

Company Name:	Jackson Hayes Recruitment
Policy Name:	Safer Recruitment policy
Date:	1 November 2024

Mission

Our mission is twofold; to shape a brighter future through education by connecting schools - across the UK and international schools globally - with exceptional educators worldwide, and by inspiring people of all ages to become agents of positive change.

Introduction

Jackson Hayes is committed to safeguarding and promoting the welfare of young people. It is of fundamental importance therefore to attract, recruit and retain staff of the highest caliber and moral standards who share this commitment.

The aim of Jackson Hayes Recruitment's Safer Recruitment Policy is to ensure:

- the best staff are recruited based on their skills, experience, abilities and suitability for the position
- all job applicants are considered equally and consistently
- 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
- compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSIE), the Prevent Duty Guidance for England and Wales (The Prevent Duty Guidance), and any guidance or code published by the Disclosure and Barring Service (DBS)
- Jackson Hayes Recruitment meets its commitment to safeguarding and promoting the welfare of children and young people by completing all the necessary pre-employment checks. Staff involved in the recruitment and employment process receive appropriate safer recruitment training and are responsible for familiarising themselves and complying with the provisions of this policy. The HR Director is available to provide advice relating to this policy at hr@jacksonhayes.co.uk.

1. Data Protection

Jackson Hayes Recruitment is legally required to carry out the pre-employment checks detailed in this procedure. Staff, prospective staff and candidates will be required to provide certain information to Jackson Hayes Recruitment will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency, both in the UK and the equivalents abroad for teachers who have worked abroad and foreign nationals (Letter of Professional Standing) and also TrustID, a third party company who verifies identification for Jackson Hayes Recruitment. Failure to provide requested information may result in Jackson Hayes Recruitment not

being able to meet its employment, safeguarding and/or legal obligations. Jackson Hayes Recruitment will process personal information in accordance with its Privacy Statement, School's Data Protection Policy and Data Protection Regulations.

2. Advertising

All internal positions will be advertised on the company website. All candidate roles are advertised on the company website and on various job boards that the company uses. All advertisements include a statement of Jackson Hayes Recruitment's commitment to the safeguarding of children, Equal Opportunities and Disclosure and Barring Service clearance requirements. The following information is available from Jackson Hayes Recruitment's website:

- Further details outlining the core competencies and key responsibilities of the post
- Person specification detailing skills, experience, qualifications, relevant knowledge and suitability to work with children
- Safeguarding and Safer Recruitment Policies
- A statement of Jackson Hayes Recruitment's commitment to safeguarding and promoting the welfare of children and completion of all safeguarding checks prior to appointment.

3. Application and Selection Process

Jackson Hayes Recruitment creates a culture that safeguards and promotes the welfare of children and as part of this culture, adopts robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities.

All external applicants are required to complete Jackson Hayes Recruitment's online application form containing questions about their academic and employment history and their suitability for the role. The application form requires the applicant to account for any gaps or discrepancies in employment history. Incomplete applications will not be considered and a candidate is not considered registered with Jackson Hayes Recruitment until their application form is complete. The full application includes a declaration regarding convictions and working with children. Relevant documents or curriculum vitae may be attached to support their application. A curriculum vitae will not be accepted in place of a completed application form.

For internal roles within Jackson Hayes Recruitment such as the role of Education Consultant or Compliance Officer, the HR team will shortlist candidates against job criteria in order to determine which applicants will be invited for interview. There will be at least two interviews. Any applications received after the closing date may not be included for shortlisting unless extenuating circumstances apply.

References are requested for shortlisted applicants prior to the final interview to allow any concerns to be discussed with the candidate at final interview.

All shortlisted applicants will be required to complete a 'suitability to work with children self declaration form' prior to interview in which they will be asked to provide information about their criminal records history, both in the UK and overseas (where relevant), and other factors relevant to

their suitability to work with children. This information will be considered and discussed with applicants by the HR team.

