

# Recruitment, selection and disclosure policy and procedure (incl. recruitment of ex-offenders)

## 1 Introduction

Engaging Potential 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. Engaging Potential is also committed to providing a supportive and flexible working environment to all its members of staff. Engaging Potential 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 Engaging Potential'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, gender reassignment, disability or age
- to ensure compliance with all relevant legislation, recommendations and guidance including the Education (Independent School Standards) Regulations 2014 (**ISSRs**), the statutory guidance published by the Department for Education (**DfE**), *Keeping children safe in education (2024)* (**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 Engaging Potential 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.

## 2 Advertising

When advertising roles, we will make clear:

Our school's commitment to safeguarding and promoting the welfare of children

That safeguarding checks will be undertaken

The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children

Whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are 'protected', so they do not need to be disclosed, and if they are disclosed, we cannot take them into account

## 3 Application Form

Our application forms:

Include a statement saying that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity)

Include a link to, our child protection and safeguarding policy and our policy on the employment of ex-offenders

## 4 Data protection

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

## 5 Shortlisting 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.

Engaging Potential may carry out an online search on shortlisted candidates as part of our due diligence. This process, formally integrated into our safeguarding protocol, aims to identify any publicly accessible information or incidents that could impact a candidate's suitability for a position working with children. Candidates will be informed of these checks at the time of shortlisting.

Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, person specifications, this policy and the school's child protection policy are available to download from our website. Printed copies can be forwarded to applicants on request.

Engaging Potential will then conduct a shortlisting exercise by reviewing all application forms received in order to determine which applicants will be invited for interview. The shortlisting exercise will usually be conducted by at least two members of staff, who will also be involved in the interview process.

Shortlisted applicants will be invited to attend a formal interview at which their skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children. All applicants will be required to complete an in-tray exercise and/or planning exercise depending on the vacancy applied for.

All shortlisted applicants will be required to complete a self-declaration form prior to interview in which they will be asked to provide information about their criminal records history and other factors relevant to their suitability to work with children. This information will be considered and discussed with applicants at interview.

## 6 Seeking references and checking employment history

We will obtain references before interview. Any concerns raised will be explored further with referees and taken up with the candidate at interview.

When seeking references, we will:

- Not accept open references

- Liaise directly with referees and verify any information contained within references with the referees.

- Ensure any references are from the candidate's current employer and completed by a senior person.

- Where the referee is school based, we will ask for the reference to be confirmed by the head/principal as accurate in respect to disciplinary investigations.

- Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed.

- Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children.

- Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate.

- Resolve any concerns before any appointment is confirmed .

## 7 Interview and Selection

When interviewing candidates, we will:

- Probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this

- Explore any potential areas of concern to determine the candidate's suitability to work with children

- Record all information considered and decisions made

### **Verify identity, address, right to work in the UK and qualifications**

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

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

Identity and address: all applicants must bring with them to interview, original documents which evidence their identity and address as set out below and in the list of valid identity documents at Appendix 3 (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

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. They will also be required to provide their birth certificate.

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

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

Engaging Potential will check this evidence in accordance with the Home Office 'Code of Practice on preventing illegal working: Civil penalty scheme for employers: 1 July 2021' (Code of practice on preventing illegal working ([publishing.service.gov.uk](https://publishing.service.gov.uk))).

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

## 8 Employment Checks

We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

### New staff

All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks. When appointing new staff, we will:

Verify their identity (if not already done at Interview)

Obtain (via the applicant) an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken

Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available

Verify their mental and physical fitness to carry out their work responsibilities

Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards

Verify their professional qualifications, as appropriate (if not already done)

Ensure they are not subject to a prohibition order if they are employed to be a teacher

Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. These could include, where available:

- For all staff, including teaching positions: [criminal records checks for overseas applicants](#)
- For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach

Check candidates taking up a management position\* are not subject to a prohibition from management (section 128) direction made by the secretary of state

\* Management positions are most likely to include, but are not limited to, heads, principals and deputy/assistant heads.

