MARLBOROUGH COLLEGE

Recruitment, Selection and Disclosure Policy and Procedure

Lent Term 2026

Recruitment, Selection and Disclosure Policy and Procedure

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1. Policy Statement

1.1 This policy provides a framework for the recruitment and selection of staff to all posts within the approved staffing structure of the College. Marlborough College is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to share and demonstrate this commitment.

1.2 The College fully understands the responsibility for ensuring that recruitment procedures are free from unlawful discrimination in line with the Equality Act 2010. An equality impact assessment will be undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by this policy.

1.3 The College is committed to fair, open, and effective procedures to enable the College to recruit people with the right skills, aptitudes and attitudes.

1.4 The College will ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), the current edition of Keeping Children Safe in Education (KCSIE), Disqualification under the Childcare Act (DUCA) 2006 and related updates, the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance), Education (Independent School Standards) Regulations 2014 (ISSRs), and any guidance or code of practice published by the Disclosure and Barring Service (DBS). The College is also required to comply with the Education (Independent School Standards) Regulations 2014 and the National Minimum Standards for Boarding Schools (2022).

1.5 The College fully understands its responsibilities in managing the personal data of job candidates in line with the General Data Protection Regulations (GDPR).

1.6 All staff, Council members and volunteers are expected to share a commitment to safeguard children and vulnerable groups and, as part of that commitment, follow Safer Recruitment guidance in line with the current edition of Keeping Children Safe in Education - Statutory Guidance for Schools and Colleges.

1.7 As part of the College's commitment to safeguarding children and vulnerable groups, Enhanced DBS checks and/or Barred List checks on all posts must be carried out where they are required.

1.8 All staff and Council members involved in recruitment and selection decisions are required to work in ways that are entirely consistent with this policy.

1.9 The College will ensure that training is provided for all staff and Council members involved in the recruitment and selection of staff and that it is appropriate to their role.

1.10 It is a statutory requirement for schools and colleges that all selection panels must include at least one member who has successfully completed safer recruitment training.

2. Scope

2.1 This policy applies to all employees of Marlborough College and candidates to posts within the College.

2.2 Existing employees should be aware that not all the pre-employment checks described for external candidates will be applicable when an internal appointment is made.

3. Equal Opportunities Statement

3.1 The College is committed to ensuring that each stage of the recruitment and selection process is accessible

to all. All stages of the recruitment process will be undertaken without regard to a candidate's sex, gender identity, sexual orientation, marital or civil partnership status, skin colour, race, nationality, ethnic or national origins, religion or belief, disability, age, pregnancy or maternity leave or trade union membership.

3.2 The College will review its recruitment policy and practices regularly to ensure that it takes into account best practice and complies with the Equality Act 2010 and the UK General Data Protection Regulations (UK GDPR).

4. Prevent

4.1 The College has a duty under section 26 of the Counter-Terrorism and Security Act 2015 (CTSA 2015) to have "due regard to the need to prevent people from being drawn into terrorism". This duty is known as the Prevent duty.

4.2 In carrying out its obligations under Prevent, the College will assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology.

5. Prior to Advertising

5.1 When a vacancy occurs, the line manager will review the need for the post and consider all options (internal and external) before deciding that there is a need to recruit. If there is a need to recruit, the job description and person specification will be reviewed in line with the College workforce plan prior to seeking the approval of the Master, Bursar, Director of Finance and Director of HR to commence recruitment.

5.2 Consideration will also be given to the working hours and contractual arrangements for each post to ensure that posts are open to candidates wishing to work on a part-time or job-share basis, where possible and practical.

6. Job Description

6.1 The job description is a statement of purpose and scope and defines both the job role and expectations. It will:

- summarise the job purpose/impact
- set out key responsibilities and accountabilities
- set out reporting and line management arrangements

6.2 An up-to-date job description and person specification will be available for each vacancy advertised and consideration may be given to whether benchmarking is appropriate.

