

All Saints   
Catholic Academy Trust

## Safer Recruitment

<b>Policy Author:</b>	Director of People
<b>Policy Lead</b> (if applicable):	HfL
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## **1. Introduction**

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children and young people in education. ASCAT is committed to safeguarding and promoting the welfare of the pupils in our care and expect all staff and volunteers to share this commitment.

## **2. Scope and objectives**

The scope of this policy is to set out the minimum requirements of a recruitment process that aims to:

- attract the best possible candidates to vacancies on the basis of their merit, abilities and suitability
- deter prospective candidates who are unsuitable for work with children or young people
- identify and reject candidates who are unsuitable for work with children and young people.

The objectives of this policy are as follows:

- to ensure that all candidates are considered equally and consistently
- to ensure that no candidate is treated unfairly on any grounds and specifically any protected characteristics as outlined in the Equality Act 2010
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping children safe in education (KCSIE), the Prevent Duty Guidance for England and Wales (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Services (DBS)
- to ensure that we meet our commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.
- to ensure that the recruitment and selection of staff is conducted in a professional, timely and responsive manner representing the culture and standards of the Trust.
- to ensure that all (paid and unpaid) candidates are fully vetted for day one of employment. No employee should commence work for the Trust until all pre-employment checks have been successfully completed, and this has been confirmed by the Trust HR Administrator.

## **3. Roles and responsibilities**

### **3.1. Trust Board/Executive Team**

- to ensure we have effective policies and procedures in place for the recruitment of staff and volunteers in accordance with the DfE guidance and legal requirements
- to monitor compliance with the above policies.

### **3.2. Headteacher/ Senior management team (with delegated recruitment responsibilities)/Central HR Administrators**

- to ensure safe recruitment practices are followed across all settings and make sure

appropriate checks are carried out on all staff and volunteers

- to ensure that sufficient notice is allowed for all stages of the recruitment process to allow for a fully compliant procedure to take place
- to monitor contractor and agency compliance with this document
- to promote the safeguarding of children and young people at every stage of the recruitment process

## **4. Recruitment and selection process**

### **4.1. Recruitment panels**

In accordance with KCSIE, all settings will ensure that at least one member of any interview panel has undertaken Safer Recruitment training and has kept this training up to date. This will be monitored via the National College online training portal.

If a member of staff included in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment, selection and decision-making process.

### **4.2. Adverts and recruitment packs**

Advertisements for posts, whether in newspapers, journals or online, will include the statement:

"... is committed to safeguarding children and young people. All post holders are subject to a satisfactory enhanced Disclosure and Barring Service (DBS) check."

Prospective candidates will be supplied, as a minimum, with the following:

- an accurate and up to date job description and person specification ( to be provided and/or checked by the recruiting line manager/Headteacher, prior to publishing)
- our child protection policy (available at [https://www.ascatonline.co.uk/docs/policies/safeguarding/Safeguarding\\_Policy\\_2023-24\\_Master.pdf](https://www.ascatonline.co.uk/docs/policies/safeguarding/Safeguarding_Policy_2023-24_Master.pdf))
- our safer recruitment policy (this document)
- the selection procedure for the post (details will be communicated if invited to interview)

### **4.3 Application forms**

All prospective candidates must fully complete the relevant CES application form.

CVs will not be accepted in isolation as they do not contain the required information to support safer recruitment.

We promote the practice of using anonymised application forms to manage unconscious bias. The Trust is in the process of developing a manual system for anonymised application forms where possible. At present, this will be delivered for leadership posts and central team appointments.

The Trust remains committed to delivering a fully anonymised shortlisting process as soon

as electronic systems are in place to deliver this.

#### **4.4 Shortlisting**

If shortlisted, candidates will be asked to complete a criminal record self-declaration form where they will be required to declare all unspent cautions and convictions; and also, any adult cautions (simple or conditional), and spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2020).

The Trust uses the Catholic Education Service criminal record self-declaration form (Appendix 2)

Shortlisted candidates will be sent the following:

- Childcare Disqualification Declaration form (where applicable).
- Criminal Record Self-Declaration form (all).
- Full details of the selection process.

#### **4.5 Employment history and references**

References for short-listed applicants will be sought prior to interview. The only exception is where an applicant has indicated on their application form/consent to obtain references form, that they do not wish their current employer to be contacted at that stage. In such cases, any offer of employment would be made subject to receipt of satisfactory references.

A minimum of two references will be taken up and at least one of the references will be obtained from the candidate's current or most recent employer and will be sought directly from the referee.

If there are any discrepancies in references or gaps in employment that require clarification or exploration, these will be highlighted to the recruiting Headteacher or Line Manager prior to the interview where possible or, at least, before any offer of employment. It is the Headteacher's responsibility to give the final "sign off" for all references. In the case of the Trust Central Team, this responsibility would sit with the CEO/CFO.

