



# **Recruitment Handbook for Academies and National Service Line Managers 2019**

*Version 1.0*

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## Introduction

The aim of this Handbook is to provide those involved in staffing an Academy or National Service Team, with a detailed guide on what is expected of them by OCL, the provisions of Keeping Children Safe in Education 2019 and the Education (Independent School Standards) Regulations 2014 as well employment law and HR good practice. It identifies the tools and templates that are available within the OCL Recruitment Toolkit (on the Oasiszone) to support compliance (which are indicated in bold and underlined in this document), explains how and where to record data in the new SCR pages and hopefully provides some practical advice to support those responsible for the day to day administration of the recruitment process, who are referred to throughout this Handbook as “HR Practitioner”.

This Handbook covers the appointment of employees, agency/supply staff, volunteers and contractors (definitions of these are provided in the relevant sections).

This Handbook should be read in conjunction with the **OCL Recruitment & Selection Policy**. It should be read in addition to, not as a supplement for, reading Keeping Children Safe in Education 2019.

Fundamentally, recruitment (whether of permanent, temporary or volunteer staff) is about finding the right person for the job, ensuring that those who are not suitable to work with children, either because they do not have the skills or the right attitude, or because their motives for working with children are concerning, do not get the opportunity to get access to children. Every stage of the recruitment process is crucial to this aim.

This Handbook is broken down in to the following sections:

- **PART ONE – covers recruitment of employees**
- **PART TWO – covers appointment of agency and supply staff**
- **PART THREE – covers appointment of trainee teachers**
- **PART FOUR - covers appointment of volunteers**
- **PART FIVE – covers appointment/use of contractors**
- **PART SIX – covers recruitment of ex-offenders**
- **PART SEVEN – covers the new SCR format from September 2019**

The People Directorate will review this Handbook annually and/or whenever there is a change to the law or statutory guidance on recruitment but, if you identify anything which could improve the contents of this Handbook, please let Felicity Larter (PD Business Partner South West & South Coast) know – we welcome your feedback and contribution. ([felicity.larter@oasisuk.org](mailto:felicity.larter@oasisuk.org))

## PART ONE: EMPLOYEES (which includes Apprentices, Casual and Zero Hours Workers)

### 1. Preparation and Planning

Recruitment success (or failure) is heavily determined by the quality and accuracy of planning and preparation, whilst time is often of the essence, try to do all that you can to impress this upon those involved in the recruitment process.

#### Support Staff – Determining the role and the pay

Every support staff role requires a Job Description and Person Specification (JDPS). The JDPS allows us to determine, using the Greater London Provincial Council Job Evaluation Scheme, the appropriate pay for the role. For this reason, it is essential that the JDPS accurately reflects the role the postholder will be expected to perform, in respect of the levels of responsibility, creativity, discretion/autonomy and demands of the role. The JDPS will serve to:

- Encourage objectivity in advertising posts and the selection process;
- Inform the postholder of the purpose, major duties and responsibilities of their job;
- Aid assessment of performance within the job;
- Enable organisational reviews in respect of skills audits and the allocation of resources.

If the vacancy is for a **Replacement Post**, the Principal/Line Manager must review the JDPS of the previous incumbent to ensure it is still fit for purpose. It may be that the current JDPS is fine but it also may need slight tweaking or updating. Your Regional People Directorate Partner can advise you about the JDPS requirements and whether updating the JDPS will require a re-evaluation of the role (see Job Evaluation).

If it is a **New Post**, a JDPS needs to be drafted (or an existing version obtained from the OCL JDPS Database (email [PeopleDesk@oasisuk.org](mailto:PeopleDesk@oasisuk.org) with a brief description of the role, they will send you back what they have on file which matches or may be similar). It is then for the Principal/Line Manager to finalise the terms of the JDPS through evaluation (see Job Evaluation).

All JDPS' must be drafted using the **JDPS Template** in order to ensure consistency and that key information and compulsory wording in relation to health and safety and safeguarding is included. The job description must include statements about the responsibilities the post has for safeguarding and promoting the welfare of children. Everyone who works for OCL, whatever their role, carries this responsibility. Similarly, the person specification should make it clear that the ability to contribute to safeguarding and promoting welfare is an essential attribute.

A thorough and well drafted JDPS is more likely to obtain an accurate grading in line with your expectations. Please refer to the **Managers Guidance for Writing Job Descriptions** for more information.

#### Job Evaluation

All new support staff positions must be evaluated before recruitment can take place.

Once the JDPS has been drafted (or an existing JDPS has been amended) it should be sent to [OCL.JobEval@oasisuk.org](mailto:OCL.JobEval@oasisuk.org).

**The Job Evaluation Questionnaire** is a useful tool for ensuring accurate job evaluation and is particularly useful where an employee has requested a re-evaluation of their role, as it can be completed during a discussion with the postholder about their role in practical terms, which can lead to a better understanding of how a role is weighted/valued, during the evaluation process. It is important to remember that the evaluation of the

role looks at the technical requirements of the role rather than the “volume” of the tasks that they are required to perform.

Job Descriptions are reviewed in batches by panels via the GLPC Scheme. **Please allow up to 2 weeks** for this process to be completed as there are limited spaces per session, which typically happens once a fortnight.

The Job Evaluation Team will email with the results of the evaluation. If the Principal/Line Manager is not happy with the results, they may ask for it to be re-evaluated. However, in order to ensure success the JDPS will need to be amended to reflect increased or decreased responsibilities, or clarified for a better representation of duties where unclear.

### Teachers and Leadership – Determining the role and pay

Pay is set for teaching staff following the framework in the School Teacher’s Pay & Conditions Document. For Leadership roles please refer to the Leadership Pay Policy, which is available on the Oasiszone.

We do not currently have universal job descriptions for teaching and leadership roles, although templates for primary and secondary teachers are available from [oclrecruitment@oasisuk.org](mailto:oclrecruitment@oasisuk.org) and for leadership posts from [Temi.aje@oasisuk.org](mailto:Temi.aje@oasisuk.org) (Temi is responsible for the co-ordination of recruitment of Principals (including Executive and Associate) and Deputy Principals).

### Hiring Requisition

It is vitally important that clear authorisation is in place for recruiting to all positions, particularly with increased scrutiny and ever tighter budgets. Authorisation should occur via a **Hiring Requisition Form** and must be agreed by the authorised personnel specified on the form who will check the position for its fit into the budget and wider staffing structure. If a role is not budgeted for, additional authorisation must be provided by the RD and National Director of Finance (academy based roles).

Once all authorisation is complete, the Line Manager should send the Hiring Requisition Form to HR (national or local, depending on role) to begin the recruitment process. The salary on the form must reflect the range indicated in the Job Evaluation and the JDPS should be attached.

### New Position Request Form

If you are recruiting for a brand new position, you need to complete the **New Position Request Form** at the earliest possible stage during recruitment in order to ensure the post is added to ITrent in time for the new starter processes to take place. This must be completed and send to Payroll via their service desk email address: [payroll@oasisuk.org](mailto:payroll@oasisuk.org)

### Planning Meeting

Once authorisation to recruit is received, the HR Practitioner should agree a recruitment plan with the line manager. The main areas that need to be agreed are:

- **Key dates <sup>1</sup>:**
  - **Live date**
  - **Closing date** - 2 – 3 weeks advertising is recommended to allow enough time for candidates to see the advert & apply, but not too much so they are hired elsewhere.
  - **Shortlisting date** – Normally within 2 days of closing date
  - **Interview date (s)** – There should ideally be at least a 5 day gap between the shortlisting deadline and the interview date to allow enough time to set-up the interviews and collect references.

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<sup>1</sup> Timelines must take into account term dates and teacher resignation dates (where applicable).

- **Shortlisting & Selection Panels** - At least one panel member must be Safer Recruitment Trained (please contact Emily Phelps via [Peopledesk@oasisuk.org](mailto:Peopledesk@oasisuk.org) for details of how to register for this training). Interview dates must be held in diaries prior to adverts going live and rooms should be booked.
- **Media** – If advertising externally, advertising costs and relevant media must be agreed
- **Advert Text** – The line manager should provide any specific information about the role and the desired candidate to the HR Practitioner to allow them to draft the advert
- **Selection Tasks** – Type and length of assessments/interviews and who is responsible for drafting questions/putting together tasks.

## 2. Advertising and Shortlisting

### The Advert

While responsibility for drafting the advert lies with the HR Practitioner, the line manager is responsible for providing them with all the relevant information required so they can accurately market the position. If you are advertising in TES, on ETeach or Indeed, you will be competing against hundreds of other organisations so it is important that you stand out and really sell your role to potential candidates. Some key things to think about and include are:

- What is your Unique Selling Point (USP) as an academy or team (for National Service roles)?
- What are the main responsibilities of the post? What makes it special?
- What type of person would be suitable for the position?
- What are the benefits of working for OCL and being part of the Oasis family?
- Important Information – closing date, interview date, contact details & how to apply.

Candidates typically read the first few lines of an advert before deciding whether to continue, therefore it is important to sell the organisation or your academy from the offset if we want to stand out from the crowd.

All adverts should be written and published in line with [OCL Brand Guidelines](#) (see the OCL Communications Sharepoint resources : <https://oasisit.sharepoint.com/sites/OCL-MC> ).

It is important to send messages that will help deter unsuitable people from applying for the job right from the outset. It is essential, therefore, that the advert makes clear our commitment to safeguarding and promoting the welfare of children and young people. As a minimum the following statement must be included in all adverts and recruitment materials.

*“We are committed to safeguarding and promoting the welfare of children and young people. All staff will be subject to appropriate checks, including enhanced DBS checks and referencing.”*

For further information please refer to the [Recruitment Advert Template](#).

### Where and for how long must we advertise?

The Principal/Line Manager is responsible for deciding where and how to advertise the post. They must be mindful of the OCL commitments to ‘inclusion’, ‘being able to make a contribution’ and ‘reaching your God given potential’ and as such, advertisements should appeal to the widest possible audience so as to attract the very best candidate(s).

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.



Advertisements may be posted internally, within the OCL group only, where there is good reason, which has received prior approval by the National Pay Committee using the OCL Business Case Template for Recruitment Advertising Campaigns.

