



Safer Recruitment Policy

1 Introduction

Chetham's School of Music (**the School**) is committed to providing the best possible care and education to its students and to safeguarding and promoting the welfare of children and young people. The School is also committed to providing a supportive and flexible working environment to all its members of staff. The School 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 School'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
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**), *Keeping children safe in education* (September 2020) (**KCSIE**), *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**); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

The Policy also reflects the training in Safer Recruitment, provided by the NSPCC, that has been successfully completed by the following:

- Joint Principal (NS)
- Bursar (SN)
- HR Manager (CH) (Pending)
- And others

This policy covers any person who will be working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract.

The following are included: teachers, instrumental tutors, coaches, part-time staff, supply staff, administrative staff, other support staff and staff appointed from overseas, plus PGCE trainees, Governors, volunteers and agency workers.

The policy is reviewed by the School's Governing Body on an annual basis.

2 Data protection

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

3 Recruitment and selection procedure

All 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. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. A curriculum vitae will not be accepted in place of the completed application form.

Application forms, job descriptions and person specifications for current vacancies are available to download from the School's website, along with the School's Child Protection Policy.

The applicant may then be invited to attend a **formal interview** at which his/her relevant skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children.

If it is decided 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 School's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- verification of qualifications, whether professional or otherwise, which are relevant to the advertised post;
- verification of the applicant's employment history;
- the receipt of at least two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory;

- 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 School;
- for applicants who have worked or lived outside the UK for a relevant period, 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 School;
- where the position amounts to "regulated activity (see section 4.3.2 below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory;
- where the position amounts to "regulated activity" (see section 4.3.2 below), confirmation that the applicant is not named on the Children's Barred List*;
- information about whether the applicant has ever been subject to a direction under Section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the School;
- 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 School;
- confirmation that the applicant is not disqualified from acting as a trustee or governor or senior manager of a charity under the Charities Act 2011 (if applicable, see section 4.6 below);
- confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 4.7 below);
- verification of the applicant's medical fitness for the role (see section 4.8 below);
- verification of the applicant's right to work in the UK; and
- any further checks which the School 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 School is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School 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 School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.**

Whether a position amounts to "regulated activity" must therefore be considered by the School in order to decide which checks are appropriate. It is however likely that in nearly all cases the School will be able to carry out an enhanced DBS check and a Children's Barred List check.

4 Pre-employment checks

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of the Education (Independent School Standards) Regulations 2014 and the *Boarding Schools: National Minimum Standards* the School carries out a number of pre-employment checks in respect of all prospective employees.

In addition to the checks set out below, the School 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 School. This may include internet and social media searches.

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

4.1 Verification of identity, address and qualifications

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

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

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

4.2 References

Whenever possible, references will be taken up on short listed applicants prior to interview. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. 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. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism" (see the definition of "extremism" at section 7 below). All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title/duties, reason for leaving, performance, sickness¹ and disciplinary record
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated or malicious
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious
- whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at section 7 below).

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

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

Where a reference is not received prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the School. 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 will be sought before an appointment can be confirmed.

The School will make telephone contact with any referee to verify the details of the written reference provided.

¹ questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made

All internal candidates who apply for a new role at the School will have their application assessed in accordance with this procedure. References will be taken up on all internal candidates as part of the application process but can be provided by colleagues as the School will be the most recent employer.

4.3 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 School.

4.3.1 DBS filtering rules

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

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

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

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

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

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

For those aged under 18 at the time of an offence

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

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

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

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

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

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

4.3.2 Regulated activity

The School 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 School 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 School will amount to "regulated activity" if it is carried out:

- (a) frequently, meaning once a week or more; or
- (b) overnight, meaning between 2.00 am and 6.00 am; or
- (c) satisfies the "period condition", meaning four times or more in a 30 day period; and
- (d) 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 School to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the School amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the School office outside of term time or voluntary posts which are supervised.

4.3.3 The DBS disclosure certificate

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the School. It is a condition of employment with the School that the **original** disclosure certificate is provided to the School as soon as possible following receipt by the applicant. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the School should be arranged with the HR Manager as soon as it has been received.

Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the School.

4.3.4 Starting work pending receipt of the DBS disclosure

If there is a delay in receiving a DBS disclosure the Joint Principal (NS) has discretion (**in very exceptional circumstances**), 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 has been put in place. A risk assessment will be completed before appointment and reviewed on a regular basis.