This includes references for internal candidates.

If a candidate is moving from another employer, the reference must be from the Headteacher/Principal or another senior colleague (in the absence of a Headteacher) and not from a colleague.

Open references or testimonials provided by the candidate will not be accepted.

References from family members will not be accepted.

Where necessary, referees will be contacted by telephone or email to clarify any anomalies or discrepancies and verify the source of the reference. This contact will then be recorded by each school on the Single Central Record for successful candidates.

Where necessary, previous employers who have not been named as referees will be contacted to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

Referees will always be asked specific questions about:

- the candidate's suitability for working with children and young people
- any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children
- the candidate's suitability for this post.

Candidates are not automatically entitled to see their employment references.

#### **4.6 Online searches**

We may as part of our recruitment process undertake online searches regarding candidates. This is intended to identify any incidents or issues that have happened, and are publicly available online, which we might want to explore with a candidate at interview.

Where we do an online search, we will consider the following points:

- for candidates to be notified in advance that online searches will be carried out at part of due diligence during the recruitment process
- for this to be carried out after shortlisting so it cannot be part of the decision to invite to interview
- at the point of being invited to interview, candidates to be advised that this search will be being conducted on them
- for the search to be based upon an agreed set of criteria (a sample ASCAT Online Search Record can be found in Appendix 3), using all names associated with the candidate
- concentrating on professional information that sits within the public domain, and applied consistently for all candidates
- for the parameters of the search to be agreed in advance (by the Trust) and applied consistently for all candidates (which platforms, which search criteria, which dates). The Trust will take official guidance on which search parameters to use.
- for the searches to all be carried out by the Central HR Administrator who is responsible for each setting, and who will not be involved in the subsequent interviews/ decision making
- for the completed form to be shared with the panel as soon as possible in order for any concerns raised to be properly incorporated into the interview questions, giving the candidate an opportunity to respond.

Wherever practicable searches will be undertaken using employer devices and accounts.

#### **4.7 Selection**

Selection techniques will be determined by the nature and duties of the vacant post and may include a variety of methods. We will conduct interviews in a face-to face manner (which could be via remote methods using video conferencing software, such as Microsoft Teams or similar, if face to face is not practical). Telephone interviews may be used at the short-listing stage.

During the interview process candidates will be required to:

- give a satisfactory explanation of any gaps in employment

- provide a satisfactory explanation of any anomalies or discrepancies in the information available to recruiters
- declare any information that is likely to appear on a DBS check (via the criminal record self-declaration form)
- provide a childcare disqualification declaration form (if applicable)
- demonstrate their capacity to safeguard and protect the welfare of children and young people
- demonstrate how they meet the job description and person specification
- all candidates who are invited to interview will be asked to bring original evidence of their identity, address, right to work in the UK, relevant qualifications and a completed Criminal Convictions Self-Declaration form. This will be checked by each setting prior to a candidate being interviewed.

## 5. Pre-employment checks

Any offer of appointment made to a successful candidate, including anyone who has lived or worked abroad, must be conditional on the satisfactory completion of the necessary pre-employment checks and the Trust Central HR Administrator will:

- Verify a candidate's identity, it is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Further identification checking guidelines can be found [here](#).
- Obtain (via the candidate) an enhanced Children's Workforce DBS certificate including barred list information for those who will be working in regulated activity; and an Enhanced Children's Workforce DBS (without the barred list check) for anyone who is working directly for the Trust but is not working in regulated activity (see Appendix 1)
- Current DBS status may be checked via the DBS Update Service, if a candidate subscribes, and gives consent for the checking to take place by the Trust. The original DBS certificate must be presented and should be issued for the same level of check and workforce that is being applied for.
- Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available. The Trust, in conjunction with an individual Headteacher, will also carry out a risk assessment if candidates will be starting work prior to a DBS certificate being available
- Separate barred list checks **must** only be carried out in the following circumstances:
  - For newly appointed staff who are engaging in regulated activity, pending the receipt of an Enhanced Certificate with Barred List information from the Disclosure and Barring Service (DBS) (and where all other relevant checks have been carried out); or,
  - Where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not

more than three months prior to that person's appointment to the organisation (and where all other relevant checks have been carried out).

