



# **Safer Recruitment Policy**

Revised: January 2021

Reviewed: August 2021

This policy should be read in conjunction with the OxSFC COVID-19 policy that overrides the guidelines/procedures in this policy, where appropriate. The guiding principle will always be to maintain the health and safety of all stakeholders.

## **Introduction**

Oxford Sixth Form College (OxSFC) recognises that the achievement of its goals and the securing of its values are dependent on the recruitment and the retention of a skilled and committed workforce. This policy and procedure sets out our approach to this. This document is to be read in conjunction with the Safeguarding Policy, Child Protection Policy & Keeping Children Safe in Education 2021, The School Staffing (England) Regulations 2009 and the NSPCC Safer Recruitment Guidance.

## **Policy Statement**

Oxford Sixth Form College is committed to creating a culture of safer recruitment and, as part of that, adopt robust recruitment procedures that help deter, reject or identify people who might abuse children. The Senior Management Team and Managers involved in the recruitment process will act reasonably in making decisions about the suitability of the prospective employee based on checks and evidence including: criminal record checks (DBS checks), barred list checks, prohibition checks and Section 128 (embezzlement and fraud checks) together with references and interview information.

All recruitment and selection activities will be carried out in a fair, consistent, effective and professional manner and will respond appropriately to concerns about the suitability of applicants during the recruitment process. An effective recruitment process contributes directly to the continuing success of the organisation and in addition, it is the responsibility of the Principal to ensure that this policy and procedure complies with all relevant legislative and other related policy requirements.

The College is committed to applying its equal opportunities policy at all stages of recruitment and selection. Shortlisting, interviewing and selection will always be carried out without regard to sex, gender identity, sexual orientation, marital status, colour, race, nationality, ethnic or national origins, religion or belief, age or trade union membership, unless lawfully allowed for certain specific posts.

Normally appointments must be made in accordance with this policy and will, therefore, be subject to advertisement and interview. The Principal must approve any exceptions in advance of formal appointment.

Financial approval for the establishment of a new post or the filling of a vacancy must be obtained before recruitment commences.

Appointments will be made subject to the receipt of at least 2 written references; proof of eligibility to work in the UK; documentary proof of qualifications and where appropriate Disclosure and Barring Scheme checks.

## **Aims of the policy**

The purpose of the following procedural guide is to inform managers and employees of the aims and design of the recruitment, selection and appointment policy. It is designed as an aid to assist staff to carry out the process in a fair, effective, efficient and systematic manner.

This will ensure that:

- the best candidate is appointed for the vacant post, with regard to objective criteria, which includes qualifications, skills, knowledge and quality of experience.
- vacancies are filled within agreed timescales and in the most cost-effective manner.
- our recruitment procedure does not unlawfully discriminate at any stage of the process.

### **Recruitment and selection process**

This section focuses on ensuring potential applicants are given the right messages about the College's commitment to recruit suitable people.

It is vital that the governing body creates a culture that safeguards and promotes the welfare of children in the College. As part of this culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities in the College. The Governing body will ensure that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training.

In line with The School Staffing (England) Regulations 2009 the governing body will ensure that at least one of the persons who conducts an interview has completed safer recruitment training.

### **Advertising**

When defining a role in the College consideration will be given to the following information (through the job or role description and person specification):

- the skills, abilities, experience, attitude, and behaviours required for the post; and
- the safeguarding requirements, i.e., to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children.

The advert should include:

- the College's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken;
- the safeguarding responsibilities of the post as per the job description and personal specification;
- a statement saying that as this post involves working with children and young people therefore applicants are exempt from the Rehabilitation of Offenders Act 1974
- the College name and logo
- title of the vacancy and the duration of the post e.g. fixed term, permanent, fraction
- how to access further details
- method of application
- closing date for applications and,

- where known, the date and location of the interview.

All posts should be advertised internally, unless it is under 3 months duration, or a post has been designated as potentially suitable for a person for whom the organisation is seeking redeployment.

The majority of posts will also be concurrently advertised externally to maximise the chances of attracting the best candidate. Consideration should also be given to advertising in locations/publications likely to increase diversity in the workforce.

It is also recognised that OxSFC receives a number of speculative applications. This is particularly the case for teaching positions. These may be used to fill short-term and 'last-minute' vacancies.

