



OCL Recruitment & Selection Policy 2019

Recruitment and Selection Policy

V5.0 July 2019

Felicity Larter / Review date: 01/07/2020

Document Control

Changes History

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2.0	01/09/2016	GL, Head of OCL Recruitment	All Oasis Staff	Updated
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5.0	01/07/2019	FRL, PDBP- South West	All OCL Staff	Reviewed and amended to incorporate other existing policies and guidance and updated in line with KCSIE 2019 and EISSR 2014

Approvals

This document requires the following approvals.

Name	Position	Date Approved	Version
John Barneby	Acting Director HR	01/09/2016	2.0
Joy Madeiros	Global CEO		5.0

Position with the Unions

Does the policy require consultation with the National Unions under our recognition agreement?

Yes

No

If the answer is yes, the policy status is:

Consulted and Approved

Consulted and Not Approved

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Awaiting Consultation

Distribution

This document has been distributed to:

Name	Position	Date	Version
All Oasis Academy Principals	-	02/09/2016	2.0
All Academies Staff And Oasis Centre Staff		02/09/2016	2.0
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1. Introduction

- 1.1. Oasis Community Learning (OCL) recognises that our staff are our single most important resource and fundamental to the realisation of our vision is to create 'Exceptional Education at the Heart of the Community'. Therefore, robust recruitment and selection processes are crucial, and a strategic and professional approach is essential, to be able to attract and retain staff of the highest calibre.
- 1.2. OCL is committed to safeguarding and promoting the welfare of children and young people. We expect all staff to share this commitment and to undergo appropriate checks, including enhanced Disclosure and Barring Service (DBS) checks.
- 1.3. This policy serves to ensure OCL's statutory obligations including those contained within Keeping Children Safe in Education: Statutory guidance for schools and colleges (September 2019) (KCSIE), the Education (Independent School Standards) Regulations 2014 (EISSR), Working together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children (July 2018), the Equality Act 2010 and the Data Protection Act 2018 (DPA).

2. Purpose & Aims

- 2.1. To ensure that we attract, recruit and retain the best possible people to work within and for our academies.
- 2.2. To safeguard children and young people within our academies by ensuring that our practices deter, identify and reject people who are unsuitable to work with children and young people.

3. Scope

- 3.1. This policy covers the recruitment and/or appointment of employees, apprentices, agency/supply staff, casual workers, volunteers, peripatetic staff, contractors and consultants, trainee/student teachers, academy councillors, and trustees. Part 1 covers employees (which includes apprentices, casual or zero hours workers). Part 2 covers supply/agency staff, volunteers, peripatetic staff, contractors, trainee/student teachers, academy and hub councillors and trustees.

4. Responsibility & Accountability

- 4.1. Safeguarding and promoting the welfare of children is everyone's responsibility. Everyone who comes into contact with children and their families and carers has a role to play'
- 4.2. The OCL People Directorate are responsible for the development and update of policies relating to recruitment and selection.
- 4.3. The Principal/Executive Principal (or Line Manager of National Service staff) is primarily responsible for compliance with the provisions of KCSIE and the EISSR and with employment law and human resources best practice and therefore the implementation of this Policy and the policies and procedures referred to within this Policy within their academy or function.
- 4.4. The Principal or Line Manager is responsible for ensuring that those, to whom responsibilities within this Policy and the policies and procedures referred to herein are delegated on a day to day basis, receive appropriate training and support to fulfil those responsibilities. As a

minimum requirement, at least one member of all selection panels **must** have undertaken Safer Recruitment in Education Training.

5. Data Protection

5.1. Those seeking to work for OCL are referred to the Candidate Privacy Notice and the General Privacy Notice on the OCL website.

5.2. Information about the handling of DBS Certificates is contained within Part Four of this Policy.

6. Equal Opportunities

6.1. OCL seeks to operate an open, fair and consistent recruitment and selection process where all applicants are given equal opportunity to be successful and recruitment is conducted in a professional and timely manner.

6.2. We are committed to providing equality and fairness for all our recruitment and employment practices ensuring that no-one is discriminated against on the grounds of personal differences such as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation¹ or any other political or personal beliefs.