### **Regulated activity**

This refers to a person who will be:

Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or

Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or

Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not

### **Existing staff**

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

There are concerns about an existing member of staff's suitability to work with children; or

An individual moves from a post that is not regulated activity to one that is; or

There has been a break in service of 12 weeks or more

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

We believe the individual has engaged in [relevant conduct](#); or

We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#); or

We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and

The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

### **Agency and third-party staff**

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

### **Contractors**

We will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

An enhanced DBS check with barred list information for contractors engaging in regulated activity

An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children

We will obtain the DBS check for self-employed contractors.

We will not keep copies of such checks for longer than 6 months.

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

We will check the identity of all contractors and their staff on arrival at the school.

### **Trainee/student teachers**

Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

## **Volunteers**

All volunteers will be subject to a risk assessment, documented and retained, to determine their level of engagement and required safeguarding checks. For volunteers not engaging in regulated activities, risk assessments will be thorough, ensuring that safeguarding standards are met for any level of interaction with students.

## **Staff working in alternative provision settings**

Where we place a pupil with an alternative provision provider, we obtain written confirmation from the provider that they have carried out the appropriate safeguarding checks on individuals working there that we would otherwise perform.

## **Adults who supervise pupils on work experience**

When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.

We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

## **9 Offer of Employment**

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 Engaging Potential'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 Engaging Potential 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

In fulfilling its obligations, Engaging Potential 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, gender reassignment, disability or age.

## **10 Visiting speakers and the Prevent Duty**

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

Engaging Potential 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 Engaging Potential.

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

Engaging Potential 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 Engaging Potential. In doing so Engaging Potential will always have regard to 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 Engaging Potential 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, gender reassignment, disability or age.

## **11 Policy on recruitment of ex-offenders**

Engaging Potential will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. Engaging Potential 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 Engaging Potential. 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 Engaging Potential 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 Engaging Potential 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 Engaging Potential. Engaging Potential will make a report to the police and / or the DBS if:

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

### **Assessment criteria**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, Engaging Potential 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 Engaging Potential's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of 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 Engaging Potential'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 Engaging Potential's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

### **Assessment procedure**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, Engaging Potential will carry out a risk assessment by reference to the criteria set out above. The assessment form must

be signed by the Student Welfare and Office Manager and the Head of Engaging Potential 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, Engaging Potential may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

### **Retention and security of disclosure information**

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

## **12 Whistleblowing**

All staff are expected and encouraged to raise concerns they have, whether related to the safeguarding and welfare of pupils, the conduct of staff or other matters, during the course of their employment in accordance with Engaging Potential's policies (including the Whistleblowing Policy, the Safeguarding Policy and the Staff Code of Conduct). All staff receive training so that they understand Engaging Potential's expectations. Safeguarding children is at the centre of the Engaging Potential's culture and is accordingly considered formally during staff performance development reviews and manager appraisal.

## **13 Queries**

If an applicant has any queries on how to apply for a post at Engaging Potential they should contact the Administrator or Student Welfare and Office Manager.

## **14 Safer Recruitment Accountability**

Engaging Potential's safer recruitment practices will be regularly reviewed to ensure compliance with the most recent KCSIE guidance and related legislation. Updates will be integrated immediately to reflect new standards or requirements, maintaining our commitment to a safe educational environment.

## **15 Appendix 1 - Referrals to the DBS and Teaching Regulation Agency**

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

an individual has applied for a position at Engaging Potential despite being barred from working with children; and / or

an individual has been removed by Engaging Potential 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.

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

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

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

Engaging Potential's legal duty also includes making prompt disclosures to the DBS or Teaching Regulation Agency whenever any conduct poses a risk to children. Disclosures will be made immediately upon identifying such conduct to ensure swift regulatory notification and maintain a safe environment for students

## **16 Appendix 2 – Additional Information about Checks**

### **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.



## 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 School 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 the job applicant) if:

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

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

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

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

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

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

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

### The DBS disclosure certificate

The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to Engaging Potential. It is a condition of employment with Engaging Potential that the original disclosure certificate is provided to Engaging Potential within two weeks of it being received by the applicant. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into Engaging Potential should be arranged with Hannah Hayes as soon as it has been received. Applicants who are unable to attend at Engaging Potential to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received. Certified copies must be sent to Hannah Hayes. Where a certified copy is sent, the original disclosure certificate must still be provided prior to the first day of work / on the first working day.