Advertisements for positions which involve working with children will make specific reference to the OxSFC Safer Recruitment Policy. Applicants will be made aware that:

- Any gaps in employment will be explored at interview
- Contact details for at least 2 referees must be provided, including the most recent employer. In the case of graduates, the most recent place of study will be required to provide a reference.

Referees will be asked specifically about the candidate's suitability to work with children.

- The role advertised meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974.
- All applicants who are offered employment will be subject to a Disclosure and Barring Service (DBS) check before the appointment is confirmed. This will include details of cautions, reprimands or final warnings as well as convictions

### **Application forms**

The College Job Application form meets the legislative requirements set out in KCSiE 2021 and includes a self-declaration of their criminal record or information that would make them unsuitable to work with children.

All applicants to the College, irrespective of role, are required to complete the College application form. Note that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

The College will not accept a curriculum vitae in place of an application form.

### **Job Description**

A job description is a key document in the recruitment process and must be finalised prior to taking any other steps. It must include:

- The job title
- The location of the job
- Grade or salary scale of the post
- The line manager to whom the post holder is responsible
- Any posts reporting to the post holder

- Main purpose of the job
- Main duties and responsibilities
- Any special working conditions (e.g. evening or weekend work)

Other items that should be included in job descriptions are:

- A note that indicates that, as duties and responsibilities change, the job description will be reviewed and amended in consultation with the post holder.
- An indication that the post holder will carry out any other duties as are within the broad scope and purpose of the job as requested by the line manager or other authorised person.
- All roles in the College will be subject to Safer Recruitment and Child Safeguarding practices. Applicants will be informed in the job advertisement that a DBS Enhanced Disclosure will be sought. Referees will be asked specifically whether or not they feel the applicant is a suitable person to work with children or other vulnerable groups; any gaps in employment must be satisfactorily explained; any period of time longer than 3 months spent outside of the UK in the previous 5 years will be subject to overseas checks; Barred from working with children List (formally List 99) checks; Prohibition checks and staff seeking employment in a managerial role will also undergo a Section 128, embezzlement and fraud check.

### **Shortlisting**

Shortlisted candidates are asked, at application, to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children.

Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records, further information can be found on GOV.UK

For example:

- if they have a criminal history;
- whether they are included on the barred list;
- whether they are prohibited from teaching;
- whether they are prohibited from taking part in the management of an independent school;
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted;
- if they are known to the police and children's social care;
- have they been disqualified from providing childcare (see paras 245-249);

and,

- any relevant overseas information.

This information should only be requested from applicants who have been shortlisted. The information should not be requested in the application form to decide who should be shortlisted.

Applicants are asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview.

The College will:

- ensure that at least two people carry out the shortlisting exercise (it is preferred by the College that those who shortlist carry out the interview for a consistent approach);
- consider any inconsistencies and look for gaps in employment and reasons given for them; and,
- explore all potential concerns which will be discussed at interview.

### **Employment history and references**

References will be requested, where possible, prior to interviews taking place. Any concerns will be explored with the new employee prior to their start date.

Oxford Sixth Form College will:

- not accept open references e.g. to whom it may concern;
- not rely on applicants to obtain their reference;
- ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations);
- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed;
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer;
- always verify any information with the person who provided the reference;
- ensure electronic references originate from a legitimate source;
- contact referees to clarify content where information is vague or insufficient information is provided;
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate;
- establish the reason for the candidate leaving their current or most recent post; and,
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

Oxford Sixth Form College will check that all references provided confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations but should not include information about allegations which are unsubstantiated, unfounded, false, or malicious.

References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings.

## **Selection**

The College will use a range of selection techniques to identify the most suitable person for the post. Those interviewing should agree structured questions that should include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children;
- exploring their skills and asking for examples of experience of working with children which are relevant to the role; and
- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

The interviews should be used to explore potential areas of concern to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- implication that adults and children are equal;
- lack of recognition and/or understanding of the vulnerability of children;
- inappropriate idealisation of children;
- inadequate understanding of appropriate boundaries between adults and children; and, indicators of negative safeguarding behaviours.

Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.

Where possible, the College will involve students in the recruitment process in a meaningful way.

Observing short listed candidates and appropriately supervised interaction with students is common and recognised as good practice.

All information considered in decision making should be clearly recorded along with decisions made on the interview sheet.

