



MARLBOROUGH COLLEGE

Recruitment, selection and disclosure policy and procedure

Summer Term 2022



MARLBOROUGH COLLEGE

Recruitment, selection and disclosure policy and procedure

Contents

1.	Introduction.....	3
2.	Data protection.....	4
3.	Recruitment and selection procedure	4
4.	Pre-employment checks	7
5.	References	9
6.	Disclosure and barring checks (previously called a criminal records check).....	10
7.	Prohibition from teaching check	13
8.	Prohibition from management check	13
9.	Medical fitness	14
10.	File sign off.....	14
11.	Other checks that may be necessary for staff, volunteers and others	14
12.	Policy on recruitment of ex-offenders	17
13.	Induction	18
14.	Disqualification from acting as a charity trustee or senior manager.....	19
15.	Visiting speakers and the prevent duty	20
16.	Referrals to the DBS and Teaching Regulation Agency	20
	Appendix 1 List of valid identity documents	22
	Appendix 2 DBS Filtering rules.....	24
	Appendix 3 Suitability to Work with Children: Self-Declaration Form	26
	Appendix 4 Guidance for Using Volunteers.....	30

1. Introduction

- 1.1 Marlborough 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 to all its employees and others who work here. The College recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain individuals of the highest calibre who share this commitment.
- 1.2 The College is wholly committed to recruitment and selection procedures that help deter, reject or identify people who might abuse or cause harm to children or young people, or are otherwise unsuited to work with them.
- 1.3 The aims of the College's recruitment policy are as follows:
 - 1.3.1 to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
 - 1.3.2 to ensure that all job applicants are considered equally and consistently;
 - 1.3.3 to ensure that no job applicant is treated unfairly on grounds including age, gender, race, disability, religion or belief, gender reassignment, sexual orientation, marital or civil partnerships;
 - 1.3.4 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 2022) (KCSIE), Disqualification under the Childcare Act 2006 (DUCA), the Education (Independent School Standards) Regulations 2014 (ISSRs), 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 we are also required to comply with the Education (Independent School Standards) Regulations 2014 and the National Minimum Standards for Boarding Schools (2022);
 - 1.3.5 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;
 - 1.3.6 The College is wholly committed to recruitment and selection procedures that help to deter, reject or identify people who might abuse or cause harm to children or vulnerable adults, or are otherwise unsuited to work with them;
 - 1.3.7 This is not an exhaustive list and the Director of Safeguarding ensures that the current safer recruitment practice is in line with any regulatory changes;
 - 1.3.8 All employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.
- 1.4 Line managers are responsible for identifying and considering any conflicts of interest and safeguarding risk as a result of existing personal relationships between anyone currently employed and applicants.
- 1.5 Steps must be taken by the hiring manager to ensure an objective and transparent recruitment process is conducted. The hiring manager should seek advice from HR if there is any concern about a conflict of interest, safeguarding risks and/or a lack of transparency in the recruitment process.

2. Data protection

- 2.1 The College is legally required to carry out the pre-appointment checks detailed in this procedure. Employees and prospective employees 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 (DBS) and the Teaching Regulation Agency (TRA). 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 the College's Privacy Notice.

3. Recruitment and selection procedure

3.1 Approval to recruit

- 3.1.1 All vacancies must be submitted for approval using the current Approval to Recruit (ATR) form (available from HR). Roles will not be advertised until this is signed off by the Bursar, Director of Finance and Director of HR.

3.2 Job descriptions

- 3.2.1 The hiring manager will carefully consider the skills, knowledge and experience the successful applicant will need to demonstrate and whether there are any particular elements that need to be included in the job description and job advertisement for the post in order to attract suitable applicants. The information for applicants will clearly state the extent of the relationship/contact with children and young people that the appointed person will have. The College's safeguarding statements (as below) must be added to the bottom of both the advert and job description.
- 3.2.2 "Marlborough College is committed to safeguarding and promoting the welfare of children and young people and expects all employees and volunteers to share this commitment. Applicants will be required to undergo child protection screening appropriate to the post, including checks with past employers and the Disclosure and Barring Service (DBS). The post is exempt from the Rehabilitation of Offenders Act 1974 and the College is therefore permitted to ask job applicants to declare all convictions and cautions (including those which are "spent" unless they are "protected" under the DBS filtering rules) in order to assess their suitability to work with children."

3.3 Advertising

- 3.3.1 Roles will be advertised on the College website and on external sites as appropriate to the role as identified between the hiring manager and HR. Some roles, which are generally those which attract an allowance, are only advertised internally and require those interested to submit an 'expression of interest' as directed by the advert. Recruitment agencies will only be used if agreed in advance on the ATR form and the cost is approved. The job description and Person Specification for the role will be attached to the advert, along with this policy and the safeguarding policy.

3.4 Application forms

- 3.4.1 All applicants for employment will be required to complete in full 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 completion has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. All applicants need to

provide full employment history since mandatory school leaving age. Any gaps must be discussed during the interview process and recorded on the notes signed by the hiring manager. A curriculum vitae will not be accepted in place of the completed application form, but may accompany it if indicated in the details for the role.