6.3 Managers will refer to the Professional Standards for Teachers when creating job descriptions for teaching posts.

6.4 All job descriptions, person specifications or adverts will state to what extent the role will involve contact with children, whether they will be engaged in regulated activity relevant to children, and the post holder's responsibility for promoting and safeguarding the welfare of children and young people.

7. Person Specification

7.1 The person specification is a description of the qualifications, experience, knowledge, skills, competencies, and other attributes of the ideal person to fill the role.

7.2 It will classify each attribute as either 'essential' to do the job or as a 'desirable' attribute for the post holder to have and indicate how each attribute will be assessed e.g. application form, interview, reference, test

etc.

7.3 Candidates will be objectively assessed against the required attributes.

8. Advertising

8.1 Vacant posts will be advertised in a fair, open, and honest manner and in most cases, vacant posts will be advertised externally. Some roles, which are generally those which attract an allowance, are only advertised internally and require those interested to submit an Internal Application Form/Expression of Interest.

8.2 The advert will include the safeguarding responsibilities of the post as set out in the job description and person specification and state whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. This means that when applying for certain jobs and activities, some spent convictions and cautions are 'protected,' so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website.

8.3 To demonstrate to potential job candidates the College's commitment to safeguarding and the welfare of children, the following statement will be included on any relevant advertisements and documentation sent out to candidates:

- The College and all its personnel are committed to safeguarding and promoting the welfare of the children. This post is subject to an Enhanced Disclosure Application to the Disclosure and Barring Service.

8.4 As required by KCSIE, the College will undertake online searches for shortlisted candidates to identify any publicly available information that may indicate safeguarding or suitability concerns (e.g. extremist content, concerning conduct, harmful online behaviour).

9. Applications

9.1 All candidates will be asked to complete the relevant application form in full to enable the panel to shortlist in a fair and objective manner.

9.2 The College may reasonably decide to reject an application where incomplete and/or ambiguous information is provided. All candidates are required to sign and date a copy of their application form. Applications made by CV will not be considered.

9.3 The College in its application form includes a statement that it is an offence to apply for the role if the candidate is barred from engaging in regulated activity relevant to children.

9.4 A copy of the College's Safeguarding and Child Protection Policy and Procedures will be shared with candidates in the application pack. The College's policy on ex-offenders is set out in Appendix 1 of this policy.

10. Shortlisting

10.1 Shortlisted candidates will be asked to complete a separate Criminal Convictions Suitability/Self-Disclosure Form (contained in Appendix 3 of this policy) and must be signposted to publicly available guidance and support on which cautions or convictions they must disclose and be given time to obtain advice. This information is available on the Ministry of Justice website.

10.2 Candidates will be required to declare any unspent convictions or conditional cautions, any spent adult cautions (simple or conditional) or convictions that are not protected as defined by either the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended in England, Scotland and Wales, or the Rehabilitation of Offenders (Northern Ireland) Order 1978 as amended in Northern Ireland.

10.3 They will also be asked to declare:

- whether they have ever been known to any Children's Services department or police as being a risk or potential risk to children

- whether they have ever been the subject of any investigation and/or sanction by a professional body due to concerns about their behaviour towards children

- whether they have any overseas convictions

- whether they are included on the DBS Children's Barred List

10.4 Failure to declare relevant information may disqualify the candidate from the appointment and, if appointed, may render the individual liable to immediate dismissal without notice.

10.5 All candidates are required to sign and date the declaration to confirm that the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the form at point of interview.

10.6 If any relevant information is contained in the Self -Disclosure Form a risk assessment must be completed by the Deputy Head (Safeguarding) and the Master before the applicant is formally offered the role.

10.7 Shortlisting should be conducted individually by two members of staff, one of whom should be the line manager and ideally both (as recommended in KCSIE) be involved in the interview process.

10.8 All shortlisting decisions will be made with clear reference to the skills and qualities set out in the person specification using an agreed method of scoring against the essential and desirable criteria. Each candidate will be considered on their own merit.

10.9 Equal Opportunities Monitoring Form is separate from the main application form to reduce any likelihood of conscious or unconscious bias.

