

# Wellington College

## Academic Year 2024-2025



### Document Control

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| Title of Policy:                   | <b>Recruitment, Selection and Disclosure Policy and Procedure</b> |
| Policy/Procedure Owner:            | Human Resources   |
| Date Last Reviewed:                | September 2024  |
| Ratified by Safeguarding Governor: | October 2024  |

### **Document Control**

This guidance document will be reviewed periodically to ensure continued compliance with changes in employment law and statutory safeguarding regulations. If it is not compliant, any relevant legislation shall prevail.

### **Scope**

*This policy applies to all UK based employees of The Wellington College, including Wellington College, Wellington College Prep, Wellington College Educational Enterprises and Wellington College Services. This policy does not form part of any contract and can be varied from time to time.*

## **INTRODUCTION**

The Wellington College (the **College**) is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The College is also committed to providing a supportive and flexible working environment for all members of staff. The College recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The aims of the College's recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities, and suitability for the position.
- to ensure that all job applicants are considered equally and consistently, whilst ensuring that their values and behaviours are aligned to the values and culture of the College;
- to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010;
- to ensure compliance with all relevant legislation, recommendations and guidance including the Education (Independent School Standards) Regulations 2014 (ISSRs), the statutory guidance published by the Department for Education (DfE), Keeping children safe in education (KCSIE), Disqualification under the Childcare Act 2006 (DUCA), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS);
- 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.

Staff involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

### **Data Protection**

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 the College 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 Staff Privacy Notice.

### **Recruitment and Selection**

All external applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. Applicants will also be asked to provide details of their online profile, including account names and social media handles so that online searches can be carried out on shortlisted candidates (see **Online Searches** below for more information). This information must be provided by the applicant in order for the application to be accepted.

Incomplete application forms will be returned to the applicant where the application deadline has not passed. Should there be any gaps in academic or employment history, a

satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form although may be submitted alongside.

Applicants for employed roles will receive a job description for the role applied for along with the application form to complete. Application forms, job descriptions, this policy and the College's safeguarding children and child protection policy is made available to all applicants on the College website.

The College will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities for the role. At least two people will carry out the shortlisting exercise, and will consider any inconsistencies, look for gaps in employment and reasons given for them and explore all potential concerns, as appropriate.

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

All shortlisted applicants 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 applicants prior to or during interview. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. Applicants will be asked to sign a declaration confirming that the information they have provided is true.

Shortlisted applicants will be invited to attend a formal interview at which their relevant skills, and experience will be discussed in more detail. All shortlisted applicants will be tested during the interview and selection process about their suitability to work with children and will also be asked to take part in a Values, Behaviours and Attitudes interview, which will explore how their personal values align with those of the College. This is known as a VBA interview and is integral to the main interviewing process.

If the College decides to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the College's standard terms and conditions of employment
- verification of the applicant's identity (where that has not previously been verified)
- verification of professional qualifications, including Qualified Teacher Status (QTS), where appropriate
- verification of the applicant's employment history, with suitable explanation provided where there are gaps in employment
- the College being satisfied that any information generated through online searches does not make the applicant unsuitable to work at the College
- the receipt of at least two references covering the last five years of employment (one of which must be from the applicant's most recent employer) which the College considers to be satisfactory
- a satisfactory enhanced DBS check and, where the position amounts to "regulated activity" (see **Regulated Activity** below) confirmation that the applicant is not named on the Children's Barred List\*

- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency which renders them unable or unsuitable to work at the College
- verification of successful completion of a statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999)
- 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 and/or with children
- for management positions, information about whether the applicant has ever been referred to the Department for Education or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the College. This applies to all Governors, Senior Management Team and teaching heads of department
- for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the College
- For Governors, confirmation that the applicant is not disqualified from acting as a trustee / governor or Senior Manager/Director of a charity under the Charities Act 2011 (if applicable, see **Disqualification from acting as a charity trustee or senior manager** below)
- confirmation that the candidate is not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006” (DUCA) OR Receipt of a signed Self-Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006”<sup>1</sup>
- verification of the applicant's medical fitness for the role (see **Medical Fitness** below)
- verification of the applicant's right to work in the UK
- any further checks which the College decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references.

\*The College is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The College is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the College can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e., roles which would amount to regulated activity if carried out more frequently.

### **Regulated Activity**

Whether a position amounts to "regulated activity" must therefore be considered by the College in order to decide which checks are appropriate. It is however likely that in nearly all

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<sup>1</sup> The statutory guidance “Disqualification under the Childcare Act 2006” applies to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare.

cases the College will be able to carry out an enhanced DBS check and a Children's Barred List check.