The following procedure will be used:

- A Children's Barred List check is completed by the Bursar;
- A Risk Assessment is completed, supervision identified, and the RA approved by the Joint Principal (NS);
- Safeguards are reviewed at least every 2 weeks;
- The individual, Head of Department and Leadership Team are informed of these safeguards;
- A note is made on the Central Register of Appointments;
- Paperwork is kept on the new employee's personnel file; and
- The appointment will only be confirmed once the DBS Certificate has been satisfactorily received.

4.3.5 Applicants with periods of overseas residence

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

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

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

Work can only commence once sufficient overseas information has been received and only if The School has considered that information and confirmed that the applicant is suitable to commence work at the School.

4.4 Prohibition from teaching check

The School is required to check whether staff who carry out "teaching work" are prohibited from doing so. The School 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 School asks all applicants for roles which involve "teaching work" (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or other equivalent body in the UK.

It is the School's position that this information must be provided in order to fully assess the suitability of an applicant. 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 School will consider whether the facts of the case render the applicant unsuitable to work at the School.

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

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

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

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

4.5 Prohibition from management check

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

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

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

- Principal;
- posts on the senior leadership team;
- posts which carry a departmental head role; and
- the School will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support roles which carry additional responsibilities.

It also applies to appointments to the governing body.

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

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

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

4.6 Disqualification from acting as a charity trustee or senior manager

4.6.1 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.

4.6.2 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 the governors of the School.

Senior managers include those employees who report directly to the charity trustees or have responsibility for the overall management and control of the charity's finances. At the School the disqualification rules will be applicable to all governors, the Joint Principal (NS), Bursar and potentially other senior staff who report directly to the governors.

4.6.3 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 School'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 School 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.

4.6.4 Checks by the School

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

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

4.6.5 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 School 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 School is under no obligation to await the outcome of a Charity Commission waiver application before taking such action.

4.7 Childcare disqualification – at present this section is not relevant for Chetham's as no under 8 children are admitted – see Appendix 2 for reference purposes

4.8 Medical fitness

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

It is the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. If the completed Health Questionnaire contains potentially relevant information, the School will organise a review by the School's Occupational Health advisor. The Health Questionnaire information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed timetable, extra- curricular activities, layout of the School etc. If the School's Occupational Health advisor has any doubts about an applicant's fitness, the School will consider reasonable adjustments in consultation with the applicant. The School may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

Non-employed personnel gaining Chetham's Clearance and volunteers will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. If an applicant prefers to discuss this with the School instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the HR Manager, so appropriate arrangements can be made.

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

5 Contractors and agency staff

The School will complete the same checks for contractors and their employees undertaking regulated activity at the School as it does for its own employees. The School requires written confirmation from the contractor that it has completed these checks on all of those individuals whom it intends will work at the School before any such individual can commence work at the School.

Agencies who supply staff to the School must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires confirmation that these checks have been completed before an individual can commence work at the School.

The School will independently verify the identity of individuals supplied by contractors or an agency in accordance with section 4.1 above and requires the provision of the DBS disclosure certificate before those individuals can commence work at the School.

6 Volunteers

The School will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with students at or on behalf of the School (the definition of regulated activity set out in section 4.3.2 above will be applied to all volunteers).

The School 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 School has deemed appropriate to supervise and ensure the safety of those students in their care.

Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with students.

It is the School'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 School for three consecutive months or more. Those volunteers who are likely to be involved in activities with the School on a regular basis may be required to sign up to the DBS update service as this permits the School to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

The School carries out full safer recruitment checks for all volunteers, including (but not limited to the following):

- formal or informal information provided by staff, parents and other volunteers
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

7 Visiting speakers and the Prevent Duty

The Prevent Duty Guidance requires the School to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by students, are suitable and appropriately supervised.

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

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

The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the School. In doing so the School will always have regard to the Visitor

Policy, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

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

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

8 Policy on recruitment of ex-offenders

8.1 Background

The School will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The School 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 School. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 8.2 below.

All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 4.3.1 above).

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

It is unlawful for the School 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 School. The School will make a report to the police and / or the DBS if:

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

8.2 Assessment criteria

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

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

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

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

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

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of dangerous driving, careless driving, driving under the influence of drink or drugs, speeding offences, document offences, driving using a mobile phone or any driving offences involving serious injury or death, within the last ten years.