3.5 Shortlisting

- 3.5.1 The College will shortlist applicants according to the relevance of their professional skills and personal qualities for the role as detailed on the job description and the applicant's application form. Shortlisting decisions should be robust and up to future scrutiny. Shortlisting should be conducted individually by two managers who will ideally be those involved in the interview process.
- 3.5.2 In addition, as part of the shortlisting process we will consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview.
- 3.5.3 All shortlisted applicants will be required to complete a self-declaration form (see Suitability to Work with Children: Self-declaration Form in Appendix 3) 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. If, on receipt, this form contains any details indicating a risk to the College the form will be passed to the Director of Safeguarding to review. This information will be considered and discussed with applicants at interview. It is the responsibility of the hiring manager to review the form for any answers to these questions and question further either at interview or after the interview. If there are any issues with the completion of the form, we reserve the right not to invite the application on site. Any information needs to be flagged to both the HR Department and the Director of Safeguarding. If any relevant information is contained on this form a risk assessment must be completed and fully signed off before the applicant is formally offered the role (see section 5).

3.6 References (teaching posts)

- 3.6.1 For teaching posts references will be sought prior to interview (see section 5.2).

3.7 The Interview

- 3.7.1 Shortlisted applicants will be invited to attend a formal interview during which their skills and experience will be discussed in more detail. Interviewees are required to bring with them evidence of identification and qualifications as detailed in section 4.1 and Appendix 1. Depending on the role, they may be required to demonstrate specific skills by undertaking skills tests. All shortlisted applicants will be tested at interview about their suitability to work with children, including any involvement with child protection, referrals to regulatory bodies etc.
- 3.7.2 All applicants must be interviewed in person at least once. The interview assesses the applicant's suitability to work with children. The interview panel should consist of at least two people, one of whom must have been trained in Safer Recruitment.
- 3.7.3 To ensure fairness and objectivity, all applicants will be assessed at interview against the required skills, attributes, behaviours and experience set out in the job description.
- 3.7.4 Interview questions should be prepared in advance of the interview. Questions should be well structured and the same questions applied for each applicant throughout the

interviewing process. At interview notes must be signed and returned to the HR Department for the files.

- 3.7.5 Interview questions should test an applicant's values, attitudes, motives and suitability for the role. At least one question in the interview must be relevant to safeguarding children.
 - 3.7.6 The interview panel must agree on scores or outcomes for all applicants interviewed. All applicants should be informed of the result of the interview and applicant feedback will be provided by a member of the interview panel upon request. Interview forms for all assessed applicants must be returned to the HR Department and kept for 6 months in a secure filing cabinet. Successful applicant interview notes should be stored in their personnel file. Interview notes for internal applicants, whether successful or not, must be kept on their HR file.
- 3.8 Conditional offers
- 3.8.1 If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:
 - 3.8.1.1 the agreement of a mutually acceptable start date and the signing of a contract incorporating the College's standard terms and conditions of employment;
 - 3.8.1.2 verification of the applicant's identity (where that has not previously been verified);
 - 3.8.1.3 verification of qualifications, whether professional or otherwise, which the College takes into account in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not;
 - 3.8.1.4 verification of the applicant's employment history;
 - 3.8.1.5 the receipt and verification of two references (one of which must be from the applicant's most recent employer) which the College considers to be satisfactory (see section 4.2);
 - 3.8.1.6 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 (see section 4.4);
 - 3.8.1.7 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;
 - 3.8.1.8 where the position amounts to 'regulated activity' (see section 6.6.1) the receipt of an enhanced disclosure from the DBS which the College considers to be satisfactory;
 - 3.8.1.9 where the position amounts to 'regulated activity' (see section 6.6.1) confirmation that the applicant is not named on the Children's Barred List;
 - 3.8.1.10 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;

- 3.8.1.11 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 (see section 8);
 - 3.8.1.12 confirmation that the applicant is not disqualified from acting as a trustee/governor or senior manager of a charity under the Charities Act 2011 (if applicable, see section 14);
 - 3.8.1.13 verification of the applicant's medical fitness for the role (see section 9);
 - 3.8.1.14 verification of the applicant's right to work in the UK; and
 - 3.8.1.15 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.
- 3.8.2 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 employees, supply employees and members of Council 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.
- 3.8.3 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 cases, the College will be able to carry out an enhanced DBS check and a Children's Barred List check.

4. Pre-employment checks

- 4.1 In accordance with the recommendations set out in:
- 4.1.1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1080047/KCSIE_2022_revised.pdf,
 - 4.1.2 DUCA <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006> and the requirements of the
 - 4.1.3 Education (Independent College Standards) 2014
<https://www.legislation.gov.uk/uksi/2014/3283/schedule/made>
 - 4.1.4 and the Boarding Schools: national minimum standards
<https://www.gov.uk/government/publications/boarding-schools-national-minimum-standards>
- 4.2 the College carries out a number of pre-employment checks in respect of all prospective employees. This includes temporary workers and contractors.
- 4.3 In addition to the checks set out below, the College reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the College. This will include internet and social media searches.
- 4.4 In fulfilling its obligations the College does not discriminate on the grounds of age, gender, race, disability, religion or belief, gender reassignment, sexual orientation, marital or civil partnerships.