The interview panel has access to each candidate's application form, supporting documentation and references. Panel members are responsible for assessing the applicant's qualifications, relevant experience and references against the interview grid, core competencies and person specification set out in the job description. Appropriate comments on reasons for selection or otherwise will be recorded on the grid so that the relevant information is available should the applicant request feedback. All shortlisting and interviews will include a panel of at least two members of staff as follows:

- 1st interview: HR team / member of the team
- final interview: Co-founders / CEO / Director

This will ensure that a fair and open shortlisting and interview process takes place and that complaints of discrimination are minimised. At least one panel member at each stage will have completed their online Safer Recruitment Training.

4. Interviews

Shortlisted applicants will be invited to attend an interview, which will be conducted by a panel of two interviewers face-to-face or online (zoom).

In addition to the standard interview arrangements such as time and place, directions to the venue or link to zoom (if applicable), the invitation to interview explains to the candidates how the interview will be conducted.

Candidates are asked to bring to interview documentation that verifies their identity for the purposes of the DBS, such as passport, driving license and utility bill (to prove current address), their right to work in the UK and supporting qualifications as detailed on their application form. For interviews that take place online, interview candidates are asked to verify their identity by showing official identification on screen during the interview. The successful candidate will then be asked to attend the agency to present their original documents, including Right to Work.

The interview will assess the merits of each candidate against the job requirements and will explore their suitability to work with children. Staff members involved in the interview process will meet before the interview to familiarise themselves with the interview grid criteria.

In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel will also explore:

- Safeguarding questions - this is on the interview grid;
- gaps in the candidate's employment history;
- concerns or discrepancies arising from the information provided by the candidate and/or a referee;
- whether the candidate wishes to declare anything in light of the requirement for a DBS check.

If for any reason references cannot be obtained before the final interview, the candidate should also be asked at the interview if there is anything they wish to declare or discuss in light of the questions that will be put to their referees. References are obtained and scrutinised before the appointment is confirmed and before they start work.

In accordance with the Equal Opportunities Policy, any disabled person who applies for a position and meets the essential minimum criteria for the post will automatically be given an interview.

5. Employment References

References will be taken up in writing, in a timely manner, by the HR team on shortlisted candidates prior to final interview wherever possible and appropriate. References must be personal and confidential between the previous employers and the agency: "To whom it may concern" letters will not be accepted.

Jackson Hayes Recruitment treats all references given or received as confidential which means that the applicant will not be provided with a copy.

The purpose of seeking references is to obtain objective and factual information to support appointment decisions and the use of a reference pro forma will help to achieve this. No questions will be asked about health or medical fitness prior to any offer of employment being made. All referees will be provided with a job description for which the applicant has applied and the pro-forma asks whether they believe the applicant is suitable for the job for which they have applied; whether they have any reason to believe that the applicant is unsuitable to work with children and whether the applicant has been the subject of disciplinary procedures including involving issues related to the safety and welfare of children or young people or behaviour towards children and young people.

Where telephone references are requested, the HR team will read out the questions on the pro-forma and complete it.

A minimum of two references will always be sought which must cover recent work history. If the applicant is not currently working with children but has done so in the past, their previous employer whilst working with children should be contacted for a reference.

References are always sought and obtained directly from the referee. Jackson Hayes Recruitment will not rely on references or testimonials provided by the candidate, or open references, i.e. 'To Whom It May Concern'.

References are sought on all shortlisted candidates and aim to be obtained before the final interview. In exceptional circumstances it might not be possible to obtain references prior to interview, either because of delay on the part of the referee, or because a candidate strongly objects to the current employer being approached at that stage. Jackson Hayes Recruitment HR Director should decide whether to accede to a candidate's request to delay contacting the referee until after the interview.

Where references have not been received in good time before appointment, the references will be

followed up and alternative referees approached, including a character reference.

Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago, or where an allegation was determined unfounded and no further issues have been raised are less likely to cause concern than more serious or recent events. A history of repeated concerns or allegations over time is likely to give cause for concern.

