possible after the arrangement has been made. Notifications **must** contain the information specified in Schedule 1 of The Children (Private Arrangements for Fostering) Regulations 2005 and **must** be made in writing.

Comprehensive guidance on private fostering can be found here: [Private fostering: local authorities.](#)

How to ensure the ongoing safeguarding of children and the legal reporting duties on employers

This section explains the importance of safeguarding vigilance beyond the recruitment process.

Safer recruitment is not just about carrying out the right DBS checks. Similarly safeguarding should not be limited to recruitment procedures. Good safeguarding requires a continuing commitment from governing bodies, proprietors, and all staff at our school to ensure the safety and welfare of children is embedded in all of the organisation's processes and procedures, and consequentially enshrined in its ethos. See Parts one and two of this guidance for information about providing a coordinated whole school approach to safeguarding.

Ongoing vigilance

The governing body will ensure they have processes in place for continuous vigilance, maintaining an environment that deters and prevents abuse and challenges inappropriate behaviour.

To support this, it is important that school leaders create the right culture and environment so that staff feel comfortable to discuss matters both within, and where it is appropriate, outside of the workplace, which may have implications for the safeguarding of children. This can assist employers to support staff, where there is a need, and help them manage children's safety and welfare, potentially providing them with information that will help them consider whether there are further measures or changes to procedures that need to be put in place to safeguard children in their care.

Existing staff

There are limited circumstances where the school will need to carry out new checks on existing staff. These are when:

- an individual working at the school moves from a post that was not regulated activity with children into work which is considered to be regulated activity with children. In such circumstances, the relevant checks for that regulated activity **must** be carried out;
- there has been a break in service of 12 weeks or more; or
- there are concerns about an individual's suitability to work with children.

Duty to refer to the Disclosure and Barring Service

There is a legal requirement for Mayfield Grammar School, Gravesend to make a referral to the DBS where we remove an individual from regulated activity (or would have removed an individual had they not left), and we believe the individual has:

- engaged in relevant conduct in relation to children and/or adults,
- satisfied the harm test in relation to children and/or vulnerable adults; 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 bar the person. Detailed guidance on when to refer to the DBS (including what is the harm test and relevant conduct), and what information **must** be provided, can be found on [GOV.UK](https://www.gov.uk).

Referrals will be made as soon as possible, when an individual is removed from regulated activity. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned. It is important that as much relevant information is provided to the DBS as possible, as it relies on the quality of information provided to them.

When an allegation is made, an investigation will be carried out to gather enough evidence to establish if it has foundation, and we will ensure they have sufficient information to meet the referral duty criteria explained in the DBS referral guidance, which can be found on [GOV.UK](https://www.gov.uk).

Duty to consider referral to the Teaching Regulation Agency

Where the school dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they **must** consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002.

The Secretary of State may investigate the case, and if s/he finds there is a case to answer, **must** then decide whether to make a prohibition order in respect of the person.¹ Details about how to make a referral to the TRA can be found on [GOV.UK](https://www.gov.uk).

The successful candidate will be informed of the Governors' intention to offer a post; however, it should be made clear that this does not constitute a binding offer of employment until all checks have been carried out. Any written notification should refer to a conditional offer of employment. In the case of a Headteacher or Deputy post an offer may further be made subject to ratification by the whole Governing Body.

Oral feedback will be given, restricted to matters of fact relating to the objective, material and relevant needs of the job. Care will be taken to ensure that, in giving feedback, no encouragement is given to potential disputes with unsuccessful candidates and the confidentiality of referees must be maintained.

Governors will ensure that normal vetting procedures are carried out on their behalf and that a check is made on the permit to work of any foreign national employed, where applicable.

All staffing appointments shall be ratified by the Governors Personnel Committee, which monitor the effects of selection decisions and personnel practices and procedures in order to assess whether equal opportunity is being achieved.

Induction training will be put in place for all new staff, which will include information about the school and the job, introduction to other employees, details of terms and conditions, school rules, training in health and safety procedures and identification of the individual's training needs.

All new staff will be expected to confirm their acceptance of the role by signing the job description.