- 4.5 Any offer of appointment made to a successful applicant must be conditional on satisfactory completion of the necessary pre-employment checks. It is unacceptable for any applicant to start without all pre-employment checks completed (see following paragraphs for further detail and clarification).
- 4.6 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.
- 4.7 The College asks for this information at interview to ensure that the person attending the interview is who they claim to be, that they are permitted to work for the College if appointed and that they hold appropriate qualifications.
- 4.8 Right to work in the UK: all applicants must bring to interview a valid form of evidence which confirms their right to work in the UK. Valid forms of evidence can be found on the Employers Right to Work Checklist <https://www.gov.uk/government/publications/right-to-work-checklist/employers-right-to-work-checklist-accessible-version>
- 4.9 The College will check this evidence in accordance with the Home Office 'Code of Practice' effective from 6th April 2022.
- 4.9.1 <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>
- 4.10 Applicants should bring evidence of a current DBS (if they already hold one that is on the update service) along with 3 proof of identification documents, plus any change of name documentation (if applicable) for their application. Applicants must always provide their birth certificate as one form of identity unless there is good reason why this cannot be provided.
- 4.11 Proof of identity must include at least one form of photo ID and at least one document with their current home address from the document guidance list here:
- 4.11.1 <https://www.gov.uk/guidance/documents-the-applicant-must-provide>.
- 4.12 If the applicant does not own any photo ID, they will be required to apply for and provide a Citizen's Card, which can be applied for [here](#).
- 4.13 Where a applicant's name has changed by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they are required to provide proof of the change (e.g. marriage certificate or deed poll certificate). They will also be required to provide their birth certificate.
- 4.14 The interview panel must copy, sign and verify the documents, ensuring the photo ID looks like the applicant using the following format "True likeness to applicant and original seen by [printed panel member name], [panel member signature], [Date]."
- 4.15 Applicants must provide original documents confirming any educational and professional qualifications referred to in their application form.
- 4.16 The College will check to confirm current registration of professional bodies where this is relevant e.g. Health Care Professionals, Social Workers etc
- 4.17 All employees whose roles involve driving will be subject to a driving licence check before they commence employment.
- 4.17.1 <https://www.viewdrivingrecord.service.gov.uk/driving-record/licence-number>.
- 4.17.2 The Transport Manager will be responsible for undertaking any further checks and keeping a register.
- 4.18 Where an applicant has previously held a post where they would have been the lead person in an inspection e.g. Headteacher, it is good practice to check any inspection reports undertaken under

their leadership.

- 4.19 The College 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 College may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The College does not discriminate on the grounds of age.

5. References

- 5.1 At least two references will be taken up on shortlisted applicants for teaching posts prior to interview (see section 3.6) At least two references for non-teaching posts will be taken and received as satisfactory references before employment commences. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.
- 5.2 All offers of employment will be subject to the receipt of a minimum of two references 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. Where an applicant has provided a current Marlborough College employee as a referee, in most circumstances two further references should be sought.
- 5.3 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 for those applying for a teaching role will also be asked to confirm that the applicant as far as they know has not been radicalised and that they do not support terrorism or any form of 'extremism' (see the definition of 'extremism' in section 15.5). 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:
- 5.3.1 The applicant's dates of employment, salary, job title/duties, reason for leaving, performance, sickness and disciplinary record (NB Questions regarding sickness will not be asked before a job offer has been made);
- 5.3.2 Whether the applicant has ever been the subject of disciplinary procedures involving issues relating 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;
- 5.3.3 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;
- 5.3.4 Whether the applicant could be considered to be involved in 'extremism' (see the definition of 'extremism' at section 15.5).
- 5.4 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.
- 5.5 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. In some cases references may be taken prior to an invite to interview.

- 5.6 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 College. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.
- 5.7 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.
- 5.8 All references must be verified by phone to the referee on a landline phone number (where possible), confirming the name of the person with whom it was verified with, the name of the verifier, date and time of verification. This must always be recorded on the reference form.
- 5.9 All references received from a school must be countersigned by the Head of that school.

6. Disclosure and barring checks (previously called a criminal records check)

- 6.1 The College will adhere to its mandatory responsibility to secure a certificate from DBS for all new employees before their appointment. It is our policy that these checks will be renewed at least every three years. The College requires all new and existing staff who are undertaking a new DBS check to sign up to the DBS update service. <https://www.gov.uk/dbs-update-service>. The College will reimburse the cost of subscription.
- 6.2 A subscription to the Update Service lasts for one year. Subscription can be renewed through the Update Service, either: when first registering, by choosing automatic renewal up to 30 days before the current subscription ends – renewal is not allowed on the last day of the subscription.
- 6.3 If there are any concerns raised regarding an employee during this period, a new DBS check may be sought sooner.
- 6.4 It is the responsibility of the employee to alert their line manager if there are any changes with the status of their DBS.
- 6.5 An enhanced check certificate, which includes barred list information, will be required for those engaging in “regulated activity”. The barred list check must be carried out using the correct category (children).
- 6.6 This covers the majority of employees, as outlined in the following definition of “regulated activity”.
 - 6.6.1 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:
 - 6.6.1.1 frequently, meaning once a week or more; or
 - 6.6.1.2 overnight, meaning between 2.00 am and 6.00 am; or
 - 6.6.1.3 satisfies the ‘period condition’, meaning four times or more in a 30 day period; and
 - 6.6.1.4 provides the opportunity for contact with children.