Advertisements may be posted internally within an Academy or National Office only, when there is good reason, which has received prior approval by the National Pay Committee. Approval will normally only be granted where the recruitment runs parallel to a restructure of the Academy/National Office service and will support our commitment to avoiding redundancy and/or the need to afford pay protection. Speak to your PD Business Partner if you need to seek National Pay Committee approval.

### Advertising resources

Information about options available to you can be found on the Oasiszone [Recruitment Advertising - Costs and Guidance](#).

National Office and many of the Academies subscribe to TES, Eteach and/or The Guardian. If you wish to subscribe to any of these providers speak to your Regional Business Partner first as they will have details of OCL negotiated rates and arrangements. Longer term, we are looking at procuring licences to these on behalf of the academies and national service, so as to obtain better value for money and a more enhanced service.

OCL has a Careers Board on its main website which is ideal for teaching and leadership positions. You can post advertisements on there by emailing your advert and JD/PS to [Peopledesk@oasisuk.org](mailto:Peopledesk@oasisuk.org)

You should definitely place the advert on your Academy website and, for roles such as Lunchtime Supervisor/SMSA, Learning Assistants, Receptionists, Administrators, think about using your Academy newsletters and notice boards.

The Department of Education has also established a free service called Teaching Vacancies, <https://teaching-vacancies.service.gov.uk/>. Whilst you need to set up an account to access this service, you need only to email them your full name and email address, copying in your Principal (for authorisation) [teaching.vacancies@education.gov.uk](mailto:teaching.vacancies@education.gov.uk)

Support staff roles can also be advertised on sites such as Indeed or Total Jobs for free (basic advert but there are fee paying add on options available). Indeed is likely to “pull” your advert through to its site for free, thereby increasing your audience considerably.

You may also be able to advertise on your local authority jobs board for a nominal fee. You will need to contact the HR Department of your local authority for information. Fees are typically £50-70 per advert but the audience often has education and/or local authority experience which is helpful.

You can keep costs down when advertising in your local newspaper by making your advert a simple “Call to Action”, (which means simply saying something like “*Lunchtime Assistants wanted for Oasis Academy X – Please see our website (academy website address) for further information*”).

### Recruitment Documentation

For each vacancy the following documentation is required and should be uploaded to the website and other relevant job boards

- **Recruitment Advert** – This should be uploaded as text directly to the website and not an attachment
- **Application Form** – There are different forms available depending on the type of role (teaching, leadership or support staff) in the Recruitment Toolkit. CV’s are not permitted. They don’t allow equal and fair comparison between candidates, can give candidates the opportunity to hide or omit information, and

they don't always provide you all the information needed, making it harder to compare candidates equally and see how they meet the selection criteria.

- **Equal Opportunities Monitoring Form**
- **Candidate Privacy Notice**
- **Candidate Information Pack** (recommended) containing:
  - Welcome letter from the Principal/Head of National Service
  - Information about the academy/National Service
  - Information about Oasis & Oasis Community Learning
  - The JDPS (must be included as an absolute minimum)Check out the resources on the OCL Communications Sharepoint  
<https://oasisit.sharepoint.com/sites/OCL-MC>

### During Advertising

While the adverts are live it is the HR Practitioner's responsibility to take calls from candidates, answer any queries and collect and collate applications as they come in.

First impressions are made quickly and initial interactions can have a lasting impact on the candidate's opinion of the academy/organisation and their decision as to whether to apply. It is therefore important to remain professional at all times and ensure a positive first impression is made. If you encounter a re-occurring question about the role, consider amending the advert or Candidate Information Pack to reflect this missing information. Whatever happens, if you don't know the answer to a question about the role, be honest with the candidate, get the answer from whoever does, and go back to the candidate as soon as you can. The information they have sought is likely to be the difference between them applying or not.

### Shortlisting

Following the closing date, the HR Practitioner should forward all of the Application Forms to the shortlisting panel along with the **Shortlisting Matrix**. The shortlisting and assessment criteria contained in the Matrix should be agreed in advance and based on the Job Description and Person Specification.

The shortlisting date should have been set, but the HR Practitioner should still set a deadline for the shortlist to be finalised to allow enough time to set-up the interviews.

REMINDER: Shortlisting must be undertaken by at least two people separately before coming together to compare scores and finalise the shortlist. At least one person involved must be Safer Recruitment trained.

Those involved in Shortlisting must:

- scrutinise the Application Forms, identifying any gaps in employment or education history, any discrepancies or anomalies in the information provided and ensure that, if the applicant is invited to interview, these are adequately explored;
- reject or return Incomplete Application Forms. It will be a matter for the Shortlisting Panel to determine whether they wish to afford an applicant the opportunity to rectify/complete the form;
- apply the shortlisting criteria consistently and objectively to all applicants;
- not be privy to the Equal Opportunities Monitoring Form. Their decisions must not be influenced by the information provided by the applicant on this form;
- not automatically discount any applicant on the basis of their having disclosed a caution, conviction or reprimand. Those shortlisting should be referred to the OCL Recruitment & Selection Policy which contains our policy on the recruitment of ex-offenders.

Where gaps in employment are attributable to the individual claiming benefits (eg Job Seeker's Allowance) speak to your PD Business Partner about the appropriateness of seeking verification of this, from the Department of Work & Pensions.

Once the shortlist is received from the Line Manager, the HR Practitioner must re-confirm details for the selection days as agreed in the planning meeting, and also confirm whether any assistance is required devising the interview questions or tasks.

### 3. Interview Set-up & Selection Days

#### Scheduling Interviews

The HR Practitioner is responsible for co-ordinating the preparation of the interview schedule. This will ideally be drafted ahead of time following the planning meeting, but will need to be updated following shortlisting once numbers are confirmed. This can be a complex process (particularly when there are multiple candidates doing tasks/lesson observations at the same time). It is the Line Manager/Principal's responsibility to determine the tasks/observers etc, as they are the one's with the authority to organise resourcing and are most likely to know whether a task/activity will serve to test/identify a candidate's suitability for a role.

Once the schedule is confirmed, candidates should be called by phone to schedule the interviews. During this call please:

- Check whether they are still interested in the position
- Provide details of the selection day(s) – tasks involved, interview panel etc.
- Schedule an arrival time
- Confirm logistics – parking, approximate finish time etc.
- Ask whether they require any reasonable adjustments to be made to the interview process (if someone meets the definition of a disabled person in the Equality Act 2010 (the Act) employers are required to make reasonable adjustments to their process so they are not unfairly disadvantaged)
- Confirm the appropriate email address
- Check whether references can be contacted (some candidates may not wish their current employer to be contacted, but where possible you should ask for someone who can be approached prior to interview)

Once interviews are scheduled verbally, an email should be sent to candidates including:

- Invitation to Interview Letter
- A venue map
- Documents to Bring to Interview – outlines what they need to bring with them for identity, RTW and qualification check purposes. For Data Protection reasons it is preferential to reserve requesting sight of/copying documents required for the DBS application until after an individual has been made a conditional offer of employment.
- DBS Self Declaration Form
- Childcare Disqualification Declaration Form (where relevant)

The email should also ask them to confirm they are able to attend the interview.

Once the shortlist is confirmed and interviews have been scheduled, the HR Practitioner should also notify the unsuccessful applicants.

#### References

References should be **sought** prior to interview by the HR Practitioner. Referee details are included on the standard application forms. It is good practice to check with candidates when inviting them to interview that

they are happy for their referees to be contacted and also to confirm any missing contact details. Check that the referees they have provided fulfil the following requirements – if they do not then you must ask the candidate to provide alternative (or further) referee details.

- At least two references must be sought covering 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.
- If a candidate has previously worked (whether as an employee, volunteer or on a supply basis) in a school or other education setting then a reference must be sought from that organisation which confirms the role they held, the dates on which they worked at that organisation and their reason for leaving.
- If the candidate has worked through a supply agency during the three years prior to their application, references should be sought direct from the supply agency/ies **and** from any education setting where the candidate has been placed for 4 or more consecutive weeks.
- 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).
- Only one reference should be sought from an employer – eg. you should not be applying for a reference from the Headteacher and the Head of Department at a school. Only the Headteacher (as the senior representative of the organisation) should be asked. The Head of Department can always contribute to the reference prepared by the Headteacher.
- Beware of seeking references from referees who used to work with the candidate eg. Those who no longer work for the organisation with which the candidate was employed. Very often we see references from Mrs X who is Head of English at Y School but the candidate never worked for Y School and Mrs X no longer works for the School which employed the candidate.

### **What if they can't provide 2 professional/employment references?**

To be honest, a reference from anyone other than a previous employer will have limited value as a professional reference is about a person's "employability", not about their abilities as a student or whether they are an upstanding member of the community. That said, it would be foolish not to gather as much information as is possible about the candidate, so consider the following:

- If the candidate has come straight from education then seek a reference from their course tutor (and any part time employer that they may have had);
- If the candidate has been out of work for many years (ie to raise a family or due to ill health) then seek a reference from the leader of any community group or organisation that they may belong to or have helped run at (eg. Foodbank, Women's Institute, Playgroup, religious group, Rotary, Neighbourhood Watch, Scouts/Cubs/Beavers/Rainbows/Brownies/Guides)

The above references will carry less "weight" than a professional/employment reference so it's really important that greater emphasis is placed on the responses that are received to all of the other checks that are carried out.

### **A few key points to remember:**

- Send out the reference requests via email at the earliest available opportunity to increase the chances of getting responses back ahead of interview.
- You can send the JDPS and ask the referee to comment on the candidate's suitability for the post however remember that they can really only comment on the candidate's performance in the role that they were

employed to do for that employer. It's up to us to decide if the candidate is suitable for the role that we need them to perform.