## **Disabled Applicants**

Where the candidate being interviewed has a disability for which adjustments may need to be considered, the candidate's requirements should be discussed with him/her once the planned questioning is complete. The outcome of these discussions must not influence the consideration of the candidate's application. If the disabled candidate best meets the person specification, consideration must be made regarding what would be 'reasonable adjustments' to accommodate the needs of the person in question. On considering these, if it is considered that the adaptations needed would not be deemed to be 'reasonable' under the Disability Discrimination Act; the Manager will draft a letter to the applicant explaining why the adaptations cannot be made. Reasons for not making adjustments to the working environment must be both material and substantial, and must be documented.

## **Pre-appointment vetting checks, regulated activity and recording information**

This section provides the legal requirements that governing bodies and proprietors need to understand (and which must be carried out) when appointing individuals to engage in regulated activity relating to children. It covers the importance of ensuring the correct pre-appointment checks are carried out. These checks will help identify whether a person may be unsuitable to work with

children (and in some cases is legally prohibited from working with children and/or working as a teacher). They should be seen as the part of a wider safeguarding regime which will carry on following appointment.

All offers of appointment should be conditional until satisfactory completion of the mandatory pre-employment checks. The College will:

- verify a candidate's identity, best practice is checking the name on their birth certificate, where this is available. Further identification checking guidelines can be found on the GOV.UK website.
- obtain (via the applicant) an enhanced DBS check (including children's barred list information, for those who will be engaging in regulated activity with children). OxSFC requires the holder of the DBS to bring the certificate in as soon as it arrives so that it can be verified.
- obtain a separate children's barred list check if an individual will start work in regulated activity with children before the DBS certificate is available;
- verify the candidate's mental and physical fitness to carry out their work responsibilities by completing a Health Declaration.
- verify the person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then we should follow advice on the GOV.UK website;
- if the person has lived or worked outside the UK, we will make any further checks we consider appropriate; and,
- verify professional qualifications, as appropriate. The Teaching Regulation Agency's (TRA) Employer Access Service should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.

In addition:

- we will check that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State: and,
- before employing a person to carry out teaching work in relation to children, we will take reasonable steps to establish whether that person is subject to a prohibition order issued by the Secretary of State.

### **Applicant moving from previous post**

There is no requirement for a school or college to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person's appointment, the applicant has worked, in a school in England, in a post:

- which brought the person regularly into contact with children; or
- to which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons; or

- in another institution within the further education sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

For a college there is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person's appointment, the applicant has worked in:

- a school in England in a position which brought him or her regularly into contact with children aged under 18; or
- another institution within the further education sector in England, or in a 16 to 19 academy, in a position which involved the provision of education and caring for, training, supervising or being solely in charge of persons aged under 18.

Whilst there is no requirement to carry out an enhanced DBS check in the circumstances described above, OxSFC may still choose to request one to ensure we have up to date information. However, we must still carry out all other relevant pre-appointment checks, including where the individual is engaging in regulated activity with children, a children's barred list check.

### **DBS checks**

There are four types of DBS checks available. At Oxford Sixth Form College we use two of the four types of DBS checking, depending on the position applied for:

- **Enhanced DBS check** – this provides the same information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) as a Standard DBS check, plus additional information held by police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for/or activities being undertaken must be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002: and,
- **Enhanced DBS check with children's barred list information** – where people are working or seeking to work in regulated activity relating to children, this allows an additional check, to be made, about whether the person appears on the children's barred list, along with a check of the Police National Computer records plus additional information held by police as above. The position being applied for or activities being undertaken must be eligible for an enhanced DBS check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check can also include information as to whether an individual is subject to a section 128 direction. However, they have to use specific wording in the position applied for field ('Child Workforce Independent Schools').

Where a DBS certificate is required, it must be obtained from the candidate before, or as soon as practicable after, the person's appointment, including when using the DBS update service.

Once the checks are complete, the DBS will send a DBS certificate to the applicant. The applicant must show the original paper DBS certificate to the College before they take up post, or as soon as practicable afterwards. If the DBS has not been seen a Risk Assessment must be put in place which will include strict supervision when moving around the College or when working with Children.

In the case of boarding staff, the person must not start working with the students until the DBS has been seen and ALL other employment checks have been completed.

If, following the receipt of a DBS detailing one or more convictions the Principal will decide whether or not to proceed with the employment. If the appointment does not go ahead because of their conviction(s) this should be clearly documented.