6.3. We will implement all necessary action and training to ensure our commitments to equality of treatment and ensure that outcomes are fulfilled. We will regularly monitor and review progress made in this respect.

6.4. This policy should be read in conjunction with OCL's Equality and Diversity Policy.

6.5. Information about the Recruitment of Ex-Offenders is contained within Part Three of this Policy.

6.6. If a member of staff involved in the recruitment process has a close personal or familial relationship with an individual seeking to work for OCL they must declare this as soon as known to their line manager and/or the Principal. This person must not participate in the recruitment and selection process unless in exceptional circumstances and with the written authorisation of the Regional Director or the Head of Service/Directorate (as appropriate). If the Regional Director or Head of Service/Directorate is the person in question, then they must obtain written authorisation from either the OCL COO or CEO.

7. Single Central Record

7.1. OCL must by law maintain a Single Central Record (SCR) which records all of the vetting and barring checks that have been undertaken in respect of those working with or for OCL, whether for a national service or based in an Academy.

7.2. Each Academy has its own SCR pages which must be in the prescribed OCL format and stored in the 'HR – Academy Documents' section of the Oasis Zone which has been set-up with appropriate restricted access. This record must include all "staff" which includes: employees (including casual or zero hours workers), supply/agency staff, volunteers and

¹ More information on protected characteristics can be found in the [Equality Act 2010](#).

contractors (those engaged under a contract to provide a service to the organisation or its students).

- 7.3. Those employed or engaged to deliver a national service will be included on the National Service pages of the SCR.
- 7.4. The SCR should record when the relevant safeguarding checks have been carried out, who undertook/verified the check and in many cases, what evidence was used/seen to satisfy the check.
- 7.5. The Principal of an Academy is ultimately responsible for their academy's SCR pages, but day to day maintenance of the SCR may be appropriately delegated. Responsibility for the National Service SCR pages is held by the Chief Operating Officer, but maintenance of the SCR may be appropriately delegated.

PART ONE: Vetting and barring checks for Employees (including apprentices, casual and zero hours workers and trainee salaried teachers)

1. Recruitment Planning

- 1.1. When a vacancy occurs due to a member of staff leaving, the Principal/Line Manager should review the vacancy and decide whether it requires filling in its current form (or indeed at all) based on business need, budgets and other relevant factors.
- 1.2. All positions require a Job Description and Person Specification (JDPS). For existing positions, the JDPS must be reviewed prior to recruitment to ensure it is still fit for purpose. Inaccurate or incomplete job descriptions can have a significant impact on the quantity and quality of candidates attracted and can also lead to misconceptions for new employees. Where amendments are required, the JDPS should be re-evaluated.
- 1.3. For brand new positions, a new JDPS must be drafted and evaluated. All job descriptions must contain standard safeguarding wording, as contained in the template JDPS.
- 1.4. Salaries for all Leadership posts must be calculated in line with the OCL Leadership Pay Policy.
- 1.5. A Hiring Requisition must be completed for all appointments (whether within or outside of budget) and submitted to the specified approval channels for authorisation before recruitment can commence.
- 1.6. Once the Hiring Requisition is approved, a planning meeting should take place to agree the key details of the campaign (advertising and interview dates, media, selection panel members etc.).

2. Marketing and Advertising

- 2.1. The Principal/Line Manager must determine the extent of the advertising campaign mindful of the OCL commitments to 'inclusion', 'being able to make a contribution' and 'reaching your God given potential'. Wherever possible, vacancies will be advertised both externally and internally within the OCL group for a minimum of 14 days through mediums which afford the widest possible audience.
- 2.2. OCL recognises that the standard way to recruit staff is by advertising all posts externally. OCL will also always advertise all vacancies internally.