11. Online Search of All Shortlisted Candidates

11.1 In accordance with the requirements of the current edition of Keeping Children Safe in Education, the College will undertake an online search via search engines and social media platforms of publicly available information concerning all shortlisted candidates.

11.2 The purpose of this search is to identify any issues or incidents which may either call into question a candidate's suitability to work with children or young people in a school setting, or in the role for which they have applied, or present a reputational risk to the College, should they become part of the College's workforce.

11.3 Should a concern be identified, the hiring manager will discuss this with the applicant at interview in order to assess whether this information makes the applicant unsuitable for the job role. The hiring manager may undertake a risk assessment to assess the relevance and impact of any information. In exceptional circumstances, and where the gravity of the concern warrants, the College may decide to withdraw the candidate from the recruitment process prior to interview.

11.4 This process will be carried out for all shortlisted staff regardless of the role being applied for.

11.5 The College will undertake all online searches in a fair and objective manner.

12. References and Employment History

12.1 Employment history will be scrutinised for gaps, and the College will follow up directly with referees to

confirm authenticity.

12.2 In order to comply with Keeping Children Safe in Education, it is the College's policy that all references will be obtained, verified, and concerns resolved, before confirming an appointment. This will be done by a standard reference form.

12.3 It is the College's practice to take up references, wherever possible before interview. On receipt, references will be checked to ensure that all specific questions have been answered satisfactorily. Any discrepancies or anomalies will be noted and addressed before or during the candidate's interview.

12.4 All references are verified by phone to the referee (on a landline phone number where possible), confirming the name of the person with whom it was verified, the name of the verifier, date and time of verification and such information will be recorded on the College reference form.

12.5 The reference will include specific questions to explore the candidate's suitability to work with children. Where the referee has concerns, they will be asked to give their reason for this.

12.6 In order to comply with the Equality Act 2010, reference requests sent prior to an offer of employment will not request details of attendance or absence however, further information may be requested and compared with the medical questionnaire following the candidate's acceptance of a conditional offer of employment.

12.7 Candidates will be required to specify the details of two referees, one of which will be the current or most recent employer. References will only be obtained directly from the referee. Testimonials or open references (those addressed 'To whom it may concern') will not be considered. Referees will be provided with a copy of the job description and person specification to assist them in their response.

12.8 References for staff currently working in an education setting will be sought from a senior person with appropriate authority (Headteacher, Principal, CEO). In other settings, references will be sought from the line manager of the candidate.

12.9 Where a candidate is not currently working in a school or childcare setting but has done so in the past, one reference should be from their most recent children's workforce employer in line with Safer Recruitment guidelines.

12.10 The College reserves the right to request that the candidate provides alternative referees where the initial referees are deemed inappropriate e.g. where either:

- the current or most recent employer or children's workforce employer is not provided
- the period of employment covered by the reference is too brief
- the referee is not in a position to meaningfully comment on the candidate's suitability for the role

12.11 The College will seek to confirm whether the candidate has been subject to any formal disciplinary procedures within the last two years and to establish any details, outcomes or 'live' sanctions which are in place.

12.12 In cases where there have been disciplinary concerns, which involved children or safeguarding that have been substantiated, the referee will be required to confirm details.

12.13 In accordance with Keeping Children Safe in Education, cases in which an allegation is proven to be false, unsubstantiated, or malicious should not be included in employer references.

12.14 The College will ask referees to confirm whether candidates are currently subject to any live capability or disciplinary warnings as part of the appointment process.

13. Interview and Selection

13.1 The College is committed to ensuring that all interviewees are assessed according to their ability to meet the criteria of the job description and person specification and to fulfil their obligation regarding keeping children safe.

13.2 Shortlisted candidates will be asked whether they require any reasonable adjustments to be made to the recruitment and selection process.

13.3 Interview and selection activities may take place in person or virtually or a combination of both.

13.4 Depending on the nature of the role candidates may be asked to complete a variety of selection activities including:

- written exercises
- observed activities
- presentations

13.5 Candidates are required to bring evidence of relevant qualifications to interview where the original documents must be checked, and a signed and dated copy retained. When attending for interview, each candidate will be asked to sign a copy of their application form and their self declaration form in the presence of the person undertaking the document and identity checks.