When assessing any disclosure information on a DBS certificate the Colleges will take into consideration the explanation from the applicant, including for example:

- the seriousness and relevance to the post applied for;
- how long ago the offence occurred;
- whether it was a one-off incident or a history of incidents;
- the circumstances around the incident; and
- has the individual accepted responsibility for their actions?

The College will also consider the incident in the context of the Teachers' Standards and Teacher misconduct guidance, if the applicant is applying for a teaching post.

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).

### **DBS Update Service**

At Oxford Sixth Form College we encourage staff to join the update service at the point that an application for a new DBS check is made. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

The benefits of joining the Update Service are:

- portability of a DBS check across employers;
- free online checks to identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new DBS check; and
- that individuals will be able to see a full list of those organisations that have carried out a status check on their account.

Oxford Sixth Form College requires all Host Families to join the update service so that checks are able to be made on individuals throughout the year.

Before using the Update Service, the College must:

- obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check;
- confirm the DBS certificate matches the individual's identity;
- examine the original certificate to ensure that it is valid for the children's workforce; and
- ensure that the level of the check is appropriate to the job they are applying for, e.g. enhanced DBS check/enhanced DBS check including with barred list information.

Further information about the Update Service, including when updated information can be used, can be found on GOV.UK

### **Prohibitions, directions, sanctions and restrictions**

Teacher prohibition and interim prohibition orders, prevent a person from carrying out teaching work as defined in the Teachers' Disciplinary (England) Regulations 2012 in, sixth form colleges in England.

The TRA's role in making prohibition orders and the processes used to impose them are described in more detail in the publication "Teacher misconduct: disciplinary procedures for the teaching profession" and "Teacher misconduct: the prohibition of teachers: Advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession".

A person who is prohibited must not be appointed to a role that involves teaching work (as defined in the Teachers' Disciplinary (England) Regulations 2012).

Historic General Teaching Council for England (GTCE) sanctions and restrictions:

There remain a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE (prior to its abolition in 2012).

### **Secretary of State section 128 direction**

A section 128 direction prohibits or restricts an unsuitable individual from participating in the management of an independent school. An individual who is subject to a section 128 direction is unable to:

- take up a management position in the College; or,
- be a governor on the College governing body.

There is no exhaustive list of roles that might be regarded as 'management' for the purpose of determining what constitutes management in an independent school. The DfE's view is that roles involving, or very likely to involve, management of a school include (but are not limited to) headteachers, principals, deputy/assistant headteachers, governors and trustees. It is important to note that the individual's job title is not the determining factor and whether other individuals such as teachers with additional responsibilities could be considered to be 'taking part in management' depends on the facts of the case.

A section 128 direction will be disclosed when an enhanced DBS check with children's barred list information is requested, provided that 'child workforce independent schools' is specified on the application form as the position applied for. Where a person is not eligible for a children's barred list check but will be working in a management position in College, a section 128 check should be carried out using the TRA's Employer Access service.

At Oxford Sixth Form College, all Management posts are subject to a section 128 check before employment commences, or at the start of a promotion into a management position.

### **European Economic Area (EEA) regulating authority teacher sanctions or restrictions**

This section sets out the checks that OxSFC will carry out for individuals who have lived or worked outside the UK. OxSFC is aware of its responsibilities placed in relation to other settings, including alternative provision, work experience and host families.

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in the College. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, the College must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, the College should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world. These checks could include, where available:

- criminal records check for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions
- obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.

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

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 the College should 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, the College should 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: Recruit teachers from overseas.

Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. The College should also be mindful 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 applicants which can be found on GOV.UK.

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 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.

should contact [employer.access.gov.uk](https://www.employer.access.gov.uk) to check that the individual is not prohibited from teaching. They must also

obtain an enhanced DBS with barred list information for those working in regulated activity.

### **Single central record**

The College must maintain a single central record of pre-appointment checks, referred to in the Regulations as the register and more commonly known as the single central record.

The single central record must cover the following people:

- all staff, including teacher trainees on salaried routes, agency and third party supply staff, even if they work for one day,
- details of staff providing education to children under the age of 18, including agency and supply staff; and,
- all members of the proprietor body.

The minimum information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is set out below.

For agency and third-party supply staff, schools and colleges must include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.