- 2.3. OCL will choose at times, when appropriate, only to advertise internally. Where OCL chooses to advertise internally only, OCL will be transparent about its intentions to provide development opportunities to existing staff rather than advertising externally.
- 2.4. Wherever OCL needs to make efficiencies by reducing the numbers of staff posts in favour of the creation of fewer new posts, OCL will always seek first to retain existing staff in the new posts rather than creating more staff losses by advertising for the new posts.
- 2.5. Where there are reasonable operational requirements to make an appointment without any form of advertising, this will only be supported if a case is made and approved by the National Pay Committee.
- 2.6. Advertising decisions should be made based on the type of role, likely candidate pool and budget limitations. Adverts are the key means for attracting candidates. Care should be taken to ensure the advert accurately reflects the role and organisation and entices candidates to apply for the position.
- 2.7. All adverts must contain a short statement on Equal Opportunities, Fluency Duty (where relevant) and Safer Recruitment, as detailed in the Recruitment Advert Template. It is also important to ensure that the advert copy promotes equality of opportunity and does not include any language that could be deemed discriminatory.
- 2.8. All adverts should be written and published in line with OCL Brand Guidelines²

3. Applying for a role

- 3.1. Alongside the Recruitment Advert, each vacancy requires an Application Form, Equal Opportunities Monitoring Form, Candidate Privacy Notice and JDPS.
- 3.2. Academies and line managers are free to create "Candidate Packs" providing information about the Academy and/or organisation however nothing in these documents should conflict with the provisions or requirements of this Policy.
- 3.3. Recruiters must use the OCL Application Forms (Leaders, Teachers & Support Staff, Volunteers) for the appointment of all staff, which are contained within the Recruitment Toolkit. A CV is not acceptable as a method of application. It does not provide a common data set, may allow candidates to omit information and does not comply with safer recruitment guidance.

4. Shortlisting and Interview Set-up

- 4.1. Shortlisting must be undertaken separately by at least two people, before coming together to finalise the shortlist. At least one member of the shortlisting panel must be Safer Recruitment trained.
- 4.2. Shortlisting must be undertaken using agreed criteria based on the JDPS and be documented for audit and scrutiny purposes. A suggested Shortlisting Matrix can be found in the Recruitment Toolkit.
- 4.3. The shortlisting panel should identify gaps in employment and any discrepancies on the Application Form. If shortlisted, these must be investigated at (or before) interview.

² Please contact the Communications Team (Comms@oasisuk.org) for any queries or assistance in this area.

- 4.4. Once the shortlist is agreed, the shortlisted candidates must be invited to attend for interview in writing (Invitation to Interview Letter). The invite must:
 - 4.4.1. confirm the date and time, format for the day and any preparation required;
 - 4.4.2. provide details of the documents the candidate must bring to the interview (Documents to Bring to Interview);
 - 4.4.3. enclose the DBS Self Declaration Form and Childcare Disqualification Declaration Form (where required for the role), which must be completed prior to and brought to the interview in a sealed envelope.
- 4.5. All unsuccessful candidates should be informed of the outcome of their application as soon as possible following the shortlisting process.

5. Pre-Interview checks

- 5.1. At least two references must be sought for all shortlisted candidates prior to interview using the OCL Reference Request Template(s) to cover a minimum of three years prior to the date of their application. One of these references must be sought from their current/most recent employer.
- 5.2. If a candidate has previously worked (whether as an employee, volunteer or on a supply basis) in a school or other education setting or situation involving working with children (Scouts, sports coaching, Outward Bound, or similar) then a reference must be sought from that organisation which confirms the role they held, the dates on which they worked at/for that organisation and, their reason for leaving.
- 5.3. If the candidate has worked through a supply agency during the three years prior to their application, references should be sought direct from the last supply agency **and** from any education setting where the candidate has been placed for 4 or more consecutive weeks.
- 5.4. A reference must be addressed to a senior person within the organisation ie. The Principal/Headteacher within a school, the Managing Director within a business, the Chief Executive within a charity – not to a colleague or the candidate's immediate line manager (although these may be copied into any request out of courtesy and/or to encourage a timely response).
- 5.5. An employer should only be providing one reference – for and on behalf of their organisation. A referee must be employed by the organisation on behalf of whom it is providing a reference (for whom the candidate previously worked/was employed by).
- 5.6. Open references or testimonials supplied directly by the candidate cannot be accepted.
- 5.7. Employment reference requests must be sent to and received from a professional email address in order to ensure the legitimacy of the referee.
- 5.8. A copy of the email or letter requesting the reference must be retained on the candidate's file (and if successful, moved to their personnel file) as evidence that a request has been made.
- 5.9. A copy of the email returning the completed Reference Request Template must be retained on the candidate's file (and if successful, moved to their personnel file) as evidence of the source of the completed Reference Request Template
- 5.10. On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as

appropriate, for example if the answers are vague or if insufficient information is provided. This level of enquiry would normally be undertaken by the Academy Principal or Service Line Manager. In the event new information is disclosed verbally, notes from the call should be emailed to referee to verify the information. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

- 5.11. For internal candidates, a reference is required from their current Line Manager and, where the role applied for will have a regional or national responsibility, from the Principal of their Academy.