A full and thorough definition of regulated activity can be found under Annex E of the Keeping Children Safe in Education– Statutory guidance for schools and colleges.

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

### **Pre-Employment Checks**

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the ISSRs and the *Boarding Schools: National Minimum Standards* the College carries out a number of pre-employment checks in respect of all prospective staff.

In fulfilling its obligations to carry out pre-employment checks, the College makes every effort to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

### **Online searches**

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. In accordance with KCSIE this will include online searches on shortlisted candidates.

The searches will be conducted by a third-party company who will ask applicants to provide information such as any personal email addresses held, online profile account names (which may include account names and social media handles) and details of any websites on which the applicant is featured or named. Failure to provide this information will result in the applicant's withdrawal from the recruitment process.

Online searches may be carried out at the shortlisting stage or after an offer of work has been made (but prior to work commencing). The College will not carry out online searches as part of its initial sift of applications.

The College will determine how it approaches online searches on a case-by-case basis however all applicants for a role at the College (whether employed or otherwise) will be treated consistently with regard to online searches.

In carrying out online searches the College is looking for any publicly available information about the candidate that:

- may be relevant to their suitability to carry out the role for which they have applied;
- may be relevant to their suitability to work at the College or in an education setting;
- is of a safeguarding nature; and/or
- may have an impact on the College's reputation (whether positive or negative).

On completion of the search, the College will be provided with a summary report highlighting any areas of concern which in turn will be provided to the interview panel for discussion with

shortlisted candidate. Where online searches are undertaken on the successful applicant only, the relevant information generated will be discussed prior to work commencing.

All offers of employment or work will be conditional upon the College being satisfied that the successful applicant is suitable to work at the College considering any information generated from online searches.

In evaluating any online information for relevance, the College will use the following criteria:

- whether the information is relevant to the position applied for;
- whether the information is relevant to the applicant's suitability to work at the College or in an education setting;
- whether the information could have an impact on the College's reputation (whether positive or negative);
- whether the information calls into doubt the applicant's willingness or ability to uphold the College's commitment to safeguarding and promoting the welfare of children;
- the length of time since the information became publicly available and whether the applicant's circumstances have changed since the information was published;
- whether the information reveals a pattern of concerning behaviour; and
- the relevant circumstances and the explanation(s) offered by the applicant.

For successful candidates, the College will retain information generated through online searches for the duration of the individual's working relationship with the College and in accordance with its Retention of Records Policy when it ends.

For unsuccessful candidates, the College retains the information generated from online searches for six months from the date on which they are informed their application was unsuccessful, after which it will be securely destroyed.

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

All applicants who are invited to an interview will be required to bring with them evidence of their identity, right to work in the UK, address, and qualifications.

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 below and in the list of valid identity documents at **Appendix 1** (these requirements comply with DBS identity checking guidelines):

- one document from Group 1\*; and
- two further documents from either of Group 1\*, Group 2a or Group 2b, one of which must verify the applicant's current address.

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

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

The College asks for the date of birth of all applicants in order to verify identity and check for any unexplained discrepancies in the employment and education history. The College does not discriminate on the grounds of age.

**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' and in some cases the evidence of your right to work in the UK can also be used as evidence of your identity and address for DBS identity checking purposes.

The College will check this evidence in accordance with the Home Office 'Code of Practice on preventing illegal working'.

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

### **References**

References will be taken up on short listed applicants for all roles prior to interview. Should an applicant prefer that the College do not approach their current employer until an offer of employment has been made, they should contact a member of the Human Resources Department to discuss this further.

In the main, all offers of employment will be subject to the receipt of a minimum of two references and/or covering a minimum five-year employment history, which are considered satisfactory by the College. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the 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.

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 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, sickness, and disciplinary record
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be, 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

- whether the applicant could be considered to be involved in “extremism” (see the definition of “extremism” below).

The College will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.

The 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 the relevant referee before any appointment is confirmed.

If it has not been possible to obtain a reference prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the College. 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 will verify the contents of all written references via telephone or video call except for references for College staff that have been generated automatically by service centres or, for both teaching and non-teaching staff, where a reference is provided by an internal referee.

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

All teaching references received from a school must be countersigned by the Head of that school unless the author is a member of the Senior Leadership Team.