The single central record must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained:

- an identity check, (identification checking guidelines can be found on the GOV.UK website;
- a barred list check;
- an enhanced DBS check requested/certificate provided;
- a prohibition from teaching check;
- further checks on people who have lived or worked outside the UK
- a check of professional qualifications, where required; and
- a check to establish the person's right to work in the United Kingdom.

In addition:

- we must record whether the person's position involves 'relevant activity', i.e., regularly caring for, training, supervising or being solely in charge of persons aged under 18; and
- we must record details of the section 128 checks undertaken for those in management positions.

The details of an individual should be removed from the single central record once they no longer work at the College.

### **Non statutory information**

The college is free to record any other information they deem relevant. For example: the date on which any certificate was obtained. Other information recorded in the College includes:

- dates on which safeguarding and safer recruitment training was undertaken; and
- the name of the person who carried out each check.

The single central record can be kept in paper or electronic form. At OxSFC we chose to maintain an electronic copy of the Single Central Register.

### **Retention of documents**

The College does not keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record.

When the information is destroyed the College keeps a record of the fact that vetting was carried out, the result and the recruitment. Unsuccessful applicant data is retained for a period of six weeks. When a member of staff leaves the College, their data is kept for six years and a record of when it was destroyed is made. See Data Protection policy for more information.

### **Criminal Conviction Declaration Forms**

Criminal declaration forms belonging to candidates who have not been shortlisted for interview will remain sealed and will be shredded. Short-listed candidates' forms will be opened and checked for relevant convictions. If it is deemed that a conviction is relevant to the post, the candidate may be withdrawn from the list of interviewees.

### **Agency and third-party staff (supply staff)**

In line with KCSiE 2021 the College will obtain written notification from any agency, or third party organisation, that they have carried out the checks on an individual who will be working at the College that the College would otherwise perform. In respect of the enhanced DBS check, the College will ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the College, which has disclosed any matter or information, or any information was provided to the employment business, the College will obtain a copy of the certificate from the agency. Where the position requires a children's barred list check, this will be obtained by the agency or third party by obtaining an enhanced DBS certificate with barred list information, prior to appointing the individual.

The College will also check that the person presenting themselves for work is the same person on whom the checks have been made.

### **Contractors**

Where OxSFC use contractors to provide services, we will set out their safeguarding requirements in the contract between the organisation and the College.

Oxford Sixth Form College will ensure that any contractor, or any employee of the contractor, who is to work at the College, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity relating to children will require an enhanced DBS check (including children's barred list information).

For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several sites. In cases where the contractor does not have opportunity for regular contact with children, the College should decide on whether a basic DBS disclosure would be appropriate.

Under no circumstances should a contractor on whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity relating to children.

If an individual working at the College is self-employed, the College will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

The College will always check the identity of contractors on arrival at the College.

All visitors to the College, including parents, guardians and agents will be supervised at all times.

### **Volunteers**

Prior to volunteers at the College having access to children alone all safer recruitment checks must be carried out, and a risk assessment in place. Under no circumstances should a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

The risk assessment should consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision;
- what the College 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 their suitability; and
- whether the role is eligible for a DBS check and if it is, what level is appropriate.

96 Schools and colleges are free to determine where to store this information.

### **Existing volunteers**

Volunteers engaging in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information) unless the College have any concerns.

### **Children staying with host families (homestay)**

Where a student is under the age of 16 (under 18 for children with a disability) it will be necessary under the Children's Act 1989 to enter into Private Fostering arrangements with the Local Authority.

For all host families, the College will carry out the following checks on all persons aged 16 or over who are living at, or regularly visiting the property:

- enhanced DBS with barred list check
- ID and address check
- Two references
- Gas safety certificate

All hosts at OxSFC are required to join the DBS update service.

Other checks, in line with National Minimum Boarding Standards 2021 include:

- At least one annual visit to the host's home
- An annual boiler safety check
- At least one termly check with the student residing with the host

### **New checks on existing staff**

There are limited circumstances where the College will need to carry out new checks on existing staff. These are when:

- an individual working at the College moves from a post that was not regulated activity with children into work which is considered to be regulated activity with children. In such circumstances, the relevant checks for that regulated activity must be carried out;
- there has been a break in service of 12 weeks or more; or
- there are concerns about an individual's suitability to work with children.

An individual moving from a position that did not involve the provision of education to one that does, must be treated as if that individual were a new member of staff and all required pre-appointment checks must be carried out.