- Ensure all shortlisted candidates have completed a Criminal Record self-declaration form disclosing any relevant convictions (see Appendix 2).
- Verify the candidate's mental and physical fitness to carry out their work responsibilities. A job candidate can be asked relevant questions about disability and health in order to establish that they have the physical and mental capacity for the specific role - see paragraph 5.3.
- Verify the candidate's right to work in the UK. Advice on this can be found on the [Gov.uk website](#).
  - Since 1 July 2021 candidates from an EEA Country are required to provide evidence of having obtained settled status under the EU Settlement Scheme.
  - Since January 2021, any overseas external candidates must apply for a VISA via the [New Points Based Immigration Scheme](#).
- If the candidate has lived or worked outside the UK, make any further checks the Trust feels are appropriate which would include an overseas police check - see paragraph 5.4.
- Verify professional qualifications as appropriate by viewing original certificates. The Teacher Services system should be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation.
- Ensure the candidate is checked against the prohibition from teaching orders – see paragraph 5.1.
- Ensure the candidate is checked against the prohibition from management roles (section 128) check where applicable (part of barred list check for those in regulated activity) - see paragraph 5.1.
- Ensure the candidate completes a childcare disqualification declaration (where appropriate) – see paragraph 5.5.

### **5.1. Secretary of State Prohibition Orders and Section 128 direction (teaching and management roles)**

In all cases, where a candidate is to undertake a teaching role of any kind (this may include non-teaching staff if they plan, prepare and deliver lessons and assess and report on pupils without supervision of a qualified teacher) a Prohibition Order check will be made. It is anticipated that this will be performed at the shortlisting stage by the Trust HR Administrator, but it will, in any case, be carried out before any unconditional offer of employment is made.

The above activities do not amount to “teaching work” if they are supervised by a qualified teacher. If in any doubt or if the candidate has taught previously, or may teach in the future, the check will be undertaken.

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in



England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency (TRA). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

A Section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. An individual who is subject to a section 128 direction is unable to:

- take up a management position in an independent school, academy, or in a free school as an employee
- be a trustee of an academy or free school trust; a governor or member of a proprietor body of an independent school
- be a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a school as stated in Keeping children safe in education and the DfE [Governance Handbook](#).

We will use the TRA's Employer Access service to make prohibition, direction, restriction, and children's barred list checks ([Teaching Regulation Agency \(education.gov.uk\)](https://www.teachingregulation.gov.uk)).

Further information about obtaining a DfE Sign-in account and using the Employer Access service to carry out a range of 'teacher status checks' including verification of qualified teacher status (QTS) and the completion of teacher induction or teacher probation can be found [here](#).

Where the candidate will be engaging in regulated activity, a DBS barred list check will also identify any section 128 directions.

Since 1 January 2021, TRA checks have been for UK Citizens only and therefore we may need to arrange for these checks to be carried out in the relevant country for overseas candidates (including those from the EEA).

## **5.2. Proof of identity, right to work in the UK, verification of qualifications and/or professional status and criminal records self-declaration**

All shortlisted candidates invited to attend an interview will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in the UK, in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS Code of Practice Regulations (including evidence of settled status as required) and to complete the CES Criminal Records Self Declaration form (See Appendix 2).

Good quality photocopies of all documents will be taken. These will then be signed and dated by the person who has evidenced the originals and the copy should state this - "originals seen, and identity confirmed"

- **Successful Candidates:** all documents will be stored securely on the employee file for audit and inspection purposes, including any relevant risk assessments.
- **Unsuccessful Candidates:** all documents will be kept securely for no later than 6 months after the recruitment process has been concluded. After which they will be destroyed securely.

Please note that the legislation surrounding what information is disclosed in an Enhanced and Standard DBS certificate changed on 28 November 2020 and as a result, an employer may not receive full details of a candidate's criminal history due to the changes to filtering.

However, in accordance with safeguarding, an employer is still legally entitled to ask shortlisted candidates to disclose their criminal history, however this no longer includes final warnings, cautions, and reprimands. Further guidance on this can be found in the NACRO guidance here.

In addition, candidates must be able to demonstrate that they have obtained any academic or vocational qualification required for the position and claimed in their application form.

### **5.3 Fitness to undertake the role**

A confidential pre-employment health questionnaire must be completed to verify the candidate's mental and physical fitness to carry out their work responsibilities. A successful candidate can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role once an offer of employment has been made. Confidential pre-employment checks will be carried out by our Occupational Health provider.

### **5.4 Skilled Worker Visas – Certificates of Sponsorship**

The Trust holds a UK Border Agency Sponsor Licence, that allows for employment of skilled workers from overseas, as long as certain criteria (current criteria can be found at <https://www.gov.uk/uk-visa-sponsorship-employers>). Before any offer of employment is made, the Headteacher and/or recruiting line managers should consult with the Trust Director of People regarding the sponsorship process, cost to the School and any other information that may be required.

Schools should be aware that the sponsorship process can take some time to complete (up to 3 months, and staff, cannot, under any circumstances, commence employment until the right to work in the UK has been issued and verified).