13.6 The interview panel will include at least one member who has undertaken safer recruitment training in accordance with the School Staffing (England) Regulations 2009 and should not include an employee where one of the candidates is a relative, partner or close friend.

13.7 The panel will take notes during the interview to enable a scoring matrix to be completed and, at the conclusion of the interviews; the panel will consider each of the candidates against the criteria for the post before reaching their decision.

14. Pre-employment Checks

All offers of employment will be conditional on the successful completion of the pre- employment checks listed below and will include confirmation of salary, start date and any information that the successful candidate needs to provide before commencing employment.

All offers of employment will be subject to and conditional upon:

- Enhanced DBS check
- DBS Barred list check where applicable (i.e. if working in regulated activity)
- Verification of identity including Date of Birth (birth certificate required)
- Verification of entitlement to work in the UK
- Verification of any relevant qualifications including checking the TRA's Employer Access Service to verify Qualified Teacher Status
- Registration to professional bodies (Health Care Professionals, Social Workers etc.)
- Receipt of 2 satisfactory references
- Satisfactory pre-employment health clearance
- Prohibition checks for those in teaching work and those with previous teaching experience (including unqualified teachers, HLTAs etc.)
- A section 128 Prohibition from Management check (if the role has line management responsibilities).
- Overseas checks as appropriate including:
    - obtaining an enhanced DBS certificate with barred list information even if the teacher has never been to the UK
    - and for teaching positions

- obtaining a letter (via the candidate) from the professional regulating authority in the country (or countries) in which the candidate has worked 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.

- online search to identify if there are any concerns which would lead the College to question the candidate's suitability to work with children, which will have been discussed with the candidate either before or at the interview

Where the role includes driving on behalf of the College, a valid driving licence check prior to starting employment will be undertaken.

If the pre-employment checks are not satisfactory an offer of employment may be withdrawn or, where an individual has commenced work, employment may be terminated.

14.1 Right to Work

14.1.1 In order to comply with the Asylum and Immigration Act 1996 - Prevention of Illegal Working, all candidates are required to demonstrate their right to work in the UK prior to any offer of employment being made. This requirement applies to all prospective employees regardless of their race, nationality or ethnic or national origins.

14.1.2 All candidates are therefore asked to bring to interview either:

- original documents evidencing their right to work in the UK as detailed in List A or List B of the Home Office Employers' Right to Work Checklist.
  Further guidance available at: Employers' right to work checklist - GOV.UK

- in the case of non-UK or Irish candidates, a share code issued by the Home Office Right to Work Online Checking Service evidencing their right to work in the UK.
  Further guidance available at: View and prove your immigration status: get a share code - GOV.UK

14.1.3 The original documents or online check details will be checked and verified by the College in the presence of the candidate. A copy will be taken, signed and dated and retained on file. Right to work documents relating to the successful candidate will be retained for the duration of employment, and then in accordance with the College's retention schedule. Those for unsuccessful candidates will be retained for six months.

14.2 DBS and Barred List Checks

14.2.1 All those directly employed by the College are required to obtain an enhanced Disclosure and Barring Service (DBS) check.

14.2.2 It is an offence to employ, in a school or college, an individual who is barred from working with children. A check against the Children's Barred List will be requested as part of the enhanced DBS Disclosure for all employees working in regulated activity i.e. having unsupervised, frequent, or intensive contact with children.

14.2.3 It is the College's practice that individuals obtain a satisfactory enhanced DBS check before commencing work. Where a candidate 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).

14.2.4 In exceptional circumstances where the candidate is required to commence work before the full disclosure certificate is received, where working in regulated activity, a barred list check must be carried out before employment commences. Candidates will be risk assessed and supervision put

in place until a satisfactory DBS check is obtained.