6. Interview

- 6.1. Prior to the commencement of the Interview, the candidate must produce the following:

- 6.1.1. Evidence of identity
- 6.1.2. Original relevant qualification certificates
- 6.1.3. Evidence of right to work in the UK

which will be verified, photocopied (the person responsible for verification noting their name, position, date and signature on each copy)

- 6.1.4. A completed DBS Self Declaration Form and Childcare Disqualification Declaration Form (where required for the role).

- 6.2. All interview panels must contain at least two people (a minimum of three for leadership posts). Panel members should be chosen based on the nature of the role and seniority of the position. At least one panel member must have completed Safer Recruitment Training and should be involved at all stages of the process.
- 6.3. Considerable care needs to be taken over the practical arrangements for the interview day(s). Where candidates have indicated that they have a disability which requires a reasonable adjustment to be made, they should be consulted in advance how the process can be made accessible for them and timely plans must be made for adjustment.
- 6.4. The interview panel should draw up selection criteria taking account of the Job Description and Person Specification (JDPS). They should consider the range of selection activities to be used and should be clear as to how these activities will allow them to apply the criteria. Interview panels should also consider how activities inform candidates of the nature of both the post and the organisation, paying due consideration to areas such as culture and ethos. The candidates should be advised of selection activities prior to the selection day. Where possible/appropriate, students should be involved in the process. While a Skype or telephone interview may be permissible for a preliminary stage, all candidates should normally be interviewed face-to-face.
- 6.5. The interview and selection activities should explore issues relating to safeguarding and promoting the welfare of children. However safeguarding should be paramount throughout the interview and not simply add-on questions at the end of the interview. Interview Panels should avoid 'hypothetical' safeguarding questions and seek positive examples.
- 6.6. All candidates should be subject to the same selection tasks. Every interview should be structured and the same questions asked of all candidates. It is however acceptable to ask follow up or probing questions based on a candidate's response.

- 6.7. The panel must ensure that questions are asked and full and detailed answers are provided (and recorded) regarding:
 - 6.7.1. Any gaps in employment history;
 - 6.7.2. Any anomalies, inconsistencies or apparently incomplete information in the Application Form; and
 - 6.7.3. Information disclosed by the candidate on the DBS Self Declaration Form; and
 - 6.7.4. Any concerns arising from or discrepancies identified in the employment references that have been obtained.
- 6.8. Each panel member should complete an evaluation/question sheet in respect of every candidate. Interview notes should be factual, noting candidate responses and performance during the selection process. The responses to each question should be scored based on the stated criteria. All evaluation sheets should be batched with the panel member who has undertaken Safer Recruitment Training clearly identified. Following the completion of all selection activities, a wrap-up session should take place to collate scoring and discuss the performance of each candidate, their strengths and areas of concern and how they meet the requirements set out in the JDPS. Care must be taken to minimise unconscious biases and ensure appointment is based purely on merit.
- 6.9. The successful candidate should provide the “closest fit” to the “ideal person” described in the person specification and, as a minimum, should fulfil all the essential requirements.

7. Offer and Feedback

- 7.1. Candidates must be notified of the outcome of the selection exercise as soon as possible after the selection day. It is good practice to offer feedback to unsuccessful shortlisted candidates.
- 7.2. All offers of employment must be made conditional upon the satisfactory completion of all of the pre-employment checks. An offer of employment must be only be made using the OCL Conditional Offer of Employment Letter (in the Recruitment Toolkit).