### **5.5 Individuals who have lived or worked outside the UK**

Candidates who have lived or worked outside the UK must undergo the same checks as all other staff. In addition, we must make any further checks so that any relevant events that occurred outside the UK can be considered.

The Home Office guidance on criminal records checks for overseas candidates can be found here.

Following the UK's exit from the EU, we are expected to apply the same approach for any individuals who have lived or worked outside the UK regardless of whether it was in an EEA country or the rest of the world.

These checks could include, where available:

- Criminal records check for overseas candidates - Home Office guidance can be found on GOV.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.

Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.

Where this information is not available, we will seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, we will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE Guidance.

Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. We are aware that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. The Home Office provides guidance on criminal records checks for overseas candidates which can be found [here](#).

Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. More information about this is available at the following link [Qualified teacher status \(QTS\): qualify to teach in England - GOV.UK \(www.gov.uk\)](#) here. Please note that holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

## **5.6 Childcare disqualification declaration**

Where relevant (as detailed below), candidates must complete a Childcare Disqualification form provided by us in relation to the Childcare Disqualification Regulations 2018. This is to cover circumstances where an individual has a conviction that may result in them being barred from working with children. Where a positive declaration is made a waiver can be applied for from Ofsted and must be satisfactorily granted before the candidate may commence work.

This only applies to staff working in the following settings:

- Early Years Provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and afterschool care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above

reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and afterschool provision.

- Each Headteacher is responsible for identifying future staff that this declaration may apply to on an individual basis, and is responsible for ensuring that the declaration is completed accordingly, and records kept correctly.

### **5.7 Retention of documents**

Where documents have been obtained to verify a successful candidate's identity, right to work and required qualifications, they will be kept on their personnel file.

DBS certificates and records of criminal information disclosed by the candidate are covered by GDPR regulations. Copies of this information will only be retained where there is a valid reason for doing so and will not be kept for longer than six months. After destruction, the Trust may record the fact the vetting was carried out, the result and the recruitment decision.

## **6. Single central record**

Each setting will keep a single central record of pre-employment checks, which includes the statutory requirement to see the original DBS certificate and record the date seen. In the Keeping Children Safe in Education Regulations, this is referred to as "the register". The single central record will cover the following people:

- all staff (including teacher trainees on salaried routes, agency and third-party supply staff)
- members of the Governing Body
- for Academy Trusts, the members and Trustees
- contractors/HCC staff
- confirmation that these checks have been carried out along with the date the check was undertaken/obtained must be logged on this record for all employees.

## **7. Induction**

We recognise that safer recruitment and selection is not just about the start of employment but must be part of a larger policy framework for all staff. We will therefore provide ongoing training and support for all staff.

All new staff who are new to us as an employer, will be invited to an online Trust wide Induction, held on a half -termly basis. This does not replace the requirement for individual schools to deliver their own induction training that will include specific school level safeguarding policies and guidance on safe working practices including Child Protection, PREVENT, FGM awareness and online safety.

Regular meetings will be held during the first 6 months of employment between the new employee(s) and the appropriate manager(s).

## **8. Contractors and agency workers**

Each school will obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working for us. A copy of the agency, or third-party organisation's Safeguarding Policy will also be requested. These will be reviewed on an annual basis.

Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

## **9. Volunteers**

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Volunteers who, on an unsupervised basis, teach or look after children regularly, or provide personal care on a one-off basis, will be in regulated activity. We will obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, we may conduct a repeat DBS check (which should include barred list information) on any such volunteer should we have concerns.

There are certain circumstances where we may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity. This is set out in DBS workforce guides, which can be found on [GOV.UK](https://www.gov.uk). Employers are not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.

We will undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. In doing so will consider:

- the nature of the work with children
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability
- whether the role is eligible for an enhanced DBS check.

Details of the risk assessment will be recorded.

It is for us to determine whether a volunteer is supervised. In making this decision, and where an individual is supervised, to help determine the appropriate level of supervision in accordance with the statutory guidance issued by the Secretary of State. This guidance requires that, for a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity;

- regular and day to day; and
- “reasonable in all the circumstances to ensure the protection of children.”

The DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to engage in regulated activity.

## **10. Governors**

Although Governors in Academy Trust schools are not required to have an enhanced criminal records certificate from the DBS, ASCAT follows the requirements as set out for maintained settings. It is the responsibility of the Governing Board to apply for the certificate for any of their governors who do not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

## **Appendix 1 – Regulated Activity**

Regulated activity includes:

- Teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children.
- Work for a limited range of establishments (known as ‘specified places’, which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- relevant personal care, or health care provided by or provided under the supervision of a health care professional:
- personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

## **Appendix 2 – Criminal Records Disclosure Form (CES version)**

## **Appendix 3 – ASCAT Online Search Template**

See separate files – for purposes of final publishing, these will be incorporated into this file