14.2.5 In cases where the College is notified that a DBS check is positive for criminal convictions, cautions, warnings etc., the contents of the certificate will be discussed with the Director of HR and the Deputy Head (Safeguarding)

14.2.6 More information about posts which require an Enhanced DBS and how to check the Barred List can be found at: https://www.gov.uk/dbs-check-applicant-criminal-record

14.2.7 The College recommends a DBS check be renewed every three years. The College will monitor the renewal date of DBS checks for employees and volunteers and initiate the DBS re-check process. It is the College's policy to request all employees to sign up to the DBS Update Service https://www.gov.uk/dbs-update-service. The College will reimburse the cost of subscription.

14.2.8 Where an employee / volunteer has subscribed to the DBS update service, the College will apply for an update on their DBS check status. A recheck will include checks against the barred lists.

14.3 Prohibition of Teachers

14.3.1 The College will verify that anyone appointed to carry out teaching work (including HLTAs and unqualified teachers) has not been prohibited from doing so by the Secretary of State in accordance with the Teachers' Disciplinary (England) Regulations 2012.

14.3.2 All those in teaching work, or those with previous teaching experience, will require a prohibition check. Teaching staff will be checked on the Teacher Regulation Agency self-service portal (https://www.gov.uk/guidance/check-a-teachers-record to ensure that they have the required teaching qualifications, have successfully completed statutory induction where it is necessary (i.e. for teachers who obtained QTS after May 1999), and have not been prohibited from teaching.

14.3.4 A person who is prohibited must not be appointed to a role that involves teaching work.

14.3.5 Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, Or a 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 candidate unsuitable to work at the College.

14.4 Section 128 Management Checks

14.4.1 Section 128 directions are made by the Secretary of State under S. 128 of the Education and Skills Act 2008, barring individuals from taking part in management. The College will undertake a Section 128 check for those taking up management positions to ensure they are not prohibited under the provisions. This includes members of Council.

14.4.2 All applicants will be required to declare on 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.

14.4.3. 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.

14.5 Overseas Checks

14.5.1 In accordance with Keeping Children Safe in Education, the College will ensure that individuals who have lived or worked outside the UK will undergo the same checks as all other staff. This includes obtaining (via the candidate) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK.

14.5.2 In addition, the College will make any further appropriate checks so that any relevant events that occurred outside the UK can be considered. The College will apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world. This will include:

- obtaining a criminal record check for time spent abroad
  Further information on how to obtain such a check can be found at: https: / /www.gov.uk/ government/ publications/ criminal-records-checks-for- overseas-applicants/guidance-on-the-application-process-for-criminal-records- checks-overseas

- for teaching positions obtaining a letter (via the candidate) from the professional regulating authority in the country (or countries) in which the candidate has worked 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

- regulating authority in the country (or countries) in which the Candidate has worked 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

- candidates can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database; candidates can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body

14.5.3 The overseas checks will be carried out in addition to obtaining an enhanced DBS check as the DBS check alone is not sufficient to establish the candidate's suitability to work with children.

14.6 Proof of Qualifications

14.6.1 Candidates will be required to provide any relevant original exam certificates (or certified copies where the original is unavailable) to enable qualifications to be verified. The name of the qualification, awarding institution, date of qualification and candidate name will be checked. A signed and dated copy of the certificate will be retained as evidence of when the check was carried out, and by whom.

14.6.2 In the case of teachers, Qualified Teacher Status (QTS) will be checked via the Teacher Regulation Agency's Self-Service Portal.

14.6.3 In the event of any concerns regarding the validity of the qualification, a candidate may be required to obtain confirmation or clarification in writing from the exam board or awarding institution.

14.7 Follow-up References

14.7.1 Following a written conditional offer of employment to the successful candidate, a supplementary reference request may be sent to their original referees. This is an opportunity to request information about sickness absence and attendance records which cannot be requested prior to an offer of employment in order to comply with the Equality Act 2010.

14.7.2 The offer of employment is conditional on both parts of the reference being satisfactory.

14.8 Pre-employment Medical History Questionnaire

14.8.1 The College will require all successful candidates to complete a medical history questionnaire to verify their medical fitness. There is also a requirement to ensure that staff appointed to teaching posts have the necessary physical and mental fitness to teach under the Education (Health Standards) (England) Regulations 2003.