- 6.7 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.
- 6.8 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’. Limited exceptions could include an administrative post undertaken on a temporary basis in a College office outside of term time or voluntary posts which are supervised.
- 6.8.1 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 provided to the College in person within two weeks of it being received by the applicant and, in any case, before the employee starts work. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the College should be arranged with the HR Department as soon as it has been received. Applicants who are unable to visit the College to provide the certificate are required to send a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to the HR Department. Where a certified copy is sent, the original disclosure certificate must still be provided prior to the first day of work or on the first working day.
- 6.8.2 Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the College.
- 6.8.3 On receipt of the criminal record check, HR will record the outcome; state if there has been any name change; record who has seen the original certificate and if there was any risk assessment required. This document will be held on every file.
- 6.8.4 If the applicant is on the update service, then the original certificate must be seen and documented. This must include but not be limited to: name of applicant; name of person completing the check; date criminal check was completed; issue date; details of disclosures that are present; type of criminal check (i.e. standard, enhanced) and the workforce this was checked against (i.e. Child, Child & Adult and the College cannot accept Adult only checks), all of which should be documented in the employee’s personal file and in the Single Central Register.
- 6.8.5 Starting work pending receipt of the DBS disclosure. If there is a delay in receiving a DBS disclosure, in exceptional circumstances the Master 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) and two satisfactory references have been completed and once appropriate supervision has been put in place. A risk assessment must be completed and signed off by the Director of HR, Director of Safeguarding, Line Manager and Master/Second Master to ensure that all precautions are taken during this period and the member of staff must be accompanied by a DBS checked member of staff at all times.
- 6.8.6 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’
- 6.8.6.1 <https://www.gov.uk/government/publications/dbs-unusual-addresses-guidance/dbs-unusual-addresses-guide> in such circumstances.
- 6.8.7 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 six months or more in the previous five years. It is the applicant's responsibility to provide this.

- 6.8.8 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 home office has published guidance on criminal record checks for overseas applicants. Information on who to contact and how to contact them for every country can be found here:
 - 6.8.8.1 <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
 - 6.8.9 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.
 - 6.8.10 Where an applicant has taught overseas, it is the applicant's responsibility to provide a letter from the professional regulating authority in the country (or countries) in which the applicant has worked or lived, confirming that they have not imposed any sanctions or restrictions, and/or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body. Applicants must be able to demonstrate all their efforts to obtain this evidence and share this with the College in the event that the letter above is not provided. If appropriate evidence of attempts to obtain this document are provided, this should be considered along with all other evidence and would not necessarily prevent the individual being appointed.
 - 6.8.11 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. On occasions where it is not possible to obtain an overseas check, the College must verify the reasons why and record the evidence in the applicant's file; for example, if they spent less than 12 months in the country and they are required to be there for 12 months to complete an overseas check. In these circumstances, a risk assessment must be completed and saved in the employee file.
 - 6.8.12 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.
 - 6.8.13 Sanctions and restrictions issued by the regulating authority in another country will not automatically prevent a person from working 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.
- 6.9 Applicants with refugee status
- 6.9.1 For applicants with refugee status, attempts should be made to contact the relevant Police force to confirm that gaining a Police check from the country is not possible. This must be then saved in the personnel file. If no overseas police check is available, then additional references should be sought above and beyond the required two. The Master, along with the line manager, should be given sight of the complete file of pre-employment checks. If they are satisfied there is no risk to recruiting the applicant, then

the file should be signed off and the College can proceed to hire the applicant. If the College is unable to seek and verify references, the appointment will not be confirmed.

7. Prohibition from teaching check

- 7.1 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 <https://teacherservices.education.gov.uk/> 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.
- 7.2 In addition, the College 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.
- 7.3 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.
- 7.4 The College carries out this check, and requires associated information, for roles which involve 'teaching work'. In doing so, 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":
 - 7.4.1 planning and preparing lessons and courses for pupils;
 - 7.4.2 delivering lessons to pupils;
 - 7.4.3 assessing the development, progress and attainment of pupils; and
 - 7.4.4 reporting on the development, progress and attainment of pupils.
- 7.5 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 sports coaches.

8. Prohibition from management check

- 8.1 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 school (**Section 128 Direction**).
- 8.2 The College will carry out checks for Section 128 Directions when appointing applicants into management positions for both internal and external applicants.
- 8.3 This check applies to appointments to the following positions made on or after 12 August 2015:
 - 8.3.1 Head;
 - 8.3.2 teaching posts on the senior management team;
 - 8.3.3 teaching posts which carry a departmental head role;
 - 8.3.4 support staff posts on the senior management team;

- 8.3.5 appointments to the governing body.
- 8.4 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 Teacher Services system. The College will use either, or both, methods to obtain this information.
- 8.5 In addition, the College asks all shortlisted applicants 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.
- 8.6 It is the College's position that in order to assess fully 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 College will consider whether the facts of the case render the applicant unsuitable to work at the College.

9. Medical fitness

- 9.1 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.
- 9.2 It is the College's practice that all applicants to whom an offer of employment is made must complete either a Medical Health Questionnaire, or will be required to ask their GP to sign a Fitness to Work Declaration. For those appointed to a teaching post/role, the College will arrange for the information contained in the Health Questionnaire to be reviewed by the College's Occupational Health provider. This 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 College etc. If the College's Occupational Health provider 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.
- 9.3 The College is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence, considering reasonable adjustments and suitable alternative employment.