8. Document storage and Retention

- 8.1. All interview documentation must be returned to the PD/HR lead for secure storage. Only those who require access for specific and authorised purposes will have access.
- 8.2. All documentation relating to unsuccessful candidates must be securely destroyed after six months.
- 8.3. The successful candidate’s Application Form, References, interview and assessment notes and documentation from selection tasks, evidence of identity, right to work and relevant qualifications, Candidate Privacy notice and DBS Self Declaration Form (and Childcare Disqualification Declaration Form – where appropriate) should be transferred to their personnel file.

9. Pre-Appointment Checks for Employees

- 9.1. The Principal or Line Manager must ensure that the following pre-appointment checks are undertaken in respect of all employees (which includes casual or zero hours workers, such as invigilators and tutors):

- 9.1.1. At least two satisfactory **references**, (see section 5 above).
 - 9.1.2. Confirmation the individual has the **right to work in the UK**.
 - 9.1.3. Verification of the individual's **identity**.
 - 9.1.4. Verification of **qualifications and/or professional status** (when required necessary/relevant for the post. Original documents must be seen and copied. For teachers, Teaching Regulation Agency service (previously NCTL Teacher Services) must be used to check a teacher's record. This service will provide details of QTS and Induction qualifications, as well as any restrictions or sanctions in place.
 - 9.1.5. Verification that the new employee is not subject to a **Prohibition Order** (via Teaching Regulation Agency, previously NCTL Teacher Services). This check must be undertaken in respect of anyone who is a qualified teacher, even if they are applying for a support staff rather than a teaching staff post.
 - 9.1.6. Verification that the employee is not subject of a **Section 128 direction** (Prohibition from Management Checks) (via Teaching Regulation Agency, previously NCTL Teacher Services') This check is only relevant for those in a management role. Individuals taking part in 'management' include trustees, academy councillors, heads of service (ie finance), principal, any teaching positions on the senior leadership team, and any teaching positions which carry a department headship.
 - 9.1.7. Confirmation the individual has the **mental and physical fitness** to carry out their work responsibilities (this is undertaken by means of a confidential self-declaration and accompanying questionnaire (New Starter Health Declaration Form and New Starter Health Questionnaire).
 - 9.1.8. Obtain an **enhanced DBS certificate** (including barred list information, where appropriate).
 - 9.1.9. Require the individual to provide an **overseas criminal record check** (often referred to as a 'Certificate of Good Character) in respect of any country where the individual has lived for 6 months or more within the 10 years prior to joining OCL.
 - 9.1.10. Verification that of any **current EEA member state restriction/sanction** (via Teaching Regulation Agency, previously NCTL Teachers Services). A restriction/sanction does not currently prevent the person from taking up teaching positions in England, but must be considered as part of your safer recruitment pre-appointment checks to determine their suitability for the position.
 - 9.1.11. Where the individual will be involved in delivering or managing the delivery of child care to children up to an including Reception age during normal school hours, or childcare to children up to the age of 8 outside of normal school, verification that the individual is **not "disqualified"** contrary to the Child Care Act 2006 and the Childcare (Disqualification) Regulations 2018 (use Childcare Disqualification Declaration in the Recruitment Toolkit).
- 9.2. An offer of employment must remain conditional until all of the above listed checks are satisfactorily completed.
 - 9.3. In exceptional circumstances it may be possible to allow an individual to start work in regulated activity before a DBS Certificate is obtained by OCL. The following conditions must be met:

- 9.3.1. There must be a critical business need; and
- 9.3.2. A clear Barred List check must be obtained; and
- 9.3.3. All other pre-employment checks must be satisfactory; and
- 9.3.4. The individual must not work without appropriate supervision; and
- 9.3.5. A Risk Assessment – Supervision of New Employees without a DBS Certificate must be completed.