14.8.2 Completed medical history questionnaires may then be considered in conjunction with the follow-up references which specifically explore sickness absence and attendance issues and, where appropriate, further advice about fitness to carry out a role will be sought from Occupational Health. In order to comply with the Equality Act 2010, reasonable adjustments will be explored to enable a candidate to take up their role.

14.8.3 In circumstances where the candidate is assessed as medically unfit to carry out the role, or where it is not possible to make reasonable adjustments, an offer of employment may be withdrawn.

15. Other Checks That May be Necessary for Staff, Volunteers and Others

15.1 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 (2025) regarding rechecking to be completed if an individual has had a break of more than 12 weeks is particularly relevant.

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

- **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.

- **Agency staff**: The College defines agency staff as persons supplied by a temping agency, on a short-term basis 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.

- **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 who 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.

- **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.

- **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 three 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 line manager they are engaged by and signed off by the Director of HR and the Deputy Head (Safeguarding) prior to the individual commencing work to decide if a DBS check is necessary.

- **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.

- **Employment of Marlborough College Pupils**: Pupils are not able to take up employed or volunteering roles at the College until two years after their departure as a pupil. The only exception is if the employment activity takes place off site and they have no contact with pupils or anyone under 18 in the course of their employment.

- See Appendix 4 - guidance for using volunteers
- See Appendix 5 - guidance on adults and children residing in the private accommodation of a Boarding House

16. Disclosing Personal Relationships

16.1 Successful candidates will be asked to disclose if they have any close family or personal relationships with other existing employees of the College. This will not impact on recruitment decisions; however, it will enable any potential conflicts of interest or negative consequences to be considered and any appropriate arrangements to mitigate these to be put in place.

17. Withdrawal from the Selection Process and Withdrawal of Offers

17.1 Candidates should be aware that providing false information on the application form or during the selection process could result in the application being rejected / or their withdrawal from the process. Where employment has commenced and it subsequently becomes apparent that false information has been provided during the recruitment process, employment may be terminated.

17.2 In the event that the pre-employment checks are unsatisfactory, or where the identity, qualifications or right to work in the UK of a successful candidate cannot be verified, the College will consider withdrawing the conditional offer of employment. Where the successful candidate has started in post and information becomes available which would have caused the offer to be withdrawn, employment may be terminated.

18. Referrals to the DBS and Teaching Regulation Agency

18.1 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:

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

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

19. Disqualification From Acting as a Charity Trustee or Senior Manager

19.1 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.

19.2 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.

19.3 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 members of Council, the Master, the Bursar and potentially other senior staff who report directly to Council.

19.4 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.

19.5 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.

19.6 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 a senior manager.

19.7 To ensure 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:

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

19.8 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.

20. Internal applicants

20.1 All internal applicants who apply for a new role at the College will have their application assessed in accordance with the college internal recruitment procedure.

20.2 See Appendix 4 for guidance for using for volunteers.

20.3 Adults and children residing in the private accommodation of a boarding house, refer to Appendix 5.

21. Single Central Record

21.0 In accordance with the terms of the School Staffing (England) Regulations (as amended) 2015 the College will retain details of recruitment and vetting checks undertaken in a Single Central Record (SCR). This data will be collated, used, and stored and deleted in line with GDPR.

22. Complaints

22.1 An individual who feels that their treatment during the recruitment and selection process is unfair may raise a formal complaint. The complaint will be managed in line with the College Parental Complaints Procedure.

22.2 Existing employees of the College should raise their concerns through the Grievance Procedure.

23. Induction

23.1 Induction is essential in ensuring that new employees are properly equipped for work, their role in the life of the College and feeling part of the College community.

23.2 The College will put in place an induction programme for all staff joining. This will vary taking into account previous experience and the nature of the role but will ensure that all staff and volunteers receive guidance on safe working practices and safeguarding policies and practice of the College.