10. File sign off

- 10.1 Once all pre-employment checks have been completed and before the individual starts work, the HR department will sign the Employee file to confirm that they are approved to start. The HR Department will inform the hiring manager that the individual may start. If anything is disclosed, a risk assessment must be completed by the recruiting manager and the Director of Safeguarding to determine whether to appoint or withdraw the offer.

11. Other checks that may be necessary for staff, volunteers and others

- 11.1 Checks for contractors, supply staff, agency workers and the self-employed. People can work for the College under other arrangements; however, there is a duty to ensure that these individuals are suitable to work within a school environment. In particular, the requirement in KCSIE (2022) regarding rechecking to be completed if an individual has had a break of more than 12 weeks is particularly relevant here.

11.2 If individuals are not applying for a direct position with the College, they may be engaged in one of the following ways:

11.2.1 Supply staff: The College defines Supply staff as persons supplied to the College by a business, on a long-term basis as a de-facto member of staff. Supply staff can perform any function, for any department, not just teaching. The checks above apply to Supply staff as they would for direct employees. The supply company is required to provide the College with written confirmation that the checks have been completed before an individual is allowed to start work. The College will also need to see the original DBS certificate and photo ID on arrival.

11.2.2 Agency staff: The College defines Agency staff as persons supplied by a temping agency, on a short-term basis (30 days or less) as a de-facto member of staff. Agency staff can perform any function, for any department. The checks above apply to Agency staff as they would for direct employees. The agency is required to provide the College with written confirmation that the checks have been completed before an individual is allowed to start work. The College will also need to see the original DBS certificate and photo ID on arrival.

11.2.3 Self-employed contractor: The College defines a self-employed contractor as an individual who works for themselves whether through a personal services company (or otherwise) and is engaged under a contract to supply a service. The service they provide includes no element of instruction or guidance to pupils. They are required to undergo an enhanced DBS check (including a barred list check if the activity is regulated) and bring the original DBS certificate and their photo ID on arrival.

11.2.4 Contractors: A contractor is a person or company engaged under a contract to supply services. The service they provide includes no element of instruction or guidance to pupils. As contractors may, at times, be unsupervised, they are required to undergo an enhanced DBS check (including a barred list check if the activity is regulated) and bring the original DBS certificate and their photo ID on arrival.

11.2.5 Occasional contractors: The College defines an occasional contractor as a person or company engaged under a contract to supply services. An occasional contractor will be working at the College for less than 3 days in a 30 day period and will not be working overnight. Occasional contractors are supervised at all times, therefore a risk assessment must be carried out by the College manager they are engaged by prior to the individual commencing work to decide if a DBS check is necessary.

11.2.6 Armed Forces: For anyone who has ever lived on a British Armed Forces base overseas an employment reference should be requested from the Armed Forces directly. It is unlikely an overseas criminal records check will be available in all cases. If the College has not been successful in obtaining the overseas criminal record check, it is sufficient to get proof of employment of the individual, along with an employment reference from the Armed Forces. If the applicant was the spouse in these situations living at the base, it is necessary to see proof of the marriage certificate, and if the spouse worked outside the base it is required to gain an employment reference from that employer.

11.3 Internal applicants

11.3.1 All internal applicants who apply for a new role at the College will have their application assessed in accordance with this procedure. References will be taken up on all internal applicants as part of the application process but can be provided by colleagues as the College will be the most recent employer. References must be obtained following a file audit to account for any changes in the policy or specific requirements for the role. Before confirming their start date their file must be audited and signed off by the

recruiting manager. This is an opportunity to correct any historical omissions and account for any changes in legislation.

11.4 Checks for volunteers

11.4.1 All Volunteers must complete a Volunteer Application Form.

11.4.2 The types of checks undertaken by the College for volunteers depends on whether the role they perform is considered to be 'regulated activity'. For clarity, the vast majority of our volunteering roles are engaged in 'regulated activity'. Where volunteers are not considered to be in 'regulated activity', this is likely to be because their duties are subject to regular, day-to-day supervision by a fully checked College employee or volunteer whom we have deemed appropriate to supervise and ensure the safety of those pupils in their care. Appendix 4 provides more information about Volunteers.

11.4.3 Volunteers undertaking 'regulated activity' - the College will undertake an enhanced DBS check including a Children's Barred List check.

11.4.4 Volunteers not involved in 'regulated activity' – the College will undertake an enhanced DBS disclosure without barred list information.

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

11.4.6 All volunteers will also be subject to a check of their identification, and the College reserves the right to obtain such further suitability information about a volunteer as they consider appropriate in the circumstances. This may include, but is not limited to, the following:

11.4.6.1 formal or informal information provided by employers, parents, and other volunteers;

11.4.6.2 character references from the volunteer's place of work or any other relevant source; and

11.4.6.3 an informal 'safer recruitment' interview.

11.4.7 The College will endeavour to instigate a new DBS check each time a person volunteers if they haven't been involved in volunteering activities for three consecutive months or more. Therefore, if the person volunteers regularly, the College will request that they sign up to the DBS update service, so that criminal record checks can be performed as quickly as possible.

11.5 For those living in boarding houses

11.6 For all members of staff households who are aged 16 and over (not on the roll of, nor employed by, the school) and who live on the same premises as boarders, an Enhanced certificate with a check of the Children's Barred List is obtained from the Disclosure and Barring Service (DBS). For all other persons aged 16 and over, not on the roll of, nor employed by the school, who live on the same premises as boarders, an Enhanced certificate with a check of the Children's Barred List is obtained.