8.3 Assessment procedure

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will carry out a risk assessment by reference to the criteria set out above. The risk assessment form must be signed by Head of Department and the Joint Principal (NS) 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 School may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

8.4 Retention and security of disclosure information

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

9 Whistleblowing and exit interviews

All staff are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of students, the conduct of staff or other matters, during the course of their employment in accordance with the School's policies (including the whistleblowing policy, the safeguarding policy and the Staff code of conduct). Safeguarding children is at the centre of the School's culture and is accordingly considered formally during staff performance development reviews and appraisal and finally at an exit interview which may be held.

10 Referrals to the DBS and Teaching Regulation Agency

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

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

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

11 Queries

If an applicant has any queries on how to complete the application form or any other matter he/she should contact the HR Manager.

Appendix 1 List of valid identity documents

Group 1: primary identity documents

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

All driving licences must be valid.

Group 2b: Financial and social history documents

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

Note

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

Appendix 2

Childcare disqualification – at present this section is not relevant for Chetham’s as no under 8 children are admitted – see Section 4.7

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 School 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 School.

DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

Some roles at the School 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 School will therefore consider whether they do on a case by case basis. The Regulations only apply to a limited number of roles within the School 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 School 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 School in any relevant role will be conditional upon completion of the self-declaration form and upon the applicant not being disqualified.

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

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 (see section 4.3.1 above).

For the avoidance of doubt the School does not require applicants to request any criminal records information directly from the DBS. The School 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 School 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 School will withdraw the conditional offer of employment.

Retention of disqualification information

The School 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 School is found to be disqualified the School will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the School, 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 School 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.

Recruitment rules specific to the differing roles within Chetham's

1 Internal appointments and staff returning to Chetham's (within 3 months)

Internal appointments and staff having previously completed all pre-employment checks who resign/break continuity of service, but then return to work at Chetham's, in either a contractor role, a volunteer or as an employee, within a 3 month period will require the following checks, prior to their start date (linked to the ISI standard Part 4 Paragraph 18 (sub section 3 & 4).

The individual's personnel file will also be reviewed prior to their start date to ensure no information currently required under this Policy is missing; in the event of any missing information, this will be requested and must be provided prior to a start date being confirmed, along with the following:

- Children's Barred List check (for returning staff);
- Check for relevant Prohibition from Teaching/EEA Authority Sanctions and/or Prohibition from Management & Leadership Order (for returning staff or promoted staff);
- An email stating any new employment since last working/providing services for Chetham's (for returning staff);
- Confirmation that the applicant is fit to work in the post;
- Interview notes;
- Internal references;
- Signed job description; and
- Any person with "limited leave to remain" visas will be asked to provide sight of their original current visa.

2 Staff returning to work following a period of absence of more than 3 months, where continuity of service has not been broken

Staff returning to work from Maternity Leave, Parental Leave, Long Term Sickness, or other similar types of leave where continuity of service is maintained do not need to be checked as new employees. However employees taking Sabbatical or other similar types of leave will be required to renew their DBS check before restarting work.

3 Staff re-employed or returning to school in another work capacity following a period of more than 3 months (broken service)

Will complete all pre-employment checks as per a NEW EMPLOYEE. This will also apply to any CONTRACTOR, SUPPLY person or VOLUNTEER having unsupervised access to children.

4 Zero hours contracts

Staff with “Zero hours” contracts who have continuity of service between periods of work which do not exceed 12 months, do not need to be rechecked on each return to work.

Zero hours staff who have not worked for the School for a period of longer than 12 months will be required before resuming their duties to:

- undertake a new enhanced DBS check with a check (if relevant) of the Children’s Barred List;
- be checked for a Prohibition Order section 128/142;
- provide additional information about employment undertaken since their last application form was provided to Chetham’s;
- confirm they are fit for the role;
- undertake Safeguarding training; and
- undertake a Departmental (refresher) Induction.

5 Contractors

Relevant contractors who visit the School on a regular basis and who may have unsupervised access to children are treated as staff and are subject to the same employment checks as employed staff. They are not allowed to work unsupervised until all Chetham’s Clearance checks have been satisfactorily carried out.