24. Record Keeping

24.1 Accurate and contemporaneous records including copies of application forms, shortlisting and interview notes and details of scoring will be kept throughout the process and will be retained for a minimum of six months from the appointment date in line with the College's data retention schedule.

24.2 At the end of the appointment process all copy identity documentation (passport/birth certificate etc.) relating to unsuccessful candidates will be securely destroyed. Copies of application forms, shortlisting and interview notes, scoring and references will be retained for six months from the date that the post is offered and accepted. All personal data will be stored and destroyed in line with GDPR.

24.3 Please note that original and copy DBS forms will not be retained on personal files and that the details will, instead, be recorded on the Single Central Record.

25. Confidentiality and Data Protection

25.1 The College recognises its obligations under the General Data Protection Regulation and associated legislation, and the rights of employees with regards to the personal data held on them.

25.2 All records relating to the recruitment process will be gathered, processed, held, and shared in accordance with the requirements of the General Data Protection Regulation and Data Protection Act.

25.3 Please refer to the College's Data Protection Policy for further details.

26. Version Control

Author:	Director of HR
Approved by:	The Master
Date:	Lent 2026
Review Date:	Lent 2027
Circulation:	A-Z Policies, College Website

Appendix 1 Policy on Recruitment of Ex-offenders

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. All applicants should be signposted to obtain impartial advice from the National Association for the Care and Resettlement of Offenders (NACRO) or https://unlock.org.uk/if they are unclear about what should or should not be declared on an application form.

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

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

It is unlawful for the College to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the College. The College will make a report to the police and/or the DBS if we:

- receive an application from a barred person
- are provided with false information in, or in support of an applicant's application
- have serious concerns about an applicant's suitability to work with children

Assessment criteria. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the College will undertake a DBS content risk assessment which will be stored on the personnel file. This risk assessment will be carried out by the Deputy Head (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:

- 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 matter
- the circumstances surrounding the offence and the explanation(s) offered by the applicant

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 of the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence
- serious class A drug-related offences, robbery, burglary, theft, deception or fraud
- if the post involves access to money or budget responsibility, it is the College's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud
- if the post involves some driving responsibilities, it is the College's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last 10 years

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 Deputy Head (Safeguarding) before an offer is confirmed.

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.

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.

Appendix 2 DBS Filtering Rules

1. Introduction

In 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.

2. 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

3. **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:

- 11 years have elapsed since the date of the conviction
- it did not result in a custodial sentence
- it was not imposed for a specified offence
- six years have elapsed since the date it was issued
- it was not issued for a specified offence

4. **For Those Aged Under 18 at the Time of an Offence**

A spent criminal 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
- it was not imposed for a specified offence

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 Procedure. This includes a requirement 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 Procedure.

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.**	Yes	☐	No	☐
Is there any relevant court action pending against you?	Yes	☐	No	☐
If you have answered "Yes" to any of the questions in Section 2 please provide further details.				

Section 3: Sanctions, Restrictions and Prohibitions				
Are you barred from working with children?	Yes	☐	No	☐
Are you prohibited from teaching?	Yes	☐	No	☐
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?	Yes	☐	No	☐
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?	Yes	☐	No	☐
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?	Yes	☐	No	☐
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 College (**Section 128 direction**)?	Yes	☐	No	☐
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?	Yes	☐	No	☐
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 College?	Yes	☐	No	☐
Are you known to the police and / or children's social care?	Yes	☐	No	☐
Are you or have you ever been disqualified from providing childcare?	Yes	☐	No	☐
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 Marlborough College Guidance for Using Volunteers

MARLBOROUGH COLLEGE

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)
- the volunteer will be interviewed, and the panel will include one member of the HR Team
- complete a DBS check if necessary or a risk assessment where a DBS check is not required
- verification of medical fitness
- online check
- the manager of the volunteer will complete an assessment
- the volunteer will sign a Volunteer Agreement and the Staff 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 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, four 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, diversity and inclusion

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 children, health and safety and diversity

8. Further Guidance

Further guidance regarding the recruitment process of volunteers should be directed to the HR Team.