### **Duty to refer to the Disclosure and Barring Service**

There is a legal requirement for schools and colleges to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in relevant conduct in relation to children and/or adults,
- satisfied the harm test in relation to children and/or vulnerable adults; or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

Referrals should be made as soon as possible, when an individual is removed from regulated activity. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned. It is important that as much relevant information is provided to the DBS as possible, as it relies on the quality of information provided to them.

When an allegation is made, an investigation should be carried out to gather enough evidence to establish if it has foundation, and the College will ensure they have sufficient information to meet the referral duty criteria explained in the DBS referral guidance, which can be found on GOV.UK.

## **Duty to consider referral to the Teaching Regulation Agency**

Where a school or sixth form college teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002.

Details about how to make a referral to the TRA can be found on GOV.UK.

## **Appendix A**

### **Recruitment Process**

#### **Arrangements for interview**

Invitations to interview should include:

- Date, time and place of interview
- Directions to the interview venue
- A request that the candidate make it known if they have any particular requirements related to access to the venue or any other need related to a disability
- Details of any presentation or task that form part of the selection process
- A request that the candidate bring with them permission to work in the UK documents and qualification certificates – this must be requested of ALL candidates
- Pre-interview guidance notes
- The job description and person specification

The pack may also include depending on the role, guidance notes and a criminal convictions declaration form. Further information relevant to the particular post may also be included – e.g. annual report, organisational structure chart as appropriate.

It is best practice to write to candidates who have not been shortlisted but if this is not possible due to limited resources, the application pack should make clear that if not notified after a certain date or period, applicants should consider themselves not to have been shortlisted.

#### **Feedback**

It is good practice to offer applicants feedback after interviews and it is our policy to respond if requested with brief comments by e-mail. Feedback should be specific and honest. Panel members giving feedback must ensure that any feedback they give relates to the selection criteria for the post and that the words that they use could not be taken to infer unlawful discrimination.

#### **Induction and Probation**

All new staff will undergo a probationary period during which they will be introduced to the main duties and responsibilities of their post. An induction programme will be set out which covers information about the organisation and their post and include safeguarding and child protection.

## Appendix B

### Safer Recruitment Checklist for Managers

Recruitment & Selection process	Safer Recruitment Step
<b>Refer to your Recruitment Policies &amp; Procedures</b>	Check this Safer Recruitment Policy & the Procedures within to ensure you are following a consistent and safe process, relating to roles working with children, young people and families.
<b>Define Your Requirements</b>	<p>Define your requirement – what is the post? Is the position to be one of a full-time or full-time equivalent, fixed term or zero hour’s contract?</p> <p>Discuss and agree salary range to be offered with the Principal</p> <p>Agree on the interview panel members.</p>
<b>Preparing the Job Description:</b>	<p>Safeguarding Responsibilities clearly identified on:</p> <ul style="list-style-type: none"> <li>• Job description</li> <li>• Person Specification (Essential and Desirable skills, experience, knowledge and qualifications).</li> </ul>
<b>Advertising the Vacancy:</b>	<p>Insert safeguarding message to deter unsuitable applicants:</p> <ul style="list-style-type: none"> <li>• “(Our organisation) is committed to safeguarding and promoting the welfare of children and young people and expects all staff to share this commitment. Applicants are exempt from the Rehabilitation of Offenders Act 1974”, and, where appropriate</li> <li>• “The successful applicants will be in regulated activity with children and required to undertake an Enhanced DBS check and barred list check”, and</li> <li>• “Oxford Sixth Form College is an Equal Opportunities Employer”</li> </ul> <p>Include:</p> <ul style="list-style-type: none"> <li>• OxSFC name and logo</li> <li>• Title of vacancy</li> </ul>