11.7 There is a written agreement between the school and any person aged 16 and over not employed by the school but living in the same premises as children (for example, members of staff households). This specifies the terms of their accommodation, guidance and expectations on contact with pupils, their responsibilities to supervise their visitors, and notice that accommodation may cease to be provided if there is evidence that they are unsuitable to have regular contact with children. They are required to notify an unrelated designated senior member of staff if they are charged with, or convicted of, any offence.

- 11.7.1 All persons visiting boarding accommodation or staff accommodation (e.g. visitors, outside delivery and maintenance personnel) are kept under sufficient staff supervision to prevent them gaining unsupervised access to boarders or their accommodation. These persons will also be required to notify the HR Department if they are charged with or convicted of any offence.

12. Policy on recruitment of ex-offenders

- 12.1 The College will not unfairly discriminate against any applicant 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 in paragraph 12.5. All applicants should be signposted to obtain impartial advice from NACRO <https://www.nacro.org.uk/criminal-record-support-service/> or Unlock <https://unlock.org.uk/>¹ if they are unclear about what should or should not be declared on an application form.
- 12.2 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.
- 12.3 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.
- 12.4 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 we:
- 12.4.1 receive an application from a barred person;
 - 12.4.2 are provided with false information in, or in support of an applicant's application; or
 - 12.4.3 have serious concerns about an applicant's suitability to work with children.
- 12.5 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 undertake a DBS content risk assessment which will be stored on the HR file. This risk assessment will be carried out by the Director of Safeguarding in consultation with the line manager and Director of HR. The DBS content risk assessment will consider the following factors before reaching a recruitment decision:
- 12.5.1 whether the conviction or other matter revealed is relevant to the position in question;
 - 12.5.2 the seriousness of any offence or other matter revealed;
 - 12.5.3 the length of time since the offence or other matter occurred;
 - 12.5.4 whether the applicant has a pattern of offending behaviour or other relevant matters;
 - 12.5.5 whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and

¹ <https://unlock.org.uk/advice/do-i-need-to-disclose-my-criminal-record-online-tool/>

- 12.5.6 the circumstances surrounding the offence and the explanation(s) offered by the applicant.
- 12.6 If the post involves regular contact with children, it is the College's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:
- 12.6.1 murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- 12.6.2 serious class A drug-related offences, robbery, burglary, theft, deception or fraud.
- 12.6.3 12.7 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.
- 12.6.4 12.8 If the post involves some driving responsibilities, it is the College's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.
- 12.7 Assessment procedure

In the event that relevant information (whether in relation to previous conviction 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 Master and the Director of Safeguarding before an offer is confirmed.

12.7.1 Disputing information contained within a disclosure

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS directly. 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.

12.7.2 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.

13. Induction

- 13.1 An induction programme will be undertaken by all new colleagues and the hiring manager is responsible for arranging this. Certain elements of the induction will also be applicable to those who are changing roles within the College. The content and nature of the induction process will vary according to the role and previous experience of the new colleagues. As far as safeguarding the individual and promoting the welfare of children is concerned, all staff and Council members are required to undertake safeguarding training and attend a safeguarding induction which is in line with advice from SVPP (Safeguarding Vulnerable People Partnership) and covers the following:
- 13.1.1 Safeguarding and Child Protection Policy and procedures
- 13.1.2 KCSIE (2022) update
- 13.1.3 Child on child abuse
- 13.1.4 Whistleblowing policy

- 13.1.5 Behaviour Policy (pupils)
 - 13.1.6 Code of Conduct for staff
 - 13.1.7 Role and identities of the DSL and DDSL
 - 13.1.8 The College's response to children missing education
 - 13.1.9 Procedure to follow in case of an allegation being raised against an adult
- 13.2 Whistleblowing. All employees are trained so that they understand they are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of colleagues or other matters, during the course of their employment in accordance with the College's policies (including the Whistleblowing Policy and the Code of Conduct for Staff).

14. Disqualification from acting as a charity trustee or senior manager

14.1 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.

14.2 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 Chair and members of Council.

- 14.3 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 Marlborough College, the disqualification rules will be applicable to all Council members, the Master, Bursar and potentially other senior staff who report directly to the Council.

14.4 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.

- 14.5 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 member of Council or senior manager or the withdrawal of an offer of employment, and may also amount to a criminal offence.

- 14.6 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 member of Council or senior manager.

14.7 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 member of Council and senior manager who is already in post or is appointed in future:

- 14.7.1 the Bankruptcy and Insolvency Register;

14.7.2 the Register of disqualified directors maintained by Companies House; and

14.7.3 the Register of persons who have been removed as a charity trustee.

14.8 Waiver

A person who discloses that one or more of the disqualification criteria is/are 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 Council 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.

15. Visiting speakers and the Prevent Duty

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

15.2 The College 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 College or perform any other regular duties for or on behalf of the College.

15.3 All visiting speakers will be subject to the College's Visiting Speaker Protocol. This will include signing in and out at Reception, the wearing of a visitors badge (red lanyard) at all times and being escorted by a fully vetted member of staff between appointments.

15.4 The College 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 College. In doing, so the College will always have regard to the Visiting Speaker Protocol, the Prevent Duty Guidance and the definition of 'extremism' set out in KCSIE (2022) which states:

15.5 '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.'