- Avoid sending references to personal email addresses – seek a professional/work email address. If the referee won't provide you with a professional email address, do ask them (politely) why. It may be that the referee no longer works for the employer that you need to obtain the reference from or that the reference the referee may provide may not accord with what the organisation thinks of the candidate.
- Scrutinise every reference you get back – what is the referee not saying? If a reference is vague, has missing information, contradicts or is at odds with what the candidate has asserted or otherwise causes you any concerns, it is good practice to call the referee to see if you can get more information – often referees will be more honest over the phone
- Any concerns should be highlighted to the selection panel ahead of interview so that they can take these up with the candidate at interview
- If the candidate has requested neither reference be sought on their application form do not contact these without checking with the candidate
- Do not accept open references or testimonials in lieu of obtaining references direct.
- If you receive a reference by email, print off and keep the covering email (with the reference) as proof of the origin of the reference. Many Reference Request Templates are returned unsigned – the email is proof that it came from the referee.

Please see the **Recruitment Toolkit** for **Reference Request Template(s)**

### **What if we don't receive anything back?**

There is no legal obligation on an employer to provide a reference although many employers, especially those in education, do. Some employers will, as a matter of policy, only confirm dates of employment and the role that the candidate undertook. KCSIE acknowledges this in that it requires us to **seek** professional references but does not require us to obtain them.

If you do not receive a response to your reference request then you should "chase" a response three times (by email and/or phone). Advise the candidate that you have not received a response, as they may be able to encourage a response or be able to provide an explanation (eg that the Referee is on holiday). If you still receive nothing back then make the Interview Panel aware of this so that they may explore with the candidate at interview why this may be the case and seek to obtain alternative referees.

If the decision is made to appoint the candidate and you have not received responses to your requests for references then please complete **Risk Assessment – References** and have this signed by the Principal/Head of National Service. In the absence of references, greater emphasis should be placed on the other vetting checks that you will undertake.

### **Completing the SCR for the successful candidate:**

To ensure compliance with KCSIE, a record of the reference request (ie the email or covering letter under which it was sent) should be retained on the personnel file and the date on which the request is made must be entered onto the SCR together with the initials of the person seeking the reference.

If a reference is received, the date on which it is received must also be added to the SCR, together with the initials of the person who checks the content of the reference received.

REFERENCES			
(Retain evidence of each request; chase 3 times and record dates and checker's initials on each occasion)			
Date reference 1 sought and checker's initials	Date reference 1 received (or Risk Assessment) and checker's initials	Date reference 2 sought and checker's initials	Date reference 2 received (or Risk Assessment) and checker's initials

If a reference is not received, record the dates on which you chased the reference (3 occasions) and complete a **Risk Assessment – References** which must be signed off by the Principal/Head of National Service who takes responsibility for proceeding with the appointment. Where no references have been received, it is essential that even greater care is taken to monitor the candidate's performance during their probation period.

### Interview Preparation

The HR Practitioner is responsible for organising all the resources and logistics ahead of the interview. This will include everything from refreshments on the day, to ensuring all staff are fully aware of their roles and responsibilities (who meets and greets candidates, collects them from tasks, copies their ID etc.). While some of this might seem like insignificant details, it is important to remember that first impressions count and selection is a two-way process. It is important to ensure that you pull out all the stops to ensure the candidate chooses you.

One crucial piece of preparation is the panel packs. These should be distributed to panel members the day before interviews. Each should contain the:

- Interview schedule
- JD/PS
- Application form for each candidate
- References received
- **Interview Questions Pro forma** (one per candidate) <sup>2</sup>
- Details of any questions/concerns raised by those who undertook the shortlisting exercise, arising from the Application Form or from the reference responses.

Other packs may also be required for those administering selection tasks which would include, for example, a schedule and copies of the task and marking.

### The Interview Day

On the day of the interviews it is the role of the HR Practitioner to manage logistics and ensure everything runs smoothly. Organisation is vital as there is a lot to consider on the day. Things can change or go wrong at the last minute so it is important to keep candidates informed and do everything possible to paint a positive impression of the academy/organisation.

On the day it is the HR Practitioner's responsibility to check and photocopy documents:

- Evidence of right to work in the UK – we are legally required to:

<sup>2</sup> **Template Interview questions** can be found in the Recruitment Toolkit.

- a) *Obtain* the employee's original identity documents
- b) *Check* the documents are valid and appear authentic
- c) *Photocopy* the documents and *record* the **name and signature** of the person undertaking the check and **the date on which the original document was seen and photocopied**. A pre-inked stamp is available from National Office to assist with this task.

To ensure that you obtain the correct documents and conduct appropriate checks of their authenticity, use the **Home Office Right to Work Checklist** (in the Recruitment Toolkit).

- Essential Qualifications – you only need to verify those qualifications, which are considered “essential” in the JD/PS. Take your time to examine the documents to satisfy yourself that they are authentic and that the dates tie up with the information provided on the Application Form. If you have any reservations, you can seek advice from your PD Business Partner in the first instance.
- Identity documents (if these are different to the Right to Work to work evidence (eg photo driving licence, where a Passport is not available).

Each photocopied page must contain the name, signature of the person who saw and copied the original documents and the date on which the check was undertaken.

In addition, you should check the contents of the **DBS Self Declaration Form** (and **Childcare Disqualification Declaration Form**, if applicable) – if there is something disclosed on this, this information will need to be shared with the interview panel so that they may discuss this information with the candidate at the interview (see guidance on the Recruitment of Ex-Offenders in Part Six).

### The Interview

The interview must be appropriate for and relevant to the vacancy. The Principal/Line Manager should take time to consider how the candidate may be best “tested” for the role; whether through practical assessments, technical tests or questioning, or a combination of tasks, with reference to the Job Description and Person Specification (JD/PS). Where possible/appropriate, students should be involved in the process.

Selection Interview panels should also consider how activities inform candidates of the nature of both the post and the organisation, thinking about paying due consideration to areas such as our culture and ethos.

The candidates should be advised of selection activities prior to the selection day.

Be mindful of any adjustments that may need to be made to accommodate disability. Where candidates have indicated that they have a disability which requires a reasonable adjustment to be made, they should be asked/consulted in advance how the process can be made more accessible for them and timely plans must be made for adjustment.

While a Skype or telephone interview may be permissible for a preliminary stage, all candidates should normally be interviewed face-to-face.

All selection 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 undergone Safer Recruitment Training and should be involved at all stages of the process. Where possible the interview panel should be as diverse as possible and reflective of the community that we operate within.



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 and the panel should actively seek responses to any gaps or discrepancies in their application form or references.

The panel must ensure that questions are asked and full and detailed answers are provided (and recorded) regarding:

- Any gaps in employment history; and
- Any anomalies or any discrepancies in the information the candidate has provided; and
- Any concerns arising from or discrepancies identified in the employment references that have been obtained.

Where gaps in employment are attributable to the individual claiming benefits (eg Job Seeker's Allowance) speak to your PD Business Partner about the appropriateness of seeking verification of this, from the Department of Work & Pensions.

The candidate is required to bring a completed DBS Self Declaration Form (and Childcare Disqualification Declaration Form (where appropriate) to the interview. Any disclosures should be explored during the interview, so you will need to ensure the panel is made aware of the information and made aware of the appropriate/lawful questions that they may ask about this information. (See Part Six: Recruitment of Ex-Offenders). If you have any concerns about how to proceed, seek advice from your PD Business Partner.

The interview should explore issues relating to safeguarding and promoting the welfare of children, including awareness of issues relating to the PREVENT agenda (for example, what should be done if an adult suspects that a child is being drawn into terrorism). Example questions can be found in the Recruitment Toolkit. However safeguarding should be paramount throughout the interview and not simply an add-on question at the end of the interview. Interview Panels should avoid 'hypothetical' safeguarding questions and seek positive examples.

It is very important to make the right recruitment decisions so that those who are not suitable to work with children, either because they do not have the skills or the right attitude, or because their motives for working with children are concerning, do not get the opportunity to get access to children. We must make it as difficult as possible for devious people to succeed, and the decisions we make at the recruitment stage are crucial to this. During the interview, the panel should be vigilant of any areas of potential concern such as:

- No understanding or appreciation of children's needs or expectations.
- Wanting role to meet own needs at the expense of children's.
- Inappropriate language when talking about children.
- Unclear boundaries with children.
- Vagueness about experiences and gaps or unable to provide any examples to support what they tell you.
- Maverick – non rule-following, unwilling to work with others.

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 with consistent scoring applied. Notes should not be personal – candidates have the right to request any information written about them. 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.



Work is being undertaken at National Office level to improve our bank of template questions for interview, with particular emphasis on assessing character of the individual – their understanding and appreciation of our ethos and culture and the role that they play in the Oasis aims. These will also provide greater clarity on scoring a candidate's answer. In the meantime, scoring, where there is no determined criteria, should be based on the apparent understanding of the question, the fullness and detail of the answer provided by the candidate; the real life examples they provide.

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 JD/PS. Care must be taken to minimise unconscious biases, particularly where those involved in the recruitment exercise have prior knowledge of the candidate and ensure the appointment is based purely on merit.

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.

### Interview Notes and Scoring

All tasks and interviews should be scored to ensure a fair and open selection process. At the end of the interviews all panel notes, completed tasks, score sheets and relevant material must be bundled together and returned to the HR Practitioner. It is important to remember that candidates can ask to see the notes written on them so they should be factual and evidence based. Interview notes are then stored for 6 months for unsuccessful candidates or, in the case of successful candidates, should be moved to the Personnel File.

### Offer & Feedback

Once a decision has been made, the Principal/Line Manager should call the successful candidate to make a **conditional offer of employment**. The offer is “conditional” because it may be withdrawn if the pre-employment checks that you must now undertake are unsatisfactory.

If you want to/need to confirm the offer in writing, you must use the Conditional Offer of Employment Letter in the Recruitment Toolkit.

It is advisable to **call the successful candidate first** to ensure they are accepting the offer. That way, if they decline, you have the option of offering your 2<sup>nd</sup> choice if they meet the required criteria.

With regard to unsuccessful candidates, **best practice is for someone on the interview panel to call them** to let them know the outcome of their interview and offer feedback. Feedback should be based on performance in the various aspects of the selection day and how they did/did not meet the criteria being assessed. In the event that this is not possible, feedback should be provided to the HR Practitioner so they can call the candidates. Candidates should also be given the option of booking a slot to receive further feedback from a member of the selection panel at a mutually convenient time if it is the HR Practitioner relaying feedback.