All internal candidates who apply for a new role within the College, will have their letter of interest assessed in accordance with this procedure, with the exception of references. Applicants must advise their current line manager of their intention to apply for an internal role and the Hiring Manager will be encouraged to seek out the current line manager to discuss performance and issues prior to appointment. It is particularly important that applicants who are being investigated under the disciplinary process or who are currently subject to a Performance Improvement Plan should not be offered an alternative role without the express approval of the HR Director and Chief Operating Officer/Second Master.

### **Criminal records checks**

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.

- **DBS filtering rules**

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. 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. “Specified offences” are usually of a serious violent or sexual nature or are relevant for safeguarding children and vulnerable adults. The list of “specified offences” can be found at “List of offences that will never be filtered from a DBS certificate”.

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:

- eleven years have elapsed since the date of the 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 the 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).

See **Appendix 2 for Policy on Recruitment of Ex-Offenders.**

- **Regulated activity**

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. Any position undertaken at, or on behalf of the College will amount to "regulated activity" if it is carried out:

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

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

It is for the College to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the College amount to regulated activity.

- **The DBS disclosure certificate**

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 then provided to the College within three months of it being received by the applicant although the employment will not be confirmed until the DBS disclosure certificate has been verified by a College Representative. A convenient time and date for bringing the certificate into the College should be arranged with the Human Resources Department as soon as it has been received.

Applicants who are unable to attend at the College to provide the certificate (for example, due to being based overseas) are required to send in a certified copy by post or email within three months of the original disclosure certificate being received. Certified copies must be sent to Wellington College Human Resources Department marked for the attention of the HR Director. Where a certified copy is sent, the original disclosure certificate must still be provided, ideally prior to the first day of work or at the very latest on the first working day.

**NB:** Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the College.

The College may accept a DBS certificate that has previously been obtained if the applicant has been working in a school in England in a post that brought them in regular contact with children in the three months prior to beginning work at Wellington College. In this situation, a separate Children's Barred List check would be undertaken.

For those who subscribe to the DBS Update Service, the College will examine the original certificate, check it matches the individual's identity and undertake an online update check, which will provide any changes since the certificate was issued. If the check shows that there has been a change, a new certificate will be required. The College will obtain permission from the individual before conducting the online update check.

- **Starting work pending receipt of the DBS disclosure**

If there is a delay in receiving a DBS disclosure the Designated Safeguarding Lead (DSL), in liaison with the Human Resources Team, has discretion to allow an individual to begin work

pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision, as outlined within a risk assessment, has been put in place.

- **Applicants with periods of overseas residence**

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

For applicants who are living overseas, or who have lived overseas previously, obtaining a DBS certificate may be insufficient to establish their suitability to work at the College. In such cases the applicant will be required to provide additional information about their suitability from the country (or countries) in which they have lived. The College's policy is to request such information from each overseas country in which the applicant has lived for a period of three months or more in the previous 10 years.

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) or a certificate of good conduct.

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.

In addition, where an applicant for a teaching position has worked as a teacher outside of the UK, 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 a 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 the information that has been obtained during the recruitment process and outlined within a safeguarding risk assessment approved by the Designated Safeguarding Lead. 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 the information that has been obtained during the recruitment process.

The College will take proportionate risk-based decisions on a person's suitability in these circumstances. All suitability assessments must be documented and retained on file and should be countersigned by the Designated Safeguarding Lead where relating to teaching staff and the Human Resources Director in all other cases.

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.

### **Prohibition from teaching check**

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

In addition, the College asks all shortlisted applicants 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 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 state 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 Master. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for visiting music teachers and sports coaches.

### **Prohibition from management check**

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

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

- Master, Second Master and Senior Master
- teaching posts on the senior leadership team
- teaching posts which carry a departmental head role; and
- Chief Operating Officer and senior Directors/support staff posts on 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 individuals who are appointed to the governing body will be subject to a section 128 direction 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 Teaching Regulation Agency. The College will use either, or both, methods to obtain this information.

In addition, the College asks all shortlisted applicants 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.

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

- **Background**

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.

- **Who is covered**

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 members of the Governing Body.

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 Master and Chief Operating Officer and potentially other senior staff who may report directly to the governors who are considered responsible for a significant function.

There is no single list or register that covers all 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.

- **Self-declaration**

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.

- **Checks by the College**

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:

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

- **Waiver**

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.

- **Definitions**

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

DUCA states that 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.

- **Relevant roles**

Roles which will be 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 Head 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.

DUCA contains an express statement that 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.

- **Grounds for disqualification**

The grounds on 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:

- a) 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;
- b) various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;
- c) 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;
- d) having been refused an application for registration of a children's home or having had any such registration cancelled; or
- e) having been prohibited, restricted or disqualified from private fostering.