PART TWO: Vetting and barring checks for agency/supply staff, trainee teachers, volunteers, peripatetic staff, contractors, academy councillors and trustees

1. Agency/supply staff

- 1.1 The following requirements apply to all supply/agency staff, **irrespective of the length of their engagement by the Academy or National Service**, this is because the law does not differentiate between supply for one day or one week – the requirements are the same.
- 1.2 Supply agencies are required to carry out the same level of checks as OCL undertakes for its employees (see Part 1 above). The Academy and/or Service Line Manager must obtain written confirmation that the supply agency has undertaken all of these checks, appropriately store such written evidence and ensure that this is recorded in the appropriate SCR.
- 1.3 **Paragraph 19(2)(a)(ii) of The Education (Independent School Standards) Regulations 2014 provides that an agency/supply worker may not commence work until OCL has been provided with a copy of the agency/supply worker's enhanced DBS certificate.**
- 1.4 If the agency/supply worker has not worked in an education setting in the 3 months prior to working at OCL then their Enhanced DBS Certificate must not be more than 3 months old.
- 1.5 The Academy/line manager must also check that the person presenting themselves for work is the same person on whom the checks have been made by checking their photo identification upon arrival.
- 1.6 When using agency members of staff, Academies/line managers must ensure they are complying fully with the Agency Worker Regulations 2010, guidance can be provided by the PD Business Partner for your region.
- 1.7 If an agency/supply worker is to be appointed to the organisation as an employee, the line manager or academy must ensure that **all** of the requirements of Part One of this Policy have been met. It is not sufficient to rely upon the checks or assessments undertaken by the supply agency (save that the DBS Certificate may be transferred/ported). The SCR must be completed accordingly and the all supporting evidence must be placed on a personnel file.

2. Trainee/student teachers

- 2.1 Where a trainee is on a salaried scheme, OCL must undertake the same checks as are required for employees (see Part 1).
- 2.2 Where trainee teachers are fee-funded, the initial teacher training provider must carry out the same level of checks as OCL undertakes for employees (Part 1). The Academy must seek obtain

written confirmation that the initial teacher training provider has undertaken all of these checks and has judged the trainee suitable to work with children, appropriately store such written evidence. Whilst the training provider may not be at liberty to share evidence of the checks having been completed (eg. to provide a copy of the DBS certificate or evidence of right to work), the Academy is entitled to and should (in addition to obtaining confirmation from the provider that it has undertaken all of the Part 1 checks) request evidence direct from the trainee teacher to satisfy the requirements of Part 1. Such evidence should be stored by the Academy and the SCR updated accordingly.

3. Volunteers

- 3.1 Volunteers make a significant contribution to our organisation. They will be seen by students as safe and trustworthy and as such, it is necessary to check their suitability to work with children and young people. However a common sense approach must be taken based on the role, level of contact and frequency of volunteering (e.g. one off school trip support versus a more ongoing role).
- 3.2 If a volunteer is helping out on a one-off basis (i.e. school trip or event) they must be **supervised** by an OCL employee throughout their time with us and should be treated as a “visitor”.
- 3.3 If a volunteer will be **unsupervised** or taking part in an overnight activity (ie. school camp) then you must obtain an Enhanced DBS Certificate with Barred List Check.
- 3.4 If a volunteer is **supervised but helping out on a regular basis** (more than 3 occasions a month) then you must obtain an Enhanced DBS Certificate without Barred List Check. You must also regularly monitor the arrangements to ensure that with familiarity and the passing of time, the volunteer is not being left to work unsupervised, in which case, you must conduct a Barred List Check.
- 3.5 Prior to commencing the volunteer arrangements, the Academy must:
 - 3.5.1 Obtain a completed Volunteer Application Form; and
 - 3.5.2 Conduct a short interview to include the provision of information about the Academy, its requirements and expectations of the volunteer, safeguarding questions (including relating to why the volunteer wishes to be involved with the academy); and
 - 3.5.3 Obtain from the volunteer a signed Volunteer Agreement; and
 - 3.5.4 Obtain an Enhanced DBS Certificate (and Barred List Check where required - see above); and
 - 3.5.5 Require them to undertake the Hays Safeguarding Training; and
 - 3.5.6 Obtain evidence of the volunteer’s identity; and
 - 3.5.7 Obtain 2 professional references; and
 - 3.5.8 Verify the volunteers mental and physical fitness to carry out the role they have volunteered for; and
 - 3.5.9 Where the individual will be involved in delivering or managing the delivery of child care to children up to an including Reception age during normal school hours, or childcare to children up to the age of 8 outside of normal school, verification that the individual is **not “disqualified”** contrary to the Child Care Act 2006 and the Childcare

(Disqualification) Regulations 2018 (use Childcare Disqualification Declaration in the Recruitment Toolkit)

- 3.6 Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.
- 3.7 Volunteer information should also be recorded on the SCR and all documentary evidence appropriately stored in a volunteer personnel file.