## 4. Pre-employment checks

Once the negotiation of the terms and conditions is complete, the Line Manager should complete a New Appointment Form and give it to the HR Practitioner.

On receipt of the New Appointment Form, the HR Practitioner must undertake the new starter process. In summary, this involves:

- Inputting details into Itrent (and Bromcom)
- Generating the Conditional Offer Letter and, on satisfaction of pre-employment checks, Contract

- Note: We are working towards a system which will allow these to be generated independently, so that the Contract is generated only after all of the pre-employment vetting and barring checks have been successfully completed.
- Sending the successful candidate the new starter pack
- Undertaking the pre-employment checks
- Following up on remaining references
- Planning Induction (particularly Hays Safeguarding and GDPR training)
- Informing IT (for equipment and access) & Facilities/P&E (for door passes/keys)
- Completing the SCR and creating a Personnel File (academies and national office are moving towards having electronic personnel files to support storage, sharing and deletion of information)

The following checks need to be undertaken before appointment can be confirmed:

- Identity - including DOB.
- Eligibility/right to work in the UK.
- Enhanced DBS check with Barred List (where applicable).
- Relevant overseas criminal records checks.
- Disqualification under the Childcare Disqualification Regulations 2018 where the individual is to deliver or be involved in the management of the delivery of childcare to children up to and including the Reception year or to children under 8 years old outside of normal school hours.
- Mental and physical fitness to carry out the work.
- Section 128 Education Act 2008 – prohibition from management, where applicable.
- Section 142 Education Act 2002 – prohibition from teaching.
- EEA/European Sanctions check
- Verification of Qualifications and professional status
- References

## 4A Identity

A person's identity is most easily verified by their Passport (it must be current and signed). If they do not have a Passport then a current UK or EEA photo card driving or you will need to see their original birth certificate (UK birth certificate issued within 12 months of the date of birth in full form including those issued by UK authorities overseas such as Embassies High Commissions and HM Forces).

Further information about proving identity can be found here:

<https://www.gov.uk/government/publications/proof-of-identity-checklist/proof-of-identity-checklist>

Remember, if someone has been adopted, married or divorced or changed their name by Deed Poll, they will need to present you with documentation to confirm these changes for the purposes of their DBS Certificate Application.

Documents should be scrutinised to ensure they are legitimate/authentic and a photocopy must be taken. If you have any concerns about the authenticity of a document, speak to your PD Business Partner. The person reviewing the document must verify them by adding their signature, name, position and date to the photocopy. The photocopies must then be retained on the individual's personnel file and the SCR page updated accordingly.

IDENTITY				
Surname	Forename	Title	Date of birth	Evidenced by (list document(s)), date and checker's initials

You no longer need to add an employee's address to the SCR page – this is stored on Itrent.

#### 4B Right to work in the UK

The following represents a summary of the key points of the law relating to the right to work. More detailed information is available on the Home Office website, in particular in the *Employer's Guide to Right to Work Checks (June 2018)*.

You will commit a criminal offence under section 21 of the 2006 Act, as amended by section 35 of the Immigration Act 2016, if you know or have reasonable cause to believe that you are employing an illegal worker. You may face up to 5 years' imprisonment and/or an unlimited fine.

If you carry out the required document checks (see below) you will have a statutory excuse against liability for a civil penalty. This means that if the Home Office find that you have employed someone who does not have the right to work but you have correctly conducted document checks as required, you will not receive a civil penalty for that illegal worker.

You are advised to use the Home Office Right to Work Checklist (which is in the Recruitment Toolkit) as this identifies both the documents which are required to prove a person's right to work in the UK and the process that you should follow to ensure the documents are genuine.

You can use the Home Office Employer Checking Service (ECS) if the person does not have acceptable documents and provides you with information indicating that they are a non-EEA national who has been a long-term lawful resident of the UK since before 1988 (eg. Windrush generation)

You should not make assumptions about a person's right to work in the UK or their immigration status on the basis of their colour, nationality, ethnic or national origins, accent or length of time they have been resident in the UK.

Please be aware that the law includes those who are self employed and those working on casual/zero hours arrangements.

You are not required to take action now to conduct a check in respect of a period of continuous employment that commenced before 29 February 2008.

##### Required checks/Statutory excuse

1. Obtain the individual's original identity documents
2. Check the documents are valid and appear authentic
3. Photocopy the documents and record the name and signature of the person undertaking the check and the date on which the original document was seen and photocopied. A pre-

inked stamp is available from National Office to assist with this task (email . OCLRecruitment@oasisuk.org).

**You must copy and retain:**

1. **Passports:** any page with the document expiry date, the holder's nationality, date of birth, signature, leave expiry date, biometric details, photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK (visa or entry stamp) and undertake the work in question (the front cover no longer has to be copied).
2. **All other documents:** the document in full, including both sides of a Biometric Residence Permit, Application Registration Card and a Residence Card (biometric format).

You must retain copies securely for **not less than two years** after the employment has come to an end.

*Source: An Employer's Guide to Right to Work Checks, Home Office, 29 June 2018*

Please ensure that the SCR page is updated and that a copy of all of the documents you have collected is kept on the employee's Personnel file.

RIGHT TO WORK IN THE UK			
Document (s) seen	Date check undertaken	Checker's initials	Work Permit or visa required?

If the employee requires a work permit or visa (or currently has a work permit or visa to work in the UK) then speak to your PD Business Partner about the additional steps that need to be taken.

#### Biometric Residence Permits

Since July 2015, BRPs are the only evidence of lawful residence currently issued by the Home Office to most non-EEA nationals and their dependants granted permission to remain in the UK for more than six months. For most migrants granted permission to be in the UK, the BRP will be the document that demonstrates they have permission to work in the UK.

BRPs are credit-card sized immigration documents that contain a highly secure embedded chip and incorporate sophisticated security safeguards to combat fraud and tampering. BRPs therefore provide employers with a secure and simple means to conduct a right to work check. BRPs provide evidence of the holder's immigration status in the UK. They contain the holder's unique biometric identifiers (fingerprints, digital photo) within the chip, are highly resistant to forgery and counterfeiting, display a photo and biographical information on the face of the document and details of entitlements, such as access to work and/or public funds. If you have any questions, please speak to your PD Business Partner.

## 4C Disclosure & Barring Certificates and Barred List Checks

OCL uses thirtyone:eight (previously known as CCPAS) to undertake DBS Checks. The individual must be provided with the thirtyone:eight login details (within the Conditional Offer of Employment Letter) so that they can complete the application on line. Please ensure that arrangements are made to support those who do not have computer/internet access or may require support with the process itself. The individual will then need to present originals of the documentation used to support their application for verification by OCL. You may have already collected some of these, prior to interview, but check that they still remain valid to use, it is often some time between interview and the date the DBS application is actually made.

### What type of check do I need to undertake?

As the majority of our employees will be engaging in regulated activity, an enhanced DBS certificate which includes barred list information, will be required for most appointments. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- will be responsible, on a **regular basis** in a school or college, for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, **work regularly** in a school or college where that work provides an opportunity for contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

Things become more difficult if the employee isn't going to be working "regularly" – which the law defines as on more than 3 days in a 30 day period. Use the table below to work out the type of check that you need to undertake.

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 "casual" or "bank" employee)
Unsupervised by OCL staff	Enhanced DBS <b>without</b> Barred List Check	Enhanced DBS <b>with</b> Barred List Check	
Supervised by OCL staff	No DBS or Barred List check required (treat as a "Visitor")	Enhanced DBS <b>without</b> Barred List Check	Enhanced <b>with</b> Barred List Check
Providing advice or guidance on physical, emotional or educational well being	Enhanced DBS <b>without</b> Barred List Check	Enhanced DBS <b>with</b> 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 <b>with</b> Barred List Check	Enhanced DBS <b>with</b> Barred List Check	
Providing healthcare as, or under the direction	Enhanced DBS <b>with</b> Barred List Check	Enhanced DBS <b>with</b> Barred List Check	

or supervision of, a regulated health care professional		
Driving a vehicle only for children	Enhanced DBS <b>without</b> Barred List Check	Enhanced DBS <b>with</b> Barred List Check

In a school or college, a **supervised volunteer** who regularly teaches or looks after children is not in regulated activity. However think carefully about the level of supervision that you are practically able to guarantee. It may be preferable to require the individual to agree to a Barred List Check so that they can be left alone with students, for example, whilst a teacher was dealing with a situation which required them to leave the classroom or whilst the volunteer may be moving around the academy site (to or between classrooms for example).

If you are unsure as to whether or not to undertake a Barred List Check then please see the advice of your Regional PD Business Partner.

If the candidate will be working with vulnerable adults, for example in the “Hub” or as part of an outreach project then either, at the start of their employment ensure that you ask for an Adults Barred List check as well as a Children’s Barred List check or, if you have already obtained a DBS Certificate, do a separate Barred List Check (as this checks both the Children and Adults Barred Lists).

### Portability of DBS Certificates

KCSIE and the Education (Independent School Standards) Regulations 2014 provide that there is no requirement for a school 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 young persons; 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 an institution within the further education sector in England in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

All other pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a barred list check. Schools or colleges may also choose to request an enhanced DBS certificate.

Whilst we can therefore take the benefit of this provision and legally allow candidates to “port” their current DBS certificate, as a DBS certificate is only a “snap shot” in time and it may be some time has passed since the current certificate was obtained, you are advised to seek a new DBS Certificate as soon as possible. Please ensure, if you are allowing a certificate to be “ported” and the post holder will be undertaking “regulated activity”, that the certificate is for an “enhanced” check (that it includes a Barred List Check). Please make clear on the SCR that the certificate has been “ported from previous role”.

### Those who subscribe to the DBS Update Service

You must ask the individual to provide you with their original DBS Certificate as the Update Service simply confirms whether anything has changed or not changed from the original certificate.

Before using the Update Service, you must:

- obtain consent from the individual to do so;
- confirm the certificate matches the individual's identity (if a person has changed their name (ie married or divorced) since the original certificate a new certificate will be required); and
- examine the original certificate to ensure that it is for the appropriate workforce and level of check, e.g. enhanced certificate/enhanced including barred list information.

Please ask the individual to complete the **DBS Update Service Check Record** (on the Oasiszone) and store this together with a print out of the Update Search response, on the individual's personnel file.