Appendix 5 Young Persons Policy

1. Introduction

The College Young Persons Policy is non-contractual, does not form part of any terms and conditions of employment, and may be amended at the College's discretion from time to time.

This policy applies to all departments which has young persons (under 18 years of age and are over compulsory school age) at work. It also applies to all volunteers, work experience students and any other young persons who are receiving training e.g. apprentices, and work experience students.

Any managers considering the recruitment of a child or young person should contact the HR Team before engagement.

2. Definitions

Child definition. A child is anyone who is of compulsory school age, i.e. has not reached the official age at which they can leave school. A person can leave school on the last Friday in June in the academic year in which they are 16, provided he or she continues to receive some form of education or training until the age of 18 (e.g. an apprenticeship or training scheme).

Young Person definition. A young person is anyone who is over compulsory school age, but under the age of 18.

3. Work

A young person should not carry out work that is beyond their physical or mental capacity. A risk assessment must be undertaken to ensure this by the line manager, Deputy Head (Safeguarding) and the Master.

Generally, they cannot be employed in roles that involve contact with chemical agents, toxic material or radiation or extreme cold, heat or vibration which pose a risk to health. However, these will not apply if they are a necessary requirement of the young person's training, an experienced person is supervising them and risks are reduced to lowest level possible. Rigorous risk assessments must be carried out in each case.

A young person may not work for more than 8 hours per day, or 40 hours per week. Normally they should not be working between 22.00 and 06.00, but some exceptions may be necessary e.g. catering. A young person is entitled to a 12-hour uninterrupted rest break in each 24 hour period. The College will adhere to all daily, and weekly rest periods in line with current legislation. Further advice is available from the HR Team.

4. Responsibilities

The College will ensure that there are suitable and sufficient arrangements and adequate resources for the assessment, management and control of the risks to young persons in the work they carry out at the College.

Managers and Supervisors will:

- work with the HR Team to identify from the job description of the young person any tasks which may present particular risks to the young person's health, safety and welfare due to their age, immaturity, lack of experience and unfamiliarity with the working environment

- carry out or arrange for the carrying out of suitable and sufficient risk assessments, including display screen equipment and workstation risk assessments for all young persons within their area of responsibility and any revisions to these assessments
- make arrangements to ensure so far as is reasonably practicable, that all identified controls and further controls identified by the assessment and any subsequent reviews are put in place
- ensure the correct working hours are undertaken by the young person
- supervise the work of young persons within their area of responsibility
- ensure staff working alongside the young person is aware of the additional duty of care towards them
- inform young persons of the hazards and risks associated with their work and the control measures put in place to protect them
- where necessary, design suitable daily work routines for young persons, including regular changes in activity, ensuring that where appropriate, screen breaks are taken
- ensure that appropriate information, instruction and training about any hazards and risks is provided to avoid problems that might occur
- investigate any matters raised by the young person including revisions to risk assessments
- ensure their staff understand the Dignity at Work Policy

5. Risk Assessments

Under the Management of Health and Safety at Work Regulations 1999, the College is required to carry out risk assessments for all staff not just young persons. However, when carrying out a young person's risk assessment, factors such as inexperience and immaturity should be considered, the suitability of work equipment for use by young people, and the extent of the health and safety training that will be required.

The assessment is completed by the line manager, Deputy Head (Safeguarding) and the Master and should identify hazards and the existing controls in place (if any) to protect the young person. This risk should be reduced to the lowest level as far as is reasonably practicable. Significant hazards, risks and controls should be recorded on the risk assessment form.

6. Safeguarding

Supervising managers should ensure that the young person attends a safeguarding induction. Care must be taken to ensure that the young person fully understands the College safeguarding procedures as their work may bring them into regular contact with pupils of the College who are also either a child or a young person depending on their age. Particular emphasis should be placed on the young person refraining from developing any form of friendship with a College pupil.

Supervising managers should also ensure that their staff adhere to College policies e.g. Equality, Bullying and Harassment to ensure the welfare of the young person.