4. Contractors

- 4.1 Contractors are those who supply services to the Academy (ie. Building contractors, Cleaning companies, School Improvement Consultants, Professional Coaches/Mentors) or to the students (ie. Art Therapist, School Nursing Service, Educational Psychologists, Counsellors, peripatetic music teachers or tutors) which require them to come on to the Academy's site to provide services to the Academy or its students. They may be paid for by the Academy, by OCL, by parents/carers via the local authority or other government funding. The important thing to remember is that they may often have regular or unsupervised access to the Academy's site and therefore its students.
- 4.2 If a contractor attends on a **one-off basis** (ie. to fix a piece of equipment or to deliver a training event) they must be supervised by an OCL employee throughout their time on site and treated as a "visitor" (the following requirements do not therefore apply).
- 4.3 If the Academy is **directly procuring the services of a contractor** (eg. Professional coach or mentor, therapists, educational psychologists, sports coaches) they must ensure that the terms of the contract are recorded in writing (seek advice and assistance from the PD Business Partner in your region) and that the requirements set out in paragraph 4.7 below are contained within the contract.
- 4.4 If the **contractor has been procured nationally/by OCL** (eg Sodexho) on behalf of the Academy, the Academy must ensure that it obtains written confirmation from the contractor that the requirements set out in paragraph 4.7 below have been satisfied by the contractor in respect of each of the individuals it supplies to perform the contract.
- 4.5 If the **contractor is provided by/funded by the local authority** (eg. Social workers, therapists/counsellor) then the Academy should obtain written confirmation from the local authority that it has undertaken appropriate vetting and barring checks and considers the individuals it provides/funds as suitable to work with children and young people. To support this, these individuals must produce their Local Authority ID card (and for Social Workers, their Health and Care Professionals Card (HCPC) to the Academy on request. The Local Authority is unlikely to confirm the names of all of the individuals it may or will send to the Academy due to size and fluctuation of its workforce.
- 4.6 In many Academies, **parents/carers of the Academy pay** for music lessons and/or tutoring to be delivered to their child during the school day. These individuals contract directly with the parent/carer and the Academy has no direct involvement in the arrangements. However, by permitting these Peripatetic Staff access to the Academy and to its students; through advertising or facilitating the advertisement of the services of these Peripatetic Staff, the Academy takes on a responsibility for ensuring that these individuals are suitable to work with children and young people.

4.7 If you are unsure who or what funds the contractors services to the Academy or its students then you should seek advice from your regional PD Business Partner.

4.8 The following checks are required of each individual who performs the contract:

- 4.8.1 Identity;
- 4.8.2 Medical fitness to perform the contract;
- 4.8.3 Right to work in the UK;
- 4.8.4 Relevant qualifications to perform the contract;
- 4.8.5 Disclosure & Barring Certificate:

The individual will be:	“Temporary” or “occasional” (which means 3 days or less in a 30 day period)	Regularly (which means on more than 3 days in a 30 day period)	Unknown (for example a call down/reactive supply contract)
Unsupervised by OCL staff	Enhanced DBS without Barred List Check	Enhanced DBS with Barred List Check	
Supervised by OCL staff	No DBS or Barred List check required (treat as a “Visitor”)	Enhanced DBS without Barred List Check	Enhanced with Barred List Check
Building and maintenance (not engaged in regulated activity)	Enhanced DBS without Barred List Check (plus requirement in contract for appropriate site supervision of staff (eg. by foreman) and/or appropriate exclusion/secure working zones)		
Providing advice or guidance on physical, emotional or educational well being	Enhanced DBS without Barred List Check	Enhanced DBS with Barred List Check	
Providing personal care including helping a child with eating, drinking, toileting, washing, bathing or dressing for reasons of age, illness or disability	Enhanced DBS with Barred List Check	Enhanced DBS with Barred List Check	
Providing healthcare as, or under the direction or supervision of, a regulated health care professional	Enhanced DBS with Barred List Check	Enhanced DBS with Barred List Check	

Driving a vehicle only for children	Enhanced DBS without Barred List Check	Enhanced DBS with Barred List Check
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4.8.6 Where the individual has lived/worked outside of the UK for more than 6 months in the previous 10 years, a certificate of good conduct (or equivalent) from each country is required.