Make sure that the original DBS Certificate is for an "Enhanced" check (and that a Barred List Check and section 128 Management check, if required) were conducted.

Also take the time to check the names and other data on the certificate – do they accord with what you know about the individual? It is important to remember that the check only extends to the information the individual provided, as such it is therefore relatively easy to limit the extent of a check and therefore disguise a criminal history.

An Update check is undertaken by going to <https://secure.crbonline.gov.uk/crsc/apply>

You will see the following details:

- the individual's name; and
- the individual's date of birth; and
- one of the following results:

*"This DBS Certificate did not reveal any information and remains current as no further information has been identified since its issue"*

*"This DBS Certificate remains current as no further information has been identified since its issue"*

*"This DBS Certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information"*

*"The details entered do not match those held on our system. Please check and try again"*

The status of an individual will change if:

- any new convictions, cautions, reprimands or warnings are recorded; or
- any amendment or change to a current conviction, caution, warning or reprimand

For Enhanced DBS Certificates: any new, relevant police information will be displayed.

For Enhanced Certificates with a Barred List check(s): if the individual becomes barred for that list(s) checked on the Enhanced Certificate

### **Storing the DBS Certificate**

We are 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. However, this practice must be compliant with the Data Protection Act, Human Rights Act, General Data Protection Regulation (GDPR) As such, it is OCL's policy that we do not keep any copy 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.**



Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

It has always been the case that you are required to see the original Certificate, not simply to rely upon the clearance confirmation (or “dummy” certificate provided by thirtyone:eight (previously known as CCPAS). You must therefore ensure that the individual produces their Certificate for inspection.

The Certificate should be closely inspected to ensure that all of the appropriate checks have been undertaken.

The Certificate number and date must be recorded on the SCR page, together with the initials of the person who checked the document.

Where information is disclosed (eg a caution, conviction, prohibition or other “soft” intelligence held by the Police, a Risk Assessment must be completed - **DBS Risk Assessment of Conviction, Caution or Reprimand**. See Part 6 – Recruitment of Ex-Offenders.

### **Starting work without a DBS – what should we do?**

Whilst it is preferable that no-one starts work for OCL prior to you having sight of their DBS Certificate there may be circumstances where this is not practically possible.

Paragraph 115 of KCSIE provides that where a school or college allows an individual to start work in regulated activity before the DBS certificate is available, they should ensure that the individual is appropriately supervised and that all other checks, including a separate Barred List Check, have been completed. OCL requires that you undertake a Risk Assessment to ensure that consideration has been given to the appropriateness of this course of action and necessary safeguarding measures are put in place. Please complete and store on the individual’s personnel file the form **Risk Assessment – Starting work without a DBS** (which can be found on the Oasiszone).

Regular checks should be made to confirm the progress of the DBS check – as the greater the delay, the more likely the measures put in place by the Risk Assessment may become unworkable and/or be forgotten. If there is a delay of more than 2 weeks, speak to your PD Business Partner about this fact to ensure that it remains sensible to continue with the working arrangements in place.

### **What should I do if the DBS Certificate reveals information not previously disclosed (on the Application Form or DBS Self Declaration Form)?**

It is vitally important that you afford the individual the opportunity to explain why they believe this may have happened.

There is much confusion about “spent” and “protected” convictions and it may be that the individual believed that the details did not need to be disclosed; they may be embarrassed; have forgotten; it could be an error in the Certificate application process or an error on the PNC/DBS databases.

Organise to meet with the individual, explain why you are meeting and allow them to respond. Keep a written note of their response.

OCL reserves the right, in the Application Form, the DBS Self Declaration Form and in the Conditional Offer of Employment Letter to withdraw an offer of employment or to terminate employment where an individual has failed to disclose “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)”.

You are advised to seek advice from your PD Business Partner about what to do next; each case will depend on its own particular facts.



## 4D Overseas Checks

The Disclosure & Barring Service is only able to check an individual against information held on the UK Police National Computer (PNC). As such, if someone has incurred a criminal conviction (or been the subject of a criminal investigation) whilst being outside of the UK, even if this was in Europe, this will not appear on the DBS Certificate.

Whilst it is of course possible to obtain a criminal conviction on a 1 week holiday, we need to be practical about how we approach overseas checks. Increasingly people are taking time out to travel and some will spend 12 or more months, travelling through many countries on a round world trip. OCL has therefore decided that an overseas check must be carried out when an individual has been in a country for 6 or more months during the 10 years prior to their appointment, which may include checking a candidate's "home country" or "country of origin", even though they may now have a UK Passport or Indefinite Leave to Remain.

The candidate should be notified of the country or countries from which you require an overseas check. You should direct them to <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> which explains the process.

It is the candidate's responsibility to obtain the overseas check. They may consider this a hassle but if they want to work in education, it will be necessary wherever they seek work. Once they have the check done, they will retain this for the rest of their working life. Clearly, there may be occasions where you may need to assist the individual i.e. where English is not their first language or they do not have internet access.

It is essential that the candidate progresses their application as soon as possible after receiving the conditional offer of employment as it can take a considerable time to get the results back, depending on the country (or number of countries) involved. Their offer of employment is conditional upon us receiving the outcome of these checks so until such time as you do, they should be reminded that the failure to satisfy this requirement puts their offer of employment and/or their continued employment, at risk of termination.

OCL does not contribute to the cost of obtaining the overseas check as a matter of course however it remains a matter of discretion for the Principal or Line Manager whether a contribution to the cost may be appropriate, for example in respect of lower paid roles where the cost may be otherwise a bar to employment.

## 4E Disqualification from childcare

Under Section 76(2) of the Childcare Act 2006, it is stated that a person who is disqualified may not provide relevant childcare provision or be directly concerned in the management of such provision. OCL is prohibited from employing a disqualified person in connection with a relevant childcare provision, and would be committing an offence if we contravened this legislation. Remember, these rules apply to our "employees" but also those we engage or allow into our academies to provide childcare, such as sports coaches, activity co-ordinators and volunteers).

### "Relevant childcare"

Individuals are covered by this legislation if they are employed or engaged to provide:

- **early years childcare** (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception year). This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both **during the normal school day and outside of school hours** for children in the early years age range; and

- later years provision (for children under 8) - staff who are employed to work in childcare provided by the school **outside of the normal school day for children who are above reception age but who have not attained the age of 8**. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

Individuals undertaking the following roles would normally be excluded: caretakers; cleaners; drivers; transport escorts; catering; and office staff and IT staff. However, an Academy or Line Manager should look at the specifics of the arrangements in the particular setting. If an individual can be considered to be providing "childcare" (which would mean assuming responsibility for the care of a child) then they are likely to fall into the scope of the Regulations. National IT Service staff will have this check undertaken as part of their recruitment as it is recognised that they often work alongside students, particularly in secondary settings.

We are not required by the Act to check those involved in any form of professional health care provision for a child, for example school nurses, Local Authority employed speech and language therapists and education psychologists. However, you should ensure that you should follow the procedures for checking "contractors" as in many cases, these services are now subcontracted by the Local Authority/NHS/Primary Health Care Trust to independent consultants and organisations, which removes a level of checking and "quality assurance" that previously existed.

Academy councillors/volunteers are not covered by the legislation, unless they volunteer to work in relevant childcare on a regular basis (means more than 3 days in a 30 day period), or they are directly concerned with the day-to-day management of such provision. You will need to think carefully when taking on a Volunteer about how frequently they are likely to be helping out and keep an eye on the arrangements if you decide that they don't hit the trigger, as this may change, the longer they work with you. National Office takes responsibility for the assessment of the Executive Board and Trustees.

The criteria for disqualification under the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (which are relevant to us) are:

- a. inclusion on the Disclosure and Barring Service (DBS) Children's Barred List;
- b. being found to have committed certain violent and sexual criminal offences against children and adults which are referred to in regulation 4 and Schedules 2 and 3 of the 2018 Regulations (note that regulation 4 also refers to offences that are listed in other pieces of legislation);
- c. certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2018 Regulations;
- d. refusal or cancellation of registration relating to childcare, or children's homes, or being prohibited from private fostering, as specified in Schedule 1 of the 2018 Regulations;
- e. being found to have committed an offence overseas, which would constitute an offence regarding disqualification under the 2018 Regulations if it had been done in any part of the United Kingdom.

The above list is only a summary of the criteria that lead to disqualification. Further details about the specific orders and offences, which will lead to disqualification, are set out in the 2018 Regulations

A DBS Check will reveal whether a person has been convicted of a "relevant offence". The majority of offences that lead to disqualification under the 2018 Regulations will never become protected, which means that they must always be disclosed by a member of staff employed to work in relevant childcare, and they will not be filtered from a DBS certificate.

It is important to remember that a person could have been convicted of a “relevant offence” but may not be on the Children’s (or Adult’s) Barred Lists. As such, where an offence is disclosed, either by the individual or on the DBS Certificate, you must check to see whether this is a “relevant offence” which means that they are “disqualified”.

A list of the relevant offences is set out in the tables A & B included within the *Disqualification under the Childcare Act 2006 Guidance 2018*, which is available on gov.uk website. You will need to check any disclosed offences against these lists. As these list may change/be updated it is not appropriate to reproduce them in this document. Whilst many of the “relevant offences” are obvious (those involving the death or bodily injury of a child), some are less so (eg. Harassment, misuse of telecommunications, sending letters etc. with intent to cause distress or anxiety, belonging to a proscribed organisation (eg. National Action, IRA).

There is a Childcare Disqualification Declaration within the Recruitment Toolkit which can be used to verify the status of your relevant staff (for example before their start work or if they move to a new/different role which results in them providing “relevant childcare” (see above). The Annual Safeguarding Declaration should be distributed to all relevant staff annually and this includes a Childcare Disqualification declaration.

If an individual discloses an offence or circumstances that indicate that they may be disqualified then seek the advice of your PD Business Partner without delay.