15.6 The College is an equal opportunities employer and, in fulfilling its Prevent Duty obligations, the College does not discriminate on the grounds of age, gender, race, disability, religion or belief, gender reassignment, sexual orientation, marital or civil partnerships.

16. Referrals to the DBS and Teaching Regulation Agency

16.1 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 College also has a legal duty to make a referral to the DBS in circumstances where an individual:

16.1.1 has applied for a position at the College despite being barred from working with children; or

16.1.2 has been removed by the College 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.

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

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

Author:	Director of HR
Approved by:	Master
Date:	Summer 2022
Review Date:	Summer 2023
Circulation:	College Website, A-Z Policies, Firefly

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 HM Forces ID card (UK)
- fire arms licence (UK, Channel Islands and Isle of Man)

NOTE : All driving licences must be in date and care must be paid to check the home address is correct.

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 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:

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

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 a job applicant) if:

- (a) eleven years have elapsed since the date of the conviction;
- (b) it did not result in a custodial sentence; and
- (c) 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:

- (a) six years have elapsed since the date it was issued; and
- (b) 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:

- (c) five and a half years have elapsed since the date of the conviction;
- (d) it did not result in a custodial sentence; and
- (e) 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). <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

Appendix 3 Suitability to Work with Children: Self-Declaration Form



MARLBOROUGH COLLEGE

Shortlisted Applicants - Suitability to Work with Children: Self-Declaration Form

The College is legally required to carry out a number of pre-appointment checks which are detailed in the College's 'Recruitment, selection and disclosure policy and procedure'. This includes a requirement **under paragraph 198 of Keeping Children Safe in Education (September 2022)** to ask shortlisted applicants to provide certain information that is relevant to their suitability to work with children. As a shortlisted applicant you are required to complete this self-declaration form and to return it to the College prior to interview. Your interview will not take place if you have not completed, signed and returned this form.

It is a condition of your application that you answer all of the questions below. Any information you provide may be considered and discussed with you at interview.

Position applied for:

Section 1: Personal details

Title: Mr/Mrs/Miss/ Ms/Other	Forenames:	Surname:
------------------------------------	------------	----------

Section 2: Criminal records

Please be aware that the College applies for an Enhanced Disclosure from the Disclosure and Barring Service (DBS) for all positions at the College which amount to regulated activity with children. The role you have applied for meets the legal definition of regulated activity with children. If you are successful in your application you will be required to complete a DBS Disclosure Application Form. Employment with the College is conditional upon the College being satisfied with the result of the Enhanced DBS Disclosure. Any criminal records information that is disclosed to the College will be handled in accordance with any guidance and / or code of practice published by the DBS.

The College will also carry out a check of the Children's Barred List. Please be aware that it is unlawful for the College to employ anyone to work with children if they are barred from doing so, and it is a criminal offence for a person to apply to work with children if they are barred from doing so.

The role you have applied for is also exempt from the Rehabilitation of Offenders Act 1974 and the College is therefore permitted to ask you to declare all convictions and cautions (including those which would normally be considered "spent") in order to assess your suitability to work with children. **However, you do not have 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.**

Having a criminal record will not necessarily prevent you from taking up employment with the College. Instead, the College will assess each case on its merits and with reference to the College's objective assessment procedure set out in the College's 'Recruitment, selection and disclosure policy and procedure'. Which box below is yes, which no?

<p>Have you been prosecuted for, received a caution for, or been convicted of, any criminal offence whether in the United Kingdom or in another country? You must disclose all spent and unspent convictions. However, you are not required to disclose a spent caution or conviction for an offence committed in the United Kingdom which is protected under the DBS filtering rules.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Is there any relevant court action pending against you?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>If you have answered “Yes” to any of the questions in Section 2 please provide further details.</p>		

Section 3: Sanctions, restrictions and prohibitions		
<p>Are you barred from working with children?</p>	<p>Yes or no box? <input type="checkbox"/></p>	<input type="checkbox"/>
<p>Are you prohibited from teaching?</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Are you, or have you ever been the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency, any predecessor or equivalent body in England or a regulator of the teaching profession in any other country?</p>	<input type="checkbox"/>	<input type="checkbox"/>

Have you ever been the subject of a referral to the Teaching Regulation Agency, any predecessor or equivalent body in England or a regulator of the teaching profession in any other county?	<input type="checkbox"/>	<input type="checkbox"/>
Have you ever attended a hearing before a professional conduct panel where consideration was given to imposing on you a sanction, prohibition or restriction which would restrict or prevent you from carrying out teaching work, whether in England or any other country?	<input type="checkbox"/>	<input type="checkbox"/>
Are you or have you ever been the subject of a direction under Section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts you from being involved in the management of an independent school? (Section 128 Direction)?	<input type="checkbox"/>	<input type="checkbox"/>
Have you ever been the subject of a referral to the Department for Education, or any predecessor body, so that consideration could be given to imposing a Section 128 Direction on you?	<input type="checkbox"/>	<input type="checkbox"/>
Have you ever been the subject of a direction under section 142 of the Education Act 2002 which prohibits you from teaching, working regularly with children or from being involved in the management of an independent school ?	<input type="checkbox"/>	<input type="checkbox"/>
Are you known to the police and / or children's social care?	<input type="checkbox"/>	<input type="checkbox"/>
Are you or have you ever been disqualified from providing childcare?	<input type="checkbox"/>	<input type="checkbox"/>
If you have answered "Yes" to any of the questions in Section 3 please provide further details		

Section 4: Declaration

- I confirm that the information I have given on this form is correct to the best of my knowledge.
- I understand that providing false information could result in my application being rejected or (if the false information comes to light after my appointment) summary dismissal and may amount to a criminal offence.