Those responsible for appointing contractors must ensure that the work being carried out under the contract for services is not a role that should be an employed role. As a general rule, a contractor carrying out work that is normally carried out by employed staff may work for the School for two days in a three month period without the need for an employment contract. If it is envisaged that the appointment will extend beyond this limit then an employment contract should be used from the start of the assignment.

6 Contractors/volunteers (Chetham’s cleared) who are subsequently employed as members of staff (within a 3 month period since last offering their services to the School)

If a person originally starts at Chetham’s as a Contractor or Volunteer and completes Chetham’s Clearance checks but is then contractually employed by the School (within a 3 month period since last undertaking work) they will be required to:

1. complete an application form for the post;
2. attend an interview;
3. provide original qualification documents (if applicable);
4. complete a pre-employment health assessment (if not already undertaken);
5. sign the job description;
6. sign the offer of employment letter;
7. have a Barred List check ;

8. be checked for any Prohibition for Teaching and/or Management Order subject to direction under section 142 of the Education Act 2002 or section 128 of the Educational Skills act 2008 and EEA Authority restrictions. Where a sanction is identified, the School will risk assess the sanction and make an employment decision based on this; and
9. complete the departmental induction.

7 Appointment of Supply and (Contract Sodexo) Staff

Written confirmation is obtained in advance of appointment from the relevant supply agency to confirm that the required checks have been carried out: identity, Enhanced DBS disclosure, right to work in the UK, Barred List, prohibition, qualifications, overseas checks, references, medical fitness and employment history. A check for any Prohibition Order S.142/128 check (if relevant) is also undertaken and details documented.

These checks are noted on the Central Register of Appointments (CRA) for all supply staff except Sodexo who maintain their own CRA. Sodexo's CRA is updated and a copy is sent to the HR Manager following any changes to Sodexo staff. The School also ensures in advance of appointment that the original DBS certificate is seen by the School and that the person's identity is checked. A photocopy of the identity document(s) is taken and certified by the checker. Both the date at which the DBS Certificate was obtained and also the date the DBS Certificate is checked by the Supply Agency is recorded on the Supply New Starter form.

All pre-employment checks must be completed before the person starts work at the School.

Induction of supply staff is carried out by the relevant Head of Department.

Induction of new Contract Sodexo staff is carried out in School by Sodexo Staff.

Safeguarding training is carried out prior to working at the School, by the School's Designated Safeguarding Lead.

8 Appointment of volunteers, others and third parties (Visiting Professionals)

The following checks on new regular volunteers are carried out: Enhanced DBS Disclosure (including Children's Barred List check for relevant activity roles), references, informal interview, and no concerns raised by others in the School.

One-off volunteers for non-overnight activities who will not have unsupervised access to students do not require vetting checks.

The School understands that visiting professionals such as psychologists, nurses, dentists and other public sector staff will have been vetted by their own employing organisations and this must be confirmed in writing to the School by the employing organisation. Their identity will be checked by the School prior to their first visit or appointment and copies made of their identity documents.

9 Appointment of Proprietor (Chair) and Governors

The “proprietor” is the person or body of persons registered with the DfE as being responsible for the management of the School. The Governing Body is the proprietor of Chetham’s School of Music.

9.1 For the appointment of the Chair of the Governing Body

Before the Chair starts acting as such (or as soon as practicable) the School will check:

- Barred list - confirmation that the individual is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where the individual will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 of that Act.
- Prohibition and Section 128 checks – confirmation that the individual will not carry out work, or intend to carry out work, at the School in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction.
- Enhanced DBS check – the School will follow the following steps to obtain the enhanced DBS check, countersigned by the Secretary of State, for a new Chair:

Step 1 – the School must obtain an application form for an enhanced DBS by telephoning the DBS helpline on 03000 200190, quoting the DBS registered Organisation Name: Department for Education and Registered Body Number: 20881800002. The School will inform the DBS as to whether the individual is a volunteer.

Step 2 – Contact the Department by phoning 01325 340405 or by emailing registration.enquiries@education.gov.uk, to explain that they are changing Chair and to request the relevant form and instructions.