Following consultation with your PD Business Partner and LADO (if appropriate), if it is deemed that the person is disqualified, you must inform Ofsted ([disqualification@ofsted.gov.uk](mailto:disqualification@ofsted.gov.uk)). You should also explain to the member of staff whether they can apply to Ofsted for a waiver (a waiver would not be possible, for example, if they were on the Children’s Barred List). Guidance on applying for waivers and the relevant application forms is within the *Disqualification under the Childcare Act 2006 Guidance 2018*, which is available on gov.uk website.

You cannot continue to employ an individual who is disqualified in connection with early or later years childcare provision, or in the management of such provision, unless a waiver has been granted by Ofsted. This does not however imply that individuals are prevented from working in a school in any other setting.

Your PD Business Partner will discuss with you options for individuals while a waiver is being considered. This may include redeployment, role adjustment, or paid leave.

If the individual decides not to apply for a waiver or the waiver is declined, permanent redeployment should be considered. Otherwise it must be considered whether dismissal is appropriate.

#### 4F Mental and physical fitness

Section 60 of the Equality Act 2010 states that an employer may ask job relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role **but only after a job offer has been made.**

Regulation 18 (c) (ii) of Part 4 of the Education (Independent School Standards) (England) Regulations 2014 and ‘Keeping Children Safe in Education 2019’ require that an employer must verify that the candidates mental and physical fitness to carry out their work before **confirming** the appointment.

All new employees and volunteers are required to complete the OCL New Starter Health Questionnaire. If the individual answers “Yes” to any of the questions or has been absent from work for more than 9 days in the past 12 months due to health then, you must make a referral to our Occupational Health Advisors for a Pre-Employment Health Assessment. This will advise us of the impact of any health condition on the individual’s ability to carry out their role and inform us of any adaptations they may require to meet the needs of their

post. Speak to your PD Business Partner if you have any queries or concerns relating to the individual's disclosures or the information provided by Occupational Health.

You must record the outcome of these checks on the SCR.

MEDICAL FITNESS				
			Where OH Referral Required	
Date of OCL New Starter Health Declaration	Status (insert "Nothing Declared" or "Refer to OH")	Checker's initials	OH Referral date	OH Referral Outcome (insert "Fit for Work" or "See Report" )
<input type="text"/>				

Please ensure that the OCL New Starter Health Questionnaire and any subsequent OH report are stored securely on the Personnel file. You will need to make the employee's line manager aware of any advice that OH provides which the line manager will need to know in order to effectively manage the employee. You should make the employee aware that the information is going to be shared and invite them to be part of the conversation with the line manager.

Take extra care when conducting the recruitment exercise to ensure that any Equal Opportunities Monitoring form which is completed by an applicant is not shared with those responsible for the shortlisting process. If this is not practically possible, then ensure that those undertaking the shortlisting process disregard anything disclosed in the Equal Opportunities Monitoring Form.

## 4G Section 128 Prohibition from Management

The following checks may all be undertaken via one report from the Teaching Regulation Agency (previously NCTL) portal by entering the teacher number and date of birth. If the individual is not a qualified teacher or you do not have the teacher number, you can check each of the registers individually by clicking on the blue hyperlinks to the right (see below) and scrolling through the register to see if the individual appears on that particular register.

**Find a teacher**

TRN  
1234567

Date of birth  
dd/mm/yyyy

[Clear fields](#)

- Teachers who have failed induction or probation
- General Teaching Council for England (GTCE) sanctions
- Teachers sanctioned in other EEA member states
- Section 128 barring directions

**TRA contact information**

Email  
[employer.access@education.gov.uk](mailto:employer.access@education.gov.uk)

Telephone  
[0207 593 5391](tel:02075935391)

Showing teachers and others prohibited from the profession (1454)

[Printer friendly list](#) [Export this list](#)

The personal data available on this report is disclosed in order to allow your organisation to fulfil its remit and legal obligations. The data must not be passed to any third parties except those fulfilling a service on behalf of and under the expressed instructions of your organisation. This list contains all

A section 128 Education and Skills Act 2008 direction is made by the Secretary of State and prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools.

Individuals taking part in ‘management’ include individuals who are members of proprietor bodies (the OCL Board), and such staff positions as follows: head teacher/Principal, any teaching positions on the senior leadership team, and any teaching positions which carry a department headship. Whether other individuals such as teachers with additional responsibilities could be prohibited from ‘taking part in management’ depends on the facts of each case. See Section 128-131 of “Keeping Children Safe in Education 2019”, and The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014 for more information.

This check only applies to those appointed to management roles after January 2015. This check should be undertaken on existing staff who move from a non-management to a management (or a more senior management post) during their time with OCL. On the SCR there is an option “On Promotion” to indicate that this check was undertaken during the individual’s employment/after the conclusion of the recruitment exercise.

If you have a support staff member who is engaged in the “management of an academy” (for example, as a member of the academy’s leadership team or as a manager within a national service/directorate) then you will need to obtain a Section 128 check for them. You should ideally do this via their DBS application form by ensuring, ‘children’s workforce independent schools’ is specified in the parameters for the barred list. The DBS will then be able to confirm, on the DBS certificate, if a Section 128 direction has been made.

Otherwise, you can check to see if the individual is on the list of individuals who are subject to a Section 128 prohibition by checking the “Section 128 barring directions” database (there are currently about 6 people listed). Print off the list and retain a copy of the database/list on the individual’s Personnel File as evidence of the check.

On the SCR, you should indicate if the check applies (yes or no) and the name of the checker and the date the check was undertaken.

<b>PROHIBITION FROM MANAGEMENT CHECKS - Section 128 direction</b>			
(Required for those appointed to Leadership posts)			
<b>Does s128 direction check apply?</b>	<b>Date check undertaken (Date or N/A)</b>	<b>Status (eg. Clear)</b>	<b>Checker's initials</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you have undertaken a TRA search using a TRN number then “right click” on the portal screen page and you will be given a “print” option. Print off a copy of the check and place this on the Personnel File.

James Allan

Teacher reference number 1728901

 Printer friendly page

The personal data available on this report is disclosed in order to allow your organisation to fulfil its remit and legal obligations. The data must not be passed to any third parties except those fulfilling a service on behalf of and under the expressed instructions of your organisation.

- ▶ [Teacher details](#)
- ▶ [Initial teacher training](#)
- ▶ [QTS status](#)
- ▶ [EYTS status](#)

#### Status

Alerts:	None
QTS:	10/08/2012
Induction:	Pass

[Disown teacher](#)

## 4H Prohibition from Teaching

You must check that any candidate to be employed as a teacher is not subject to a prohibition order pursuant to section 142 Education Act 2002, via the Teaching Regulation Agency (previously the NCTL). This is a requirement under regulation 18 (b) of Part 4 of the Education (Independent School Standards) (England) Regulations 2014; and section 126 of “Keeping Children Safe in Education” September 2019.

Teaching work is defined as planning and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress and attainment of pupils; and reporting on the development, progress and attainment of pupils.

Prior to April 2012, prohibitions and sanctions were administered by the General Teaching Council (GTCE). The check you undertake of the Teaching Regulation Agency portal will alert you if there is a GTCE prohibition or sanction on a person’s record.

On the SCR record the date of the check and the name of the checker. If you “right click” on the portal screen page of the TRA website you will be given a “print” option (see above section on how to do this). Print off a copy of the check and place this on the personnel file.

Support staff, peripatetic staff and volunteers who hold qualified teacher status (QTS) should be checked in the same way as those employed to teach, to ensure that they have not sought this route back into education despite being barred from teaching. **As it is unlikely that someone who is prohibited will actually volunteer this information, you will need to conduct this check for all support staff, peripatetics and Volunteers.**

If the candidate does not have their Teacher Registration Number (or you do not know whether they hold QTS) then you can check the entire list of individuals who are prohibited from teaching on the TRA website, via the “*Teacher and others prohibited from the profession*” list. It’s suggested (but not mandatory) that you screenshot the section of the list in which their name would have appeared, as evidence to keep on their Personnel File that you have performed this check. If you are unsure how to do this, speak to your PD Business Partner.



### Find a teacher

TRN

1234567

Date of birth

dd/mm/yyyy

Clear fields

Search

Show all your teachers

- Teachers who have failed induction or probation
- General Teaching Council for England (GTCE) sanctions
- Teachers and others prohibited from the profession
- Teachers sanctioned in other EEA member states
- Section 128 barring directions

Example screenshot from *Teachers and others prohibited from the profession*:

Oasis Academy John Williams

Organisation code 801/6911

### Find a teacher

TRN

1234567

Date of birth

dd/mm/yyyy

Clear fields

Search

Show all your teachers

- Teachers who have failed induction or probation
- General Teaching Council for England (GTCE) sanctions
- Teachers sanctioned in other EEA member states
- Section 128 barring directions

### TRA contact information

**Email**  
[employer.access@education.gov.uk](mailto:employer.access@education.gov.uk)

**Telephone**  
[0207 593 5391](tel:02075935391)

Showing teachers and others prohibited from the profession (1453)

Printer friendly list
 Export this list

The personal data available on this report is disclosed in order to allow your organisation to fulfil its remit and legal obligations. The data must not be passed to any third parties except those fulfilling a service on behalf of and under the expressed instructions of your organisation. This list contains all people who have a disciplinary sanction prohibiting them from working in the teaching profession. Any person included on this list with a prohibition order that starts prior to 1st April 2012 is ineligible to teach in any maintained school, pupil referral unit or non-maintained special school. Any person included on this list with a prohibition order that starts on or after 1st April 2012 is ineligible to teach in any school, including independent schools (including academies, 16-19 academies and free schools), local authority maintained schools and non-maintained special schools as well as sixth form colleges, relevant youth accommodation and children's homes in England. Further information on Professional Conduct panel outcomes can be viewed at: <https://www.gov.uk/government/collections/teacher-misconduct>. This list does not include people barred from working with children by the Disclosure and Barring Service (DBS). Please refer to the individual teacher report for this information. The individual teacher report will indicate instances where there is a possible match with a DBS restriction. Please note, using Teaching Regulation Agency web portals does not exempt employers from the statutory requirement to check a teacher's eligibility directly with the DBS.