4.9 If the contractor is self-employed or unable to obtain the appropriate DBS Certificate (and/or Barred List Check, where required), the Academy should undertake the appropriate check directly and re-charge this to the contractor.

4.10 If the contractor is self-employed then the Academy must also obtain and retain a home or business address and contact number for auditing purposes.

4.11 The Academy should undertake the above checks at the commencement of a contract or annually (whichever is more frequent) to ensure that the data held by the Academy is up to date. Confirmation that the above checks have been completed must be recorded on the SCR.

5. Academy and Hub Councillors

5.1 Academy and Hub Councillors are volunteers and therefore the arrangements for their appointment whilst often managed nationally/regionally by the Governance Services Manager and Hub colleagues, must follow the provisions of this policy relating to Volunteers.

5.2 OCL considers it good practice for all Academy and Hub Councillors to have an enhanced DBS (Disclosure without barred list check) and therefore it is policy to do so.³ A barred list check must only be undertaken if the individual is engaged in regulated activity. Whilst Academy and Hub Councillors often have very limited access to students, consideration should be given to circumstances when Academy and Hub Councillors may be asked/required to undertake or be involved in student facing activities, such as Student Voice, leading or supervising student activities or lesson observations which may give rise to unsupervised access/regulated activity.

6. Trustees

The recruitment and appointment of OCL's trustees is undertaken by National Office which is responsible for maintaining the National Office SCR.

PART THREE: Recruitment of Ex-Offenders

1. OCL will not unfairly discriminate against any applicant for employment on the basis of their criminal record or other information revealed. OCL makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar him/her from employment. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph] below.

³ Further information on the policy and process surrounding this area can be obtained from Norma Downer-Powell, Governance Services Manager - Norma.Downer-Powell@oasisuk.org

2. All posts within OCL are, (by reason of The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)) exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that all applicants for employment with OCL will be asked to disclose if they have any convictions, cautions, reprimands or final warnings that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)
3. A failure to disclose a previous conviction may lead to an application being rejected or, if the failure 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.
4. 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, OCL will consider the following factors before reaching a recruitment decision:
 - (a) whether the conviction or other matter revealed is relevant to the position in question;
 - (b) the seriousness of any offence or other matter revealed;
 - (c) the length of time since the offence or other matter occurred;
 - (d) whether the applicant has a pattern of offending behaviour or other relevant matters;
 - (e) whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
 - (f) the circumstances surrounding the offence and the explanation(s) offered by the convicted person.
5. OCL will carry out a DBS Risk Assessment of Caution, Conviction or Reprimand with reference to the criteria set out above. The assessment form must be completed and signed by the Principal at the Academy or the National Service Line Manager and approved by the Regional PD Business Partner.
6. If the post involves regular contact with children, it is OCL'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, class A drug related offences, robbery, burglary, theft, deception or fraud.
7. If the post involves access to money or budget responsibility, it is OCL'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.
8. If the post involves some driving responsibilities, it is OCL's normal policy to consider it a high risk to employ anyone who has been convicted of dangerous driving or of an offence of driving under the influence of alcohol or drugs, within the last 10 years
9. If an applicant wishes to dispute any information contained in a Disclosure, he/she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, OCL will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the Disclosure information.

PART FOUR: Handling of DBS Certificate information

1. As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, OCL complies fully with the DBS code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.
2. It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.
3. Certificate information will be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.
4. In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.
5. OCL is entitled to retain a copy of the DBS certificate for the purposes of OFSTED inspection and to demonstrate 'safer recruitment' practice for the purpose of safeguarding audits. This practice will be compliant with the Data Protection Act, Human Rights Act, General Data Protection Regulation (GDPR).
6. Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.
7. Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary and in any event, **no longer than 6 months from the date of issue or our receipt of the check** (in the case of update service and ported DBS certificates), **whichever is later**. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purposes of inspection and/or the completion of safeguarding audits. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.
8. We will ensure that when disposing of any DBS certificate information this is done by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).