- **Self-declaration form**

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:

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

**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".**

- **Waiver of a disqualification**

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.

- **Retention of disqualification information**

The College will securely destroy any information which is provided by an applicant which is not relevant to the childcare disqualification requirements as soon as it is established that it is not relevant. Where a person appointed to a role at the College is found to be disqualified the College will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the College, after which it will be securely destroyed.

- **Continuing duty to disclose change in circumstances**

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.

### **Medical fitness**

The College is legally 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 Health Questionnaire. The College will arrange for the information contained in the Health Questionnaire to be reviewed by the College's occupational medical advisor. If the College's medical advisor 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 and considering reasonable adjustments.

### **Contractors and Agency Staff**

Agencies who provide supply staff to the College must carry out the same checks as would otherwise be performed on any individual working at the College (or who will be providing education on the College's behalf, including through online delivery).

In respect of contractors, the College will determine the appropriate level of checking required, depending on the nature of the work being undertaken, its regularity and what opportunity there may be for contact with children.

Where the College requires written confirmation, all required checks must have been completed and confirmed in writing **before** an individual can commence work.

The College will independently verify the identity of contractors or supply staff provided via an agency and may require the provision of the original appropriate level DBS disclosure certificate before commencing work at the College.

### **TUPE**

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

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

### **Volunteers**

The College will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the College (the definition of regulated activity set out above will be applied to all volunteers).

The College will request an enhanced DBS disclosure without Children's Barred List information on all volunteers who do not undertake regulated activity. This is likely to be because their volunteering duties are subject to regular, day to day supervision by a fully checked member of staff or by a volunteer who the College has deemed appropriate to supervise and ensure the safety of those pupils in their care.

Under no circumstances will the College permit an unchecked volunteer to have unsupervised contact with pupils.

It is the College's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the College for three consecutive months or more. Those volunteers who are likely to be involved in activities with the College on a regular basis will be required to sign up to the DBS Update Service as this permits the College to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, the College will 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 (such as an application form)
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

### **Retention of Records**

The College is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the College will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness, and qualifications. Medical information may be used to help the College to discharge its obligations as an employer, e.g., so that the College may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the College for the duration of the successful applicant's employment or engagement with the College. It will be retained in accordance with the College's retention of records policy after employment or engagement terminates.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months unless the applicant specifically requests the College to keep their details on file.

### **Whistleblowing**

All 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). All staff receive training so

that they understand the College's expectations. Safeguarding children is at the centre of the College's culture and is accordingly considered formally during staff performance development reviews and finally via an exit questionnaire or interview which is offered to all leavers.

**Queries**

If an applicant has any queries on how to apply for a post at the College, they should contact the Human Resources Team via [humanresources@wellingtoncollege.org.uk](mailto:humanresources@wellingtoncollege.org.uk) or 01344 753292.

### **Group 1: PRIMARY IDENTITY DOCUMENTS**

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

### **Group 2a: TRUSTED GOVERNMENT DOCUMENTS**

- current driving licence photocard - full or provisional (all countries outside the UK excluding Isle of Man and Channel Islands)
- current driving licence: paper version if issued before 1998 - full or provisional (UK / Isle of Man and Channel Islands)
- birth certificate - issued after time of birth (UK, Isle of Man and Channel Islands)
- marriage / civil partnership certificate (UK and Channel Islands)
- immigration document, visa, or work permit (issued by a country outside the UK. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non-UK country in which the role is based)
- HM Forces ID card (UK)
- firearms licence (UK, Channel Islands, and Isle of Man)

**All driving licences must be valid.**

### **Group 2b: FINANCIAL AND SOCIAL HISTORY DOCUMENTS**

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

**NOTE:** If a document in the list of valid identity documents is:

- denoted with \* - it should be less than 3 months old
- denoted with \*\* - it should be less than 12 months old

## **Background**

The College will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. 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 the objective assessment criteria set out below.

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.

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

It is unlawful for the College to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at 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.

## **Assessment criteria**

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

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

The College does not employ individuals that have been convicted of an offence that would not be considered spent under the appropriate legislation or as listed in Schedule 18 of the Sentencing Act 2020 (as updated from time to time) due to the potential risk of harm such individuals may cause to children. The College may also consider it a high risk to employ anyone who has been convicted of offences that fall outside of those that have not been spent or cannot be considered as spent but will have regard to its legislative obligations when considering the employment of such individuals.

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 a driving offence within the last ten years.

**Assessment procedure**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the College will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Human Resources Director and or the Designated Safeguarding Lead of the College 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.

**Retention and security of disclosure information**

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