	<ul style="list-style-type: none"> <li>• Salary (does not need to be in advert but ought to be in details sent out)</li> <li>• Brief details of the job</li> <li>• Key details of the person specification, i.e. the skills, abilities, experience, attitude and behaviours required for the post</li> <li>• Duration of the appointment if fixed term</li> <li>• How to access further details of the vacancy</li> <li>• Closing date for applications</li> <li>• Method of application and to who applications should be submitted</li> <li>• Where known the date and location of the interview</li> <li>• Applications Forms must be full and up to date – gaps will be investigated at interview</li> <li>• An enhanced DBS disclosure is required</li> <li>• A barring from working with children check will be carried out for all teaching staff</li> <li>• A Section 128 will be carried out for all managers</li> <li>• The extent the role involves contact with children and if they will be engaged in regulated activity.</li> <li>• All references will be taken up and referees asked if there is any reason why the candidate shouldn't hold a post with substantial access to children</li> </ul>
<p><b>Applicant and Pre-Interview Packs:</b></p>	<p>Insert safeguarding message to deter unsuitable applicants:</p> <ul style="list-style-type: none"> <li>• “(Our organisation) is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.”</li> <li>• Enclose full Job Description and Person Specification</li> <li>• Include Information for Applicants sheet</li> </ul>
<p><b>Short-listing Applications:</b></p>	<ul style="list-style-type: none"> <li>• Two members of staff, usually those interviewing, should shortlist candidates for interview</li> <li>• Devise short-listing criteria based on Essential criteria.</li> <li>• Reject all applications which do not meet your essential criteria e.g. Qualifications, experience, skills.</li> <li>• Invite successful candidates to interview. Usually this is one week after shortlisting.</li> </ul>

<b>Interviews &amp; Assessment:</b>	<p>Plan a range of assessment methods including:</p> <ul style="list-style-type: none"> <li>• Interview questions which probe attitude towards safeguarding, and motivation to work with children, young people and/or families</li> <li>• Question any gaps exposed on application form, any live disciplinary action and/or criminal offences, police investigations or disqualifications/sanctions imposed.</li> <li>• The Reception Team will request sight of original documents and take copies, sign and date to validate.</li> </ul>
<b>Recruitment Decision made:</b>	<ul style="list-style-type: none"> <li>• All offers of employment and salary will be issued from the Principal, or SMT member in his absence) together with relevant documentation for completion and seek references.</li> <li>• The offer of employment will be issued to the candidate who best demonstrated their suitability for the role. Inform candidate that the offer is subject to thorough checks and further references (where applicable).</li> <li>• Applications and interview notes from unsuccessful candidates will be held for a period of 6 weeks and then destroyed.</li> </ul>
<b>Pre-Employment Checks:</b>	<p>The Reception Team will confirm:</p> <ul style="list-style-type: none"> <li>• Identity using photo ID - where available, a birth certificate should provide one form of ID, and a passport and/or driving licence the other.</li> <li>• Name, address (2 formal letters e.g. energy bill and bank letter/statement), and date of birth</li> <li>• Details and evidence of a change of name (e.g. change of name deed or marriage certificate)</li> <li>• Validity of qualification certificates (these must be originals, not copies)</li> <li>• Completion of the Health Declaration form</li> <li>• Right to work in the UK using Gov.Uk website</li> <li>• Complete a Prohibition check for all teaching staff and those that have previously been in a teaching position</li> <li>• All references including current employer taken up, received and followed up by telephone (where possible) or email verification</li> <li>• An overseas or EEA check, where applicable.</li> </ul> <p>The Reception Manager will submit:</p> <ul style="list-style-type: none"> <li>• Completed DBS form</li> </ul>

	<p>NOTE: Safer recruitment practice is about preventing risk of harm to children. Therefore, our new worker should not begin work within our setting until the DBS check has been returned and you are satisfied with its outcome. Where a DBS check is pending the Pending DBS Risk Assessment Form must be completed, Children’s Barred List (formally List 99) check plus references and a staff member may be allowed to start under supervision.</p> <p>Where a Risk Assessment is in place it should be approved and ‘signed off’ by the Principal and reviewed at least every 2 weeks until the DBS has cleared.</p> <p><b>Under no circumstances should a member of the boarding team start work until ALL pre-employment checks, including having sight of the DBS, has been completed.</b></p>
<p><b>Plan Induction Period:</b></p>	<p>The Line Manager of the new staff member is responsible for ensuring that all new staff receive an induction and provide the College with feedback. This should include:</p> <ul style="list-style-type: none"> <li>• Highlight safeguarding responsibilities and process for reporting concerns about colleagues within the setting.</li> <li>• Ensure appropriate Safeguarding training is taken up by the new worker, if not already achieved.</li> <li>• Ensure appropriate PREVENT training is taken up by the new worker, if not already achieved.</li> <li>• Ensure staff feel able and know how to report concerns about colleagues’ behaviour or conduct around children and young people.</li> <li>• All new members of staff will complete Health and Safety and Fire Evacuation training.</li> </ul>