6. Conditional Offer of Employment and Pre-employment Checks

If Jackson Hayes Recruitment decides to make an offer of employment following the formal interview, any such offer will be conditional on the satisfactory completion of mandatory pre-employment checks as follows:

- verification of the applicant's identity against official documents (See Appendix 1); • where an applicant claims to have legally changed his/her name eg. marriage, adoption, or statutory declaration), they will be required to provide documentary evidence of the change
- the receipt of at least two satisfactory references;
- verification of the candidate's eligibility to work in the UK ;
- obtaining a certificate for an enhanced DBS check which will include barred list information, for those who will be engaging in regulated activity /obtaining a separate barred list check if an individual will start work in a regulated activity before the DBS check is available (but after applying for the check);
- if the person has lived or worked outside the UK, make any further checks Jackson Hayes Recruitment considers appropriate (e.g. *casier judiciaire* for French nationals);
- verification of the candidate's medical fitness;
- verification of qualifications;
- verification of professional status where required e.g.: QTS status, *titularisation (FR)*, etc;
- verification that a candidate to be employed as a teacher is not the subject of a prohibition order;
- A signed contract of employment
- A letter (via the applicant) from the professional regulating authority in the country or countries in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and /or that they are aware of any reasons why they may be unsuitable to teach or work with children.
- Online searches, in accordance with KCSIE
- Any further checks which Jackson Hayes Recruitment decides are necessary

In accordance with the recommendations set out in KCSIE, Jackson Hayes Recruitment carries out a number of pre-employment checks in respect of all prospective employees and volunteers (where applicable). Jackson Hayes Recruitment 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 Jackson Hayes Recruitment. This may include online searches of the applicant. In fulfilling its obligations to carry out pre-employment checks Jackson Hayes

Recruitment does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sexual orientation, marital or civil partner status, gender reassignment, disability or age

All checks are retained and recorded on the HR file (subject to certain restrictions on the retention of information imposed by DBS regulations), and followed up where they are unsatisfactory or if there are discrepancies in the information provided.

In the following instances, the facts should be reported to the police and/or the barring services/home office:

- where the candidate is found to be on the barred List, or the DBS Disclosure shows they have been disqualified from working with children by a court;
- where an applicant has provided false information in, or in support of, their application;
- where there are serious concerns about an applicant's suitability to work with children.

Note: there is no requirement to obtain a DBS certificate before the applicant starts work for Jackson Hayes Recruitment if the applicant has worked in a school in England in a post which brought them into regular contact with children in the three months prior to their appointment but a Barred list check must be done. A DBS check must still be applied for (unless the applicant is registered with the Update Service, in which case Jackson Hayes Recruitment will check the Update Service before the applicant starts work).

7. Disclosure and Barring Service (DBS) Checks & Update Service

Prior to appointment, Jackson Hayes Recruitment requires an enhanced disclosure from the Disclosure and Barring Service and a check of the Children's Barred List/List 99 in respect of all positions with Jackson Hayes Recruitment 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, Jackson Hayes Recruitment (whether paid or unpaid), will amount to 'regulated activity' if it:

- involves teaching, coaching, instructing or supervising children which is carried out on a regular basis for or in the school ie. Where the work gives opportunity for contact with children but excluding supervised volunteers
- involves providing intimate or personal health care
- is carried out frequently, meaning once a week or more often; or
- is carried out overnight, meaning between 2.00am and 6.00am; or
- satisfies the "period condition" meaning four or more days in a 30-day period; or
- provides the opportunity for contact with children.

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in

addition to the above, they are carried out on an unsupervised basis. The majority of posts at Jackson Hayes Recruitment will amount to 'regulated activity'.

Where other staff (ie. contractors or supervised volunteers) are not engaged in 'regulated activity', an enhanced DBS check without a Children's Barred List is obtained. It is for the HR Director at Jackson Hayes Recruitment to decide if a role amounts to 'regulated activity' taking into account all the relevant circumstances. This check, along with other relevant checks, will be completed in advance and recorded on Jackson Hayes Recruitment's employee system.

The DBS issues a DBS certificate to the applicant only. It is a condition of employment with Jackson Hayes Recruitment that the original disclosure certificate is shown. Applicants are asked to bring the original certificate into the agency prior to their start date or no later than the first working day. Employment will remain conditional upon the original certificate being provided and subject to the safeguards below.

