



**The Oaks
Specialist
College**

Skills for Independence & Employability

Safer Recruitment Policy

September 2021

Introduction

The Oaks Specialist College is committed to safeguarding and promoting the welfare of all learners in its care. As an employer, the College expects all staff and volunteers to share this commitment.

This Policy details the statutory and organisational obligations of The Oaks regarding the safe recruitment of staff and volunteers. It will be updated every 2 years at a minimum or as required pending legislative and local requirements.

Aims and Objectives

The aims of the Safer Recruitment policy are to help deter, reject or identify people who might abuse learners or are otherwise unsuited to working with them by having appropriate procedures for appointing staff.

The aims of the College's recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education - September 2021 (KCSIE), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the College meets its commitment to safeguarding and promoting the welfare of our learners by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

The College has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job at the College based on the applicant's abilities, qualifications, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance (including KCSIE 2021 and Prevent Duty Guidance).

If a member of staff involved 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 and selection decision-making process.

The College aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing, and evaluating information from and about applicants applying for job vacancies at The Oaks.

Roles and Responsibilities

It is the responsibility of the Board of Trustees to:

- ensure the College has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements.
- monitor the College's compliance with them.

It is the responsibility of the Head of College and other Managers involved in recruitment to:

- ensure that the College operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the College.
- to monitor contractors' and agencies' compliance with this document.
- Promote welfare of learners at every stage of the procedure.

The Board of Trustees has delegated responsibility to the Head of College (teaching staff) and Managers to lead in all appointments. Trustees may be involved in staff appointments, but the final decision will rest with the Head of College.

Definition of Regulated Activity and Frequency

Any position undertaken at, or on behalf of the College will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00am and 6.00am; or
- satisfies the "period condition", meaning four times or more in a 30-day period; and
- provides the opportunity for contact with learners.

Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

The College is not permitted to check the Barred List unless an individual will be engaging in "regulated activity". The College is required to carry out an enhanced DBS check for all staff, supply staff and trustees who will be engaging in regulated activity.

Recruitment and Selection Procedure – Advertising

To ensure equality of opportunity, the College will advertise all vacant posts to encourage as wide a field of applicant as possible, normally this entails an external advertisement.

Any advertisement will make clear the College's commitment to safeguarding and promoting the welfare of children.

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA18).

Application Forms:

The Oaks uses its own application form and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history). Applicants submitting an incomplete application form will not be shortlisted.

The application form will include the applicant's declaration regarding convictions and working with children and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. CVs will not be accepted.

The College would not seek to employ anyone who is barred from working with children. All applicants will be made aware that providing false information is an offence and could result in

the application being rejected, or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

References:

References for the candidate(s) may be requested prior to interview, or no later than when a decision is made on the successful candidate(s).

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the College. One of the references must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children or young people, then the second reference should ideally be from the employer with whom the applicant most recently worked with children or young people. The referee must not be a relative. References will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with vulnerable young adults. This includes any known details regarding Referees will also be asked to confirm that the applicant has not been radicalised, so that they do not support terrorism or any form of "extremism".

The Oaks recognises that many referees provide information that details only the timescale of employment of the applicant. The Oaks will make an informed decision based on the information contained within the 2nd reference. Should both references provide no contextual information around the nature of the applicant's employment, The Oaks must attempt to confirm with the referees that there are no concerns regarding the applicant working with vulnerable young adults.

Any discrepancies or anomalies will be followed up. Direct contact by phone will be undertaken with each referee to verify the reference.

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

The College does not accept open references, testimonials, or references from relatives.

Interviews:

There will be a face-to-face interview wherever possible, a minimum of two interviewers. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps which have been identified to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

Any information regarding past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process, if it has been disclosed on the application form.

At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable.

All applicants who are invited to interview may be required to bring evidence of their identity, address and qualifications. Original documents will only be accepted, and photocopies will be taken. Unsuccessful applicant documents will be destroyed 6 months after the recruitment programme.