The symbol indicates an active alert

	TRN	Surname	Forename	Middle name(s)	DoB	Restriction/Sanction type	Start date of sanction
	7149964	Abbott	Doreen	Jennifer	08/09/1945	Prohibition Order - unacceptable professional conduct - Eligible to reapply after specified time	28/12/2005
	0735068	Ablett	Anthony	-	25/04/1948	Prohibition by the Secretary of State - deregistered by GTC Scotland	21/04/2005
	0310947	Aboagye	Frank	Frempong	14/12/1969	Prohibition Order - unacceptable professional conduct - Ineligible to reapply	18/02/2009
	9843886	Adams	Paul	David	03/10/1975	Prohibition by the Secretary of State - refer to the Education Workforce Council, Wales	02/07/2015
	8356477	Adams	Robert	Lewis	05/03/1961	Prohibition by the Secretary of State - refer to the Education Workforce Council, Wales	09/04/2014

## 4I European (EEA) Checks

These sanctions and restrictions are imposed by EEA professional regulating authorities on or after 18 January 2016 and which have been notified to the TRA. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, academies should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

This check is required for teachers who commenced employment after the 18th January 2016 – retrospective checking is not required. It is undertaken via the Teaching Regulation Agency (previously NCTL) portal using their TRN number. If you do not have their TRN number they are an overseas qualified teacher who has not yet obtained UK QTS, then you can perform this check by checking the list of names in the “Teachers sanctioned in other EEA member states list” on the TRA website. You

This check should be undertaken, even if the teacher is a UK citizen or has not disclosed that they have worked overseas at any time – it will not take any additional time or cost anything more but will enable you to verify the applicant’s employment history.

On the SCR record the date of the check and the name of the checker. If you “right click” on the portal screen page you will be given a “print” option. Print off a copy of the check and place this on the personnel file. If you don’t have the TRN number and have manually checked the entire list, then you can screenshot the section of the alphabetical list in which their name would have appeared and store this on the Personnel File as evidence of the check having been performed.

#### 4J Qualifications and professional status

We must verify the employee’s professional qualifications before they are appointed. (See regulation 18 (c) (iv) and 18 (3) of Part 4 of the Education (Independent School Standards) (England) Regulations 2014. This requirement is also contained in section 149 of “Keeping Children Safe in Education 2019”. OCL also requires you to verify any qualifications that are deemed “essential” in the JD/PS for the role the person has been appointed to (for example; First Aid, COSH/IOSH, Makaton).

Please take copies of original documents (or certified copies), noting the name of the person who saw the original and the date that they saw the original, on the copy of the document. Copies of the documents checked must be placed in the individual’s Personnel File and the SCR should be updated accordingly.

QUALIFICATIONS	
(those determined as "essential" in the JD&PS)	
Are qualifications required for this job?	Qualifications evidenced, date and checker's initials
<input type="checkbox"/>	<input type="checkbox"/>

For Teachers, the Teaching Regulation Agency (previously NCTL) portal should be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation (if they obtained QTS after 7 May 1999.)

#### What should I do if the person has lost their certificates?

It is the individual’s responsibility to obtain a replacement certificate or written confirmation from the awarding body for any qualification that is an essential requirement for the role in which they are being appointed to.



**A person has applied to be a teaching assistant but I note on their application form that they used to be a qualified teacher. Should I be undertaking Teaching Regulation Agency (prohibition/sanction etc) checks on this person, even though they won't be undertaking "teaching"?**

Yes, you should. The individual may be looking to use this as a route back into a setting they have previously been prohibited from working in.

Before broaching the subject with the individual, check the lists on the Teaching Regulation Agency portal for the individual's name. If they appear on any of the lists then you should ask to meet with them to discuss the prohibition, sanction or restriction that you have identified. Whilst the prohibition, sanction or restriction may not prevent them from doing the particular job that we are looking for them to do, you will need to discuss with them why they haven't disclosed this information previously and gather enough information about the circumstances surrounding the prohibition, sanction or restriction to make an informed judgement about their suitability for that role. Make a note of your conversation; ask them to confirm their Teacher URN number so that you can obtain a full report, print this off and keep this on the candidate's file (and/or personnel file). You should also seek advice from your PD Business Partner about what to do next.

#### **How do I check Qualified Teacher Learning and Skills (QTLS) status?**

It is not possible to view a teacher record for a qualified teacher who has achieved QTS through holding Qualified Teacher Learning and Skills (QTLS) status via the Teaching Regulation Agency portal. QTLS status should be checked with The Education & Training Foundation – to find out more please visit their website. <https://set.et-foundation.co.uk/>

## PART TWO: AGENCY AND SUPPLY STAFF

The following requirements apply to all supply/agency staff, irrespective of the length of their engagement by the Academy or National Office, this is because the law does not differentiate between supply for one day or one week – the requirements are the same.

### 1. Our obligations

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 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 on the appropriate tab of the SCR.

AGENCY CHECKS CONFIRMATION					
The following checks must be undertaken by the agency and you must record in this page of the SCR that you have verified that the agency has done so. Typically an agency will send you a "booking confirmation" form by email which confirms the checks that have been undertaken. You must securely store this form.					
Name of Agency	Contact at Agency	Date of confirmation from Agency that checks have been undertaken	Format of confirmation ie. email	Was confirmation received before worker commenced work? Yes or No	Checker's initials

If the information provided by the agency doesn't cover all of the necessary checks, you will need to go back to them and ask for this information. At National Office they are working towards improving our supply staff arrangements (negotiating preferential rates, rationalising our providers and generally seeking to improve the quality of the staff made available to us). This will include requiring the agencies we use to ensure that all of the necessary checks have been made, to the highest possible standards. On 25 July 2019, a letter **Supply Agency Requirements Letter** was sent by Felicity Larter, PD Business Partner – South West & South Coast, to Head of Compliance at the following agencies:

Protocol	Education People Ltd
Prospero	Teaching Personnel
Hays Education	Teacher Active
Randstad Education	
Lynx Education	

If you require a copy of any of these letters, please email [felicity.larter@oasisuk.org](mailto:felicity.larter@oasisuk.org)

If you are using another agency, you are advised to send them the Supply Agency Requirements Letter to remind them of our/the statutory requirements.

### 2. Disclosure & Barring Certificates

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. Many agencies do not provide this as a matter of course and may refer to "their data protection obligations" or other "rules" in explaining why they do not. You should direct them to the above Regulations and ask them to support you in your compliance. If they refuse,

make a note of this on the SCR "Request Refused" and keep a copy of your email or record of your telephone call in which you made the request.

You may wish to take a copy of the DBS Certificate, however you are not legally allowed to keep this more than 6 months, so you will need to set up a reminder in your diary to ensure that you securely destroy the copy within this timeframe.

**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.** There is no way of you knowing, without asking the agency itself, whether the agency/supply worker has worked in an education setting in the 3 months prior to working for OCL. It's very possible that the agency won't know (some people are registered with more than one agency) or may be motivated to tell you something that isn't true. The best we can do is to ensure that the person responsible for booking the agency/supply worker asks the question, "Has the individual worked within an education setting in the past 3 months". If the answer is "no" or "don't know", then they must make the agency aware that we cannot accept the agency/supply worker unless their Enhanced DBS Certificate is less than 3 months old.

You 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.

When using agency members of staff, you must ensure they are complying fully with the Agency Worker Regulations 2010, guidance can be provided by your PD Business Partner.

#### **What should we do with the booking confirmation, which confirms that the checks have been undertaken?**

It is becoming increasingly common to receive a booking confirmation which has electronic links to the files/checks that have been undertaken in respect of the agency/supply worker. You need to ensure that you save (preferably electronically for storage and GDPR purposes) both the booking form and the confirmation that the checks have been completed. Each Academy/National Service has its own electronic filing structure, so we can't prescribe where you should save the documents but make sure that it's somewhere secure but accessible in the event that OFSTED /your Principal/PDBP/Head of National Service need to see it.

#### **Do we need to put every agency/supply worker on the SCR, even if they are only coming to us for one day?**

Yes. The legislation and statutory guidance does not differentiate between those engaged for one day or longer. We have tried to make the SCR entries as simple as possible to reduce the workload required. We recognise that for short term assignments, the demands of time and practicality will require that you accept on face value that the agency has completed the appropriate checks and that those checks are thorough and of quality. Clearly, the longer an agency/supply worker is with you, the more thorough we should be in personally assessing the individual's suitability. You should definitely take the time to review the detail of the checks the agency has undertaken, for example, checking that the references that the agency has supplied are of sufficient quality (ie. that they meet the requirements set out in Part 1 regarding references).

#### **Do we need to put a new line on the SCR every time an agency worker comes in? Sometimes, the agency send us the same person? We might end up with an SCR page with the same person's name several times?**

Yes, this is the safest route to compliance.

In an Academy, if you have a Cover Manager who is responsible for booking agency/supply staff, you may want to create them a spreadsheet mirroring the SCR agency/supply worker page, that they can then complete week to week. This data can then be uploaded, in bulk to the SCR page periodically. Please make sure that the Cover Manager is storing the booking confirmation and the confirmation that the checks have been completed (see questions above).

### 3. Becoming an Employee

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 Handbook 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). A line on the "Support Staff" or "Teacher" (as appropriate) page must be created (in addition to their line as an agency/supply worker). All supporting evidence must be placed on a personnel file. During the past 12 months some of the biggest staffing "issues" that have arisen in OCL are because agency staff were appointed into employment without the requirements of Part 1 having been met/the Academy or line manager having relied upon checks that the agency has undertaken. It is fully recognised that recruitment is time consuming and that when faced with an excellent agency worker and a pressing workload, this may seem like unnecessary work. Please be assured that the time spent in performing the Part 1 processes will be significantly less stressful or detrimental to the Academy or department than managing an unsuitable or ineffective employee.

## PART THREE: TRAINEE TEACHERS

Where a trainee is on a salaried scheme, OCL must undertake the same checks as are required for employees (see Part 1) must be undertaken. Confirmation that the requisite checks have been undertaken must be recorded on the “Teachers” tab of the SCR, inserting “Trainee Teacher” in the Contract section.