If there is a delay in receiving a DBS check and there is a requirement for the individual to start work (for example, if the individual is a foreign national and does not yet have a permanent address or proof of new address), Jackson Hayes Recruitment's HR Director has the discretion to allow an individual to begin work pending receipt of the disclosure. This will only be allowed if all other checks (including a clear check of the Children's Barred List (List 99) where the position amounts to 'regulated activity'), has been completed. A risk assessment will be completed to determine whether supervision is needed. If yes, appropriate supervision arrangements by a member of staff will be put in place during this interim period and documented until the DBS disclosure certificate is provided and the individual is informed of these safeguards. Temporary supervision arrangements are reviewed to establish the appropriateness of these arrangements every two weeks.

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, Jackson Hayes Recruitment will conduct a risk assessment meeting with the individual to assess:

- the seriousness and relevance of the disclosure to the post they have applied for
- how long ago the offence occurred, whether it was a one-off offence or one of other historical events
- the circumstances around the incident(s)
- whether the individual has accepted responsibility and shows remorse
- the level of risk to students and staff
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- any adjustments or considerations to be made and relevant timescale.

Jackson Hayes Recruitment HR Director will assess the facts and whether or not to continue with the appointment.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. Where these applicants have lived or worked overseas for 3 months or more in the last 5 years, they will also be asked to provide further information, including a criminal record check from the relevant jurisdiction(s) and/or additional professional references from

any employment held. If they are unable to provide an Overseas Police check, Jackson Hayes Recruitment will complete this check independently prior to their start date.

Jackson Hayes Recruitment 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 Jackson Hayes Recruitment will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country. If no information is available from a particular country, for internal roles within the agency, such as Education Consultant, or Compliance Officer, Jackson Hayes Recruitment 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. Jackson Hayes Recruitment will take proportionate risk based decisions on a person's suitability in these circumstances and all suitability assessments are documented and retained on file. For candidates placed by Jackson Hayes Recruitment in client schools, the client will always be informed and given the opportunity to make the decision as to whether or not they accept to book the candidate.

Where an applicant has subscribed to the DBS Update Service (providing a portable disclosure) Jackson Hayes Recruitment will request sight of their original DBS certificate and (with their permission) complete a 'status check' prior to their start date to establish whether their DBS certificate is at the enhanced level and remains current with no additional criminal records, convictions, cautions reprimands and warnings held on the Police National Computer.

8. Prohibition from Teaching

Jackson Hayes Recruitment checks whether staff who carry out "teaching work" are prohibited from doing so (whether or not they have qualified teacher status). Jackson Hayes Recruitment uses the Government search procedure, emailing employer.access@education.gov.uk with the relevant information of the candidate 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. Jackson Hayes Recruitment recognises that a prohibition from teaching order may not last indefinitely.

Jackson Hayes Recruitment asks all 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, Jackson Hayes Recruitment will consider whether the facts of the case render the applicant unsuitable to work at the agency or for client schools.

Jackson Hayes Recruitment applies the definition of "teaching work" set out in the Teachers' Disciplinary (Amendment) (England) Regulations 2014, which states that the following activities amount to "teaching work":

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

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

These checks apply to appointments made after 1 April 2012 (completed retrospectively following the availability of the Teaching Regulation Agency Teacher Services system in April 2014).

As from 1 January 2021 the regulators of the teaching profession in the EEA ceased to share information with the Teaching Regulation Agency about sanctions imposed on teachers and therefore this check ceased to be a requirement from this date. Jackson Hayes Recruitment will continue to carry out additional overseas checks on teaching applicants who have worked in a teaching role outside the UK. Wherever possible, Jackson Hayes Recruitment will obtain a letter of professional standing issued by the professional regulatory authority in the country in which the applicant has worked. This will confirm whether an individual has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by a regulator of the teaching profession.

If no information is available from a particular country, Jackson Hayes Recruitment will carry out an assessment of whether the applicant is suitable to work based on all other suitability information that has been obtained. Jackson Hayes Recruitment will take proportionate risk-based decisions on a person's suitability in such circumstances. All suitability assessments will be documented and retained on file.

9. Induction Training

An onboarding process is organised for internal roles such as Education Consultant and Compliance Officer, to prepare new staff for the start of their role at the agency.