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

### Starting work pending receipt of the DBS disclosure

If there is a delay in receiving a DBS disclosure the Head has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear



check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place.

### **Applicants with periods of overseas residence**

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

For applicants who are living overseas, or who have lived overseas previously, obtaining a DBS certificate may be insufficient to establish their suitability to work at Engaging Potential. 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 School's policy is to request such information from each overseas country in which the applicant has lived for a period of three months or more in the previous five years.

When requesting such information Engaging Potential 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.

Engaging Potential 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 Engaging Potential will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country.

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

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

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

If no information is available from a particular country Engaging Potential may allow an applicant to commence work if they are considered suitable based on all of the information that has been obtained during the recruitment process.

Engaging Potential will take proportionate risk based decisions on a person's suitability in these circumstances. All suitability assessments must be documented and retained on file

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

### **Prohibition from teaching check**

Engaging Potential is required to check whether staff who carry out "teaching work" are prohibited from doing so. Engaging Potential 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 Engaging Potential asks all shortlisted applicants to declare whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or other equivalent body in the UK.

Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the Teaching Regulation Agency (or other equivalent body), whether or not that resulted in the

imposition of a sanction, or where a sanction has lapsed or been lifted, Engaging Potential will consider whether the facts of the case render the applicant unsuitable to work at Engaging Potential.

Engaging Potential applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012, which state that the following activities amount to "teaching work":

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

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the 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.

### **Prohibition from management check**

Engaging Potential 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**).

Engaging Potential will carry out checks for section 128 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:

- Head
- teaching posts on the senior leadership team
- teaching posts which carry a departmental head role; and
- support staff posts on the senior leadership team

Engaging Potential will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support staff roles which carry additional responsibilities.

All individuals who are appointed to the governing body will be subject to a section 128 direction check.

The relevant information is contained in the enhanced DBS disclosure certificate (which Engaging Potential 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. Engaging Potential will use either, or both, methods to obtain this information.

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

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

## **17 Appendix 3 – List of Acceptable Documents**

### Group 1: primary identity documents

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

### Group 2a: trusted government documents

current driving licence: photocard - full or provisional (all countries outside the UK excluding Isle of Man and Channel Islands)

current driving licence: paper version if issued before 1998 - full or provisional (UK / Isle of Man and Channel Islands)

birth certificate - issued after time of birth (UK, Isle of Man and Channel Islands)

marriage / civil partnership certificate (UK and Channel Islands)

immigration document, visa or work permit (issued by a country outside the UK. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non-UK country in which the role is based)

HM Forces ID card (UK)

fire arms licence (UK, Channel Islands and Isle of Man)

### Group 2b: Financial and social history documents

mortgage statement (UK)\*\*

bank / building society statement (UK and Channel Islands)\*

bank / building society statement (countries outside the UK)\*

bank / building society account opening confirmation letter (UK)\*

credit card statement (UK)\*

financial statement - e.g. pension or endowment (UK)\*\*

P45 / P60 statement (UK and Channel Islands)\*\*

council tax statement (UK and Channel Islands)\*\*

letter of sponsorship from future employment provider (non UK only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)

utility bill (UK; not mobile telephone bill)\*

benefit statement - e.g. child benefit, pension (UK)\*

a document from central or local government/ government agency / local council giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs (UK and Channel Islands)\*

EEA national ID card (must be valid at time of application)

Irish passport card (cannot be used with an Irish passport; must be valid at time of application)

cards carrying the PASS accreditation logo (UK, Isle of Man and Channel Islands; must be valid at time of application)

letter from Head or College Principal (UK; for 16-19 year olds in full-time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application).

### Note

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

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

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

Version	Date	Description	Initials
1	July 2022	Replaces Recruitment Policy	HH & TW
2	January 2024	Review and updated	TW

3	Nov 2024	Updated with KCSIE 24	TW
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