Offer of appointment and New Employee Process:

In accordance with the recommendations set out in KCSIE the College carries out a number of pre-employment checks in respect of all prospective employees.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the College's standard terms and conditions of employment
- verification of the applicant's identity (if not previously been verified)
- the receipt of two references (one of which must be from the applicant's most recent employer) which the College considers to be satisfactory for positions which involve "teaching work":
 - i. the College being satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (formerly National College for Teaching and Leadership), or any predecessor or successor body, or by a regulator of the teaching profession in any other European Economic Area country which prevents the applicant working at the College or which, in the College's opinion, renders the applicant unsuitable to work at the College;
 - ii. the College being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working at the College or which, in the College's opinion, renders the applicant unsuitable to work at the College
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the College considers to be satisfactory
- confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a College, taking part in the management of an independent College or working in a position which involves regular contact with children
- confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent College
- verification of the applicant's medical fitness for the role
- verification of the applicant's right to work in the UK
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK; and
- verification of professional qualifications which the College deems a requirement for the post, or which the applicant otherwise cites in support of their application (where not previously verified).

Whether a position amounts to "regulated activity" must therefore be considered by the College in order to decide which checks are appropriate. It is however likely that in nearly all cases the College will carry out an enhanced DBS check.

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with or having access to learners. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at The Oaks.

DBS (Disclosure and Barring Service) Check

The College applies for an enhanced disclosure from the DBS in respect of all positions at the College which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.

It is the College's policy that the DBS disclosure must be obtained before the commencement of employment of any new employee.

It is the College's policy to re-check employees' DBS Certificates every three years and in addition any employee who takes leave for more than three months (ie maternity leave, career break etc) must be re-checked before they return back to work.

Members of staff at The Oaks are aware of their obligation to inform the Business Manager of any cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence

Portability of DBS Certificates Checks

Staff may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service for a fee of £13 per annum, which is payable by the applicant.

This allows for portability of a Certificate across employers. The College will:

- obtain consent from the applicant to carry out an update search.
- confirm the certificate matches the individual's identity.
- examine the original certificate to ensure that it is for the appropriate workforce and level of check, ie enhanced certificate/enhanced including barred list information.

The Update check would identify and advise whether there has been any change to the information recorded, since the initial certificate was issued. Applicants will be able to see a full list of those organisations that have carried out a status check on their account.

DBS Certificate

The DBS no longer issue Disclosure Certificates to employers; therefore employees/applicants should bring their original Certificate to the Business Manager at The Oaks (for employees within 7 days of issue or applicants before they commence work or any project involving regulated activity).

Dealing with convictions

The College operates a formal procedure if a DBS Certificate is returned with details of convictions.

Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- the nature, seriousness and relevance of the offence;
- how long ago the offence occurred;
- one-off or history of offences;
- changes in circumstances,
- decriminalisation and remorse.

A formal meeting will take place face-to-face to establish the facts with the Head of College and the Business Manager. A decision will be made following this meeting. 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 Head of College and Business Manager will evaluate all of the risk factors above before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, 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.

Secretary of State Prohibition Orders (Teaching and Management Roles)

In all cases where an applicant is to undertake a teaching role of any kind, a Prohibition Order check will be made using the Employer Access Online Service. It is anticipated that this will be performed at offer stage. 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. 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 39 prohibits or restricts a person from taking part in the management of an independent College.

A person who is prohibited is unable to participate in any management of an independent College, a trustee on any governing body in an independent College, or a management position that retains or has been delegated any management responsibilities. A check for a section 128 direction will be carried out using the Teacher Services' system. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

Proof of identity, Right of Work in the UK & verification if Qualifications and/or professional status

All applicants invited to attend an interview at the College 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 UK in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. The College does not discriminate on the grounds of age.

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

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

Medical Fitness

The College is legally required to verify the medical fitness of anyone to be appointed to a post at the College, after an offer of employment has been made but before the appointment can be confirmed.

All applicants are requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required. This information will be reviewed against the Job

Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role.

The College is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

Overseas Checks

The College, in accordance with the UK Visas and Immigration (UKVI) will, if applicable, sponsor new foreign nationals (see Certificate of Sponsorship section).