The purpose of the induction is to:

- provide training and information about Jackson Hayes Recruitment's policies, procedures and software;
- support individuals in a way that is appropriate for the role for which they have been appointed;
- confirm the conduct expected of staff within Jackson Hayes Recruitment;
- provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities.

The training includes but is not limited to:

- Safeguarding and child protection policy and procedures (updated regularly)
- Fire Awareness training
- General Data Protection Regulation
- Employee Team Handbook which includes safe practice and the standards of conduct and behaviour expected of staff. Staff has access to an electronic copy of the Handbook and are



required to sign a digital receipt sent by the HR team to acknowledge receipt.

10. Retention of Recruitment Records

If an applicant is unsuccessful, all personal data verifying their ID, address and qualifications are managed in line with Jackson Hayes Recruitment's chosen ATS software privacy notice.

Where an applicant is successful, Jackson Hayes Recruitment will retain any relevant information provided as part of the application process on their HR file. This will include copies of documents used to verify identity, right to work in the UK, medical fitness, online search results (if applicable) and qualifications (where applicable). Medical information may be used to discharge its obligations as an employer eg. consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issues.

This Safer Recruitment Policy is available on the company website.

Appendix 1 List of Valid Identity Documents

All applicants who are invited to interview will be required to bring/show evidence of identity, right to work in the UK, address and qualifications to the HR team, in compliance with the DBS identity check guidelines:

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

Where an applicant has changed their name by deed pole or any other means (eg. marriage, adoption, or statutory declaration) they will be required to provide documentary evidence of the change.

Jackson Hayes Recruitment asks for the date of birth of all applicants (and proof of this) in accordance with KCSIE. Proof of date of birth is necessary so that Jackson Hayes Recruitment may verify the identity of and check of any unexplained discrepancies in the employment and education history of all applicants. Jackson Hayes Recruitment does not discriminate on the grounds of age.

Group 1: Primary Trusted Identity Credentials

- Current valid passport
- Biometric residence permit (UK)
- Current driving license photocard, full or provisional (UK, Isle of Man, Channel Islands and EEA)
- Birth certificate issued within 12 months of birth (UK, Isle of Man & Channel Islands including those issued by the authorities overseas (eg. Embassies, High Commissions and HM Forces)
- Adoption Certificate (UK and Channel Islands)

Group 2a: Trusted Government/State Issued Documents

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

All driving licenses must be valid

Group 2b: Financial/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 statements (UK)*
- Financial statement eg. 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 only; valid for applicants residing outside the UK at the time of application and which must be valid at time of application)
- Utility bill (UK) - not mobile telephone*
- Benefits statement (UK) eg. child benefit, pension*
- A document from central or local government, government agency, local council giving an entitlement eg. from the Department for Work and Pensions, the Employment Service, HM Revenue & Customs, Job Centre, Job Centre 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 and must be valid at the time of application)
- Cards carrying the PASS accreditation logo (UK and Channel Islands; must be valid at time of the application)
- Letter from the Head or College Principal for 16-19-year-old students 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 Criminal Records Check (DBS)

Due to the nature of the work, Jackson Hayes Recruitment requires an enhanced disclosure from the DBS in respect of all prospective staff members and volunteers.

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 Jackson Hayes Recruitment 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: (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: (d) six years have elapsed since the date it was issued; and (e) 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 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:

- (a) five and a half 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 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).

Disclosure and Barring Service (DBS) Checks & Update Service

Appendix 3 The Legal Framework

Richard Enquiry Report 2004

Data Protection Act 2018

Department for Education (DfE): The Independent School Standards – Guidance for Independent Schools (GIS) - September 2019

Disclosure and Barring Service (DBS) Employer Guide

Education (Independent School Standards) (England) Regulations: 2014 – effective January 2015

Equality Act 2010

General Data Protection Regulation: May 2018

Immigration Asylum and Nationality Act 2006

ISI Commentary on the Regulatory Requirements - September 2022

Keeping Children Safe in Education (KCSIE)

Protection of Children Act 1999

Protection of Freedoms Act 2012

Rehabilitation of Offenders Act 1974

Safeguarding Vulnerable Groups Act 2006

The Prevent Duty (DfE) Departmental Advice for Schools and Child Care Providers (The Prevent Duty Guidance