Signed:

.....

Date:

.....

Where this form is submitted electronically and without signature, electronic receipt of this form by the College will be deemed equivalent to submission of a signed version and will constitute confirmation of the declaration in Section 4. You will also be asked to physically sign a hard copy of this declaration at the point of interview.

Appendix 4 Guidance for Using Volunteers



MARLBOROUGH COLLEGE

Marlborough College Guidance for Using Volunteers

1. Recruitment and selection of Volunteers

All prospective volunteers will follow the below process:

- Complete a Volunteer Application Form.
- Provide details of two referees (referees should not be relatives and one must be external to the College).
- Complete a DBS check if necessary (see paragraph 2) or a risk assessment where a DBS check is not required.
- The manager of the volunteer will complete an assessment.
- The volunteer will sign a Volunteer Agreement and Code of Conduct.
- Once the references and DBS are in place the volunteer will be issued with a volunteer ID and lanyard and can start volunteering with/at? Marlborough College.

2. Volunteers and DBS Checks

Some volunteers will require a DBS Disclosure because of the frequency of their volunteering activity and the contact they have with pupils. Some volunteers do not require a DBS check, for example if they are accompanying a College trip out for the day, or attending a College event. Volunteers without a DBS check **must not** be left unsupervised with pupils.

An enhanced DBS check will **only** be required for volunteers in the following circumstances:

- The volunteer is in the College regularly, which is defined as once a week or more, 4 or more times in a 30 day period, or overnight.
- The volunteer is unsupervised.

3. Training, induction and support of volunteers

Volunteers in College should be given training appropriate to their role and should be assigned a nominated member of staff for their task. The College is committed to treating volunteers fairly under their Equal Opportunities Policy.

4. Management of Volunteers

All volunteers should:

- Have clear guidelines on what activities they are expected to undertake and the manner in which they should be undertaken.

- Be provided with appropriate and sufficient training in undertaking the relevant activities.
- Be provided with relevant equipment or materials.
- Be provided with relevant health and safety advice and equipment as necessary.
- Be made aware of relevant policies and procedures, particularly those relating to safeguarding and child protection.
- Be given clear guidelines about confidentiality.

5. Health and Safety

Volunteers should disclose any information which relates to their own health and safety and must take reasonable care of their own health and safety and that of others. The Manager/Supervisor of the volunteer must ensure that volunteers do not undertake any activities which present a risk to their health or to others.

6. Grievances and complaints

Any problems arising from either side should be resolved through informal discussion. If the issues prove to be irreconcilable, either side has the option to terminate the agreement.

If the conduct or performance of a volunteer falls below that required, they may no longer be offered duties and in some circumstances may need to be referred to the Disclosure and Barring Service.

7. Roles and expectations

It is important to set clear guidelines and expectations in order that the needs of the volunteer and the College may be met. Volunteers can expect:

- A supportive, welcoming and positive environment that encourages them to get the most out of volunteering.
- Relevant and up-to-date information and advice.
- To be given copies of policies on child protection and safeguarding children, health and safety and equality. (do you want to list the actual names of policies here?)

In return the College should ask volunteers:

- To be a positive representative of the College.
- To adhere to their task, responsibilities and commitment as agreed.
- To follow any procedures and standards explained by their Manager/supervisor including those relating to safeguarding, health and safety and diversity.

8. Further Guidance

Any further queries relating to volunteers, please contact the HR Department.

Enclosures:

1. Application Form.
2. DBS ID Guidance.
3. Manager/Supervisor Volunteer Assessment.
4. HR Volunteer Appointment Checklist.
5. Volunteer Agreement.



MARLBOROUGH COLLEGE

VOLUNTEER APPOINTMENT CHECKLIST

Role :..... Appointee :.....Start Date:

APPOINTMENT PROCESS		
PRE-VOLUNTEER INTERVIEW	Initials	Date
Application Form - Criminal Records Declaration checked, any discrepancies checked.		
References - Checked against information on application form.		
Complete Volunteer Assessment - Confirm volunteer's suitability for working with children.		
CONDITIONAL OFFER MADE		
Barred List check (if required).		
Reference one applied for.		
Reference two applied for.		
Reference one received and verified.		
Reference two received and verified.		
Proof of identity.		
Check Prohibition Order (Volunteer Teachers only).		
Risk Assessment completed (if required).		
ON APPOINTMENT		
Complete DBS online.		
Send New Volunteer Pack to appointee (Agreement, Code of Conduct, Keeping Children Safe in Education Document).		
Single Central Record spread sheet updated.		
Inform Safeguarding Officer of new volunteer.		
Issue Induction Pack to LM?, add date to outlook and email LM?.		
Issue ID Badge (with volunteer lanyard).		

CONFIRMATION OF NEW VOLUNTEER _____

* I confirm that the following documentation is still required prior to the new volunteer's start date:

OUTSTANDING DOCUMENTS	STATUS

Signed by HR Officer: _____

Authority to commence volunteering on: _____ Signed by Department Head: _____