In addition, applicants who have lived/travelled abroad for more than 3 months will need to obtain a criminal records check from the relevant country. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the College.

Certificates of Sponsorship (CoS)

If an appointed applicant is a national of a non-EEA country, a CoS may be required. Before any offer of employment is made, the Interviewing Managers should consult with the Business Manager to establish whether the College has any unallocated Sponsorship Certificates.

Criteria for issuing a CoS are:

- The job is in a “designated shortage” occupation, or
- It passes the Resident Labour Market Test (RLMT)
- The job is at NQF6 Level or above
- Minimum salary levels as stated by the UKVI are met.

Only the Business Manager will be able to issue a CoS. In addition to the CoS the applicant must apply for entry clearance/leave to remain through the UKVI and comply with the UKVI requirements.

The process can take up to three months and staff cannot, under any circumstances, be employed until permission is given.

Detailed advice on the above is available from the Business Manager.

Induction Programme

All new employees will be given an induction programme which will clearly identify the College policies and procedures, including the Safeguarding of Vulnerable Young People’s Policy, the Code of Conduct, and KCSIE, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

Single Centralised Register of Members of Staff

In addition to the various staff records kept in College, and on individual personnel files, a Single Central Record of recruitment and vetting checks is kept in accordance with the Education (Independent College Standards) Regulations 2014 requirements. This is kept up-to-date and retained by the Business Manager. The Single Central Record will contain details of the following:-

- All employees who are employed to work at the College;
- all employees who are employed as supply staff to the College whether employed directly or through an agency;

- all others who have been chosen by the College to work in regular contact with learners. This will cover volunteers, trustees, peripatetic staff and people brought into the College to provide additional teaching or instruction for learners but who are not staff members, eg sports coaches etc.

A designated trustee will be responsible for auditing the Single Central Record and reporting his/her findings to the full Trustees Board during the Summer Term meeting.

Record Retention/Data Protection

The College is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the College will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the College to discharge its obligations as an employer, e.g. so that the College may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the College for the duration of the successful applicant's employment with the College. All information retained on employees is kept centrally by the Business Manager in a locked and secure cabinet.

The same policy applies to any suitability information obtained about volunteers involved with College activities.

The Oaks will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (i.e. shredded). The 6-month retention period is in accordance with the General Data Protection Regulations (GDPR) [DPA18].

Ongoing Employment at The Oaks

The Oaks recognises that safer recruitment and selection is not just about the start of employment but should be part of a larger policy framework for all staff. The College will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

Contractors and agency Staff

Contractors engaged by the College must complete the same checks for their employees that the College is required to complete for its staff. The College requires confirmation that these checks have been completed before employees of the Contractor can commence work at the College.

Agencies who supply staff to the College must also complete the pre-employment checks which the College would otherwise complete for its staff. Again, the College requires confirmation that these checks have been completed before an individual can commence work at the College.

The College will independently verify the identity of staff supplied by contractors or an agency in and will require the provision of the original DBS certificate before contractors or agency staff can commence work at the College.

Visiting Speakers (and Prevent Duty)

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

The College is not permitted to obtain a DBS disclosure or Children's Barred List information on

any visiting speaker who does not engage in regulated activity at the College or perform any other regular duties for or on behalf of the College.

All visiting speakers will be subject to the College's usual visitors signing in protocol [Security on Site Policy]. This will include signing in and out at Reception, the wearing of a visitor's badge at all times and being escorted by a fully vetted member of staff between appointments.

The College will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the College. In doing so, the College will always have regard to the the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

"'Extremism' is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

In fulfilling its Prevent Duty obligations the College does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

Volunteers

The College will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with learners at or on behalf of the College (the definition of regulated activity set out above will be applied to all volunteers).

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

It is the College's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the College for three consecutive months or more. Those volunteers who are likely to be involved in activities with the College on a regular basis may be required to sign up to the DBS update service as this permits the College to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, the College will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- formal or informal information provided by staff, parents and other volunteers;
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

Monitoring and Evaluation

The Business Manager will be responsible for ensuring that this policy is monitored and evaluated throughout the College.