Step 3 – The DfE form, the DBS check application form for disclosure and the DBS fee, if applicable, will be sent to the address below:

Independent Education and Boarding Team
Department for Education
Bishopsgate House
Feethams
Darlington
DL1 5QE

The Department will then countersign the application and send both forms to the DBS. Once the DBS has processed the application a copy of the DBS check will be sent to the applicant in the post direct from the DBS. The Department has undertaken to comply with the DBS Code of Practice. Under the provisions of the Code, sensitive personal information must be handled and stored appropriately and must be kept for only as long as it is necessary. The Code is published on the DBS website.

The new Chair should provide the original DBS certificate to the School prior to taking up office.

The disclosure of a criminal record, or other information will not bar a person from becoming the Chair of Governors of the School unless the Secretary of State considers that the conviction renders them unsuitable. In making this decision the Secretary of State will consider the nature of the offence, how long ago the offence was committed, the person's age when the offence was committed and other factors which may be relevant.

In any case where the information supplied by the DBS differs from that provided by the applicant, and is of significance, the applicant will be given the opportunity to explain the position. Anyone who believes that the information given in the disclosure is inaccurate, or relates to someone else with the same name, is able to appeal to the DBS who will investigate the position.

The Secretary of State will undertake;

- an Enhanced DBS check countersigned by the Secretary of State (as above);
- checks on the individual's identity;
- checks on their right to work in the UK, and;
- where the individual has lived outside of the United Kingdom, and where obtaining an enhanced criminal record certificate is not sufficient to establish the individual's suitability to work in a school, such further checks as the Secretary of State considers appropriate.

9.2 For the appointment of the Proprietors (Governors) of the School

Before appointment (or as soon as practicable) the School will check:

- Barred list - confirmation that the individual is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where the individual will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 of that Act.
- for any prohibition order, interim prohibition order or any direction under section 128 of the 2008 Act or Section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction.

On behalf of the Chair of Governors, the School will check:

- an Enhanced DBS check and where the Secretary of State makes a request for an Enhanced DBS check countersigned by the Secretary of State, such a check will be made
- checks on the individual's identity
- check on their right to work in the UK
- where the individual has lived outside of the United Kingdom, and where obtaining an enhanced criminal record certificate is not sufficient to establish the individual's suitability to work in a school, such further checks as the Chair of Governors considers appropriate, having regard to any guidance issue by the Secretary of State.

10 Visiting Professionals

DEFINED as: individuals working at the School but employed by third parties (for example, psychologists, nurses, dentists and other public sector staff) and also equivalent professionals such as PGCE students, supplied by a central body (i.e. University).

KCSIE advises that these persons should be checked by their employing organisation. It is not necessary for the School to see their DBS check (unless it is offered), but will need to see the following:

- written confirmation from their employing organisation that both the DBS check and all other appropriate checks have been performed.

The School will also:

- Check the identity (and keep a copy of the evidenced documentation) of the person before or on arrival on the first day of beginning work/assignment.

11 Employment Induction

All staff (including temporary staff, volunteers and relevant contractors) who are new to the School will receive induction training that will include the School's Safeguarding Policies, the Whistleblowing Policy and guidance on safe working practices.

Regular meetings will be held during the first 3 months of employment between the new employee and the appropriate Head of Department.

12 Central Register of Appointments

The School maintains a Central Register of Appointments (CRA) in accordance with the ISSRs and NMS to enable a note of all checks to be kept in one place. The School keeps a record of all staff, volunteers and those given Chetham's Clearance. The following information is recorded, showing the date when information is received by the School and the initials of the person checking the information.

- the post
- date of appointment
- name
- address
- date of birth
- barred list
- professional qualifications
- enhanced DBS (or DBS Status Check)
- overseas checks (including EEA) where applicable
- prohibition from teaching check
- prohibition from management check

- identity
- right to work in the UK
- references
- employment history (from the application form)
- medical fitness
- notes (including for volunteers, any concerns from the School community)

The CRA is reviewed monthly by the Bursar and by the Safeguarding Committee at each of its meetings.

13 Governance Oversight

The Governing Body have appointed a Governor responsible for Safeguarding.

The Bursar reports regularly to the Safeguarding Committee and to the Governing Body on the following matters, amongst others:

- That all pre-employment checks have been fully carried out prior to appointment for all types of appointee
- That the Central Register of Appointments has been completed accurately.

The Chair of the Safeguarding Committee makes checks of personnel files on a random basis to ensure that all checks are being carried out effectively and on a timely basis.

The Governing Body will review this policy annually.

Sarah Newman/Carol Hollett

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