CONTRACT		
(a “transferring employee” is one transferred under TUPE)		
Date of joining OCL	Transferring employee?	Job Title on Appointment (Where employee is “Casual” insert this in title)
<input type="text"/>	<input type="text"/>	<input type="text"/>

Where trainee teachers are fee-funded, the **initial teacher training provider** must carry out the same level of checks as OCL undertakes for employees. The academy must seek to 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 and ensure that this is recorded in the SCR. This should be recorded on the “Contractors” tab of the SCR.

A template letter: [ITT- Trainee Teacher Checks Letter](#) is contained within the Recruitment Toolkit

## PART FOUR: VOLUNTEERS (which includes Academy Councillors and those working within our Hubs, work experience students)

Volunteers make a significant contribution to our organisation however we must not allow their kindness or generosity of spirit to dilute our commitment to ensuring everyone who works for us is suitable to work with children and young people. Volunteers will be seen by our students and staff as safe and trustworthy adults. You must therefore apply the same level of rigorous scrutiny to their recruitment and appointment as you do for employees. 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).

The DBS definition of a volunteer originates from the Police Act 1997 (criminal records) Regulations 2002 as: *“Any person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative.”*

### 1. Pre-engagement checks

Prior to commencing the volunteer arrangements, the Academy/National Service must:

- Obtain a completed Volunteer Application Form
- 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) Volunteer Interview Record; and
- Obtain evidence of the volunteer’s identity; and
- Obtain the appropriate Enhanced DBS Certificate (see below); and
- Require them to undertake the Hays Safeguarding Training; and
- Obtain 2 professional references; and
- Verify the volunteers physical and mental fitness to carry out the role they have volunteered for; and
- Where the individual will be involved in delivering or managing the delivery of child care to children up to and 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. For further information see PART ONE Section 4E Disqualification from Childcare above). Use the Childcare Disqualification Declaration in the Recruitment Toolkit.

### DBS and Barred List checks

If a volunteer is helping out **on a one-off basis** (ie. school trip or event) they must be supervised by an OCL employee throughout their time with us and should be **treated as a “visitor”**.

Otherwise, use the table below to determine whether you should be obtaining a Barred List check. If you do not know how frequently a volunteer will be working with you, you can err on the side of caution and obtain a Barred List check – this is because very often, what may start out as an infrequent or one off arrangement

more often than not becomes a regular event and the children and young people with whom that Volunteer works are likely to establish familiarity with the individual and consider them to be a trusted individual.

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
Unsupervised by OCL staff	Enhanced DBS <b>without</b> Barred List Check	Enhanced DBS <b>with</b> Barred List Check	
Supervised by OCL staff	No DBS or Barred List check required (treat as a "Visitor")	Enhanced DBS <b>without</b> Barred List Check	Enhanced <b>with</b> Barred List Check
Providing advice or guidance on physical, emotional or educational well being	Enhanced DBS <b>without</b> Barred List Check	Enhanced DBS <b>with</b> 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 <b>with</b> Barred List Check	Enhanced DBS <b>with</b> Barred List Check	
Providing healthcare as, or under the direction or supervision of, a regulated health care professional	Enhanced DBS <b>with</b> Barred List Check	Enhanced DBS <b>with</b> Barred List Check	
Driving a vehicle only for children	Enhanced DBS <b>without</b> Barred List Check	Enhanced DBS <b>with</b> Barred List Check	

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.

There is no fee payable for Enhanced DBS checks for Volunteers providing the DBS definition of volunteer (originating from the Police Act) is met:

‘A person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than, or in addition to, a close relative.’

## References

It may be that the volunteer is not employed elsewhere or has not been employed for some time and therefore may struggle to provide two professional references



If the volunteer has come straight from education then seek a reference from their course tutor (and any part time employer that they may have had).

If the volunteer has been out of work for many years (ie to raise a family or due to ill health) then seek a reference from the leader of any community group or organisation that they may belong to or have helped run at (eg. Foodbank, Women's Institute, Playgroup, religious group, Rotary, Neighbourhood Watch, Scouts/Cubs/Beavers/Rainbows/Brownies/Guides)

The above references will carry less "weight" than a professional/employment reference so it's really important that greater emphasis is placed on the responses that are received to all of the other checks that are carried out.

Volunteers who have previously been employed by OCL (or another Oasis UK organisation) must provide details of their previous Academy or National Service and an internal reference must be sought.

### Appointment

If you are satisfied as to the volunteer's suitability to undertake the volunteering role and more specifically to work with children and young people then you must:

- Obtain from the volunteer a signed **Volunteer Agreement**; and
- Organise for the volunteer to undertake the Hay's Safeguarding Training and the OCL Data Protection Training (on line version)
- Provide them with the Academy's Code of Conduct and Behaviour Policy and Part 1 of KCSIE (and ask them to sign to confirm that they have received, read and will adhere to their terms). You can use the **Annual Safeguarding Declaration** for this purpose.

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.

Volunteer information should also be recorded on the SCR and all documentary evidence appropriately stored in a volunteer personnel file. We require Volunteer addresses to be stored on the SCR as they will not have an itrent record (like employees) in which this data can be electronically stored and accessed.

IDENTITY						
Surname	Forename	Title	Address	Postcode	Date of birth	Evidenced by (list document(s)) , date and checker's initials
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

### Work Experience Students

We are often asked to provide work experience to students and recognise that in doing so we support those in our community to decide on or to pursue their chosen career paths. It is vital that work experience students are supervised throughout the duration of their time with us by an OCL employee; if this is not possible, the Academy/National Service must undertake all of the Volunteer checks listed above so as to ensure the safety and welfare of both the work experience student and the children and young people that they will be working with.

Particular emphasis should be made on the need for work experience students to ensure that they maintain appropriate “professional” boundaries with students, which may be challenging as they may have pre-existing relationships and/or familial connections with those students. Academies are discouraged from allowing work experience at an Academy where the individual was previously a student. Care needs to be taken to ensure that the work experience student is not privy to confidential or sensitive information about an Academy, its students or staff.

DRAFT

## PART FIVE: CONTRACTORS (those providing services to the Academy, its staff or students)

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). 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 and we must therefore do all that we reasonably can to ensure that these individuals are safe and suitable.

### 1. Types of "Contractor"

- 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).
- If the Academy is **directly procuring the services of a contractor** (eg. Professional coach or mentor, therapists, educational psychologists) it must ensure that the terms of the contract are recorded in writing and that the requirements set out below (see Contractual Arrangements with Contractors) are met. Depending on the status of the contractor use the **Contractor Vetting Form** (where the contractor is a business that will send one or more people to perform the contract) and/or the **Contractor Vetting Letter** (where the contractor will be personally delivering the services).
- If the **contractor has been procured nationally/by OCL** (eg Sodexo) on behalf of the Academy, the Academy must ensure that it obtains written confirmation from the contractor that the requirements set out below have been satisfied by the contractor in respect of each of the individuals it supplies to perform the contract. The **Contractor Vetting Form** (see Recruitment Toolkit) should be used for this purpose.
- 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. (see **Local Authority Staff Checks Letter** and **Letter of Introduction** in the Recruitment Toolkit). 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.
- 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. Historically, "peripatetic staff" were employed by the Local Authority however more recently, these individuals are self-employed. 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. (see **Peripatetic Staff Checks Letter**).

If you are unsure who or what funds the contractor's services to the Academy or its students then you should seek advice from your Regional PD Business Partner. School Nursing Services are funded by Public Health grants and commissioned by the local authority. The local authority is not however responsible for vetting the

staff that work for School Nursing Services so you should use the [School Nursing Services Checks Letter](#) to verify that the suitability of the individuals who attend the Academy. You can reasonably expect the School Nursing Services to provide you with the names of all individuals that they may send to your Academy.

## 2. Contractor checks

The following vetting and barring checks are required of each individual who performs the contract:

- Identity;
- Medical fitness to perform the contract;
- Right to work in the UK;
- Relevant qualifications to perform the contract;
- Disclosure & Barring Certificate (and Barred List Check):

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 <b>without</b> Barred List Check	Enhanced DBS <b>with</b> Barred List Check	
Supervised by OCL staff	No DBS or Barred List check required (treat as a “Visitor”)	Enhanced DBS <b>without</b> Barred List Check	Enhanced <b>with</b> Barred List Check
Building and maintenance (not engaged in regulated activity)	Enhanced DBS <b>without</b> 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 <b>without</b> Barred List Check	Enhanced DBS <b>with</b> 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 <b>with</b> Barred List Check	Enhanced DBS <b>with</b> Barred List Check	
Providing healthcare as, or under the direction or supervision of, a regulated health care professional	Enhanced DBS <b>with</b> Barred List Check	Enhanced DBS <b>with</b> Barred List Check	
Driving a vehicle only for children	Enhanced DBS <b>without</b> Barred List Check	Enhanced DBS <b>with</b> Barred List Check	

- f) 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 criminal record check) from each country.
- g) If the contractor will be providing “relevant childcare” as defined by the Childcare Act 2006 then you must also check whether they are “disqualified” pursuant to Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (see PART ONE 4E Disqualification from Child Care above).

If the contractor is self-employed or unable to obtain the appropriate DBS Certificate, the Academy should undertake the appropriate level of DBS check directly and re-charge this to the contractor.

If the contractor is self-employed then the Academy must also obtain and retain a home or business address and contact number for finance auditing purposes. See “New Suppliers and Changes to Supplier Details Policy” for more information)

In the Recruitment Toolkit are the following templates which can be used to fulfil the above requirements:

- **Peripatetic Staff Checks Letter** This also seeks confirmation as to whether the individual holds Qualified Teacher status so that you may check whether they have been prohibited/banned from teaching. If the Peripatetic Teacher is supplied by a company or charity, use the Contractor Vetting Form (which allows for the business or charity to provide verification in respect of all of the individual’s it may send to the Academy).
- **Contractor Checks Letter** This is appropriate where the contract/services are being delivered by an individual/sole trader. Don’t forget to include in this letter details about payment – check Finance’s policy “New Suppliers and Changes to Supplier Details Policy” for more information.
- **Contractor Vetting Form** This is appropriate where the contractor is a business/charity which will send one or more of its employees to perform the contract at the Academy ie. a catering (Sodexo) or cleaning company, a music/peripatetic teacher business. If the contractor’s staff will not be providing “relevant childcare” then you will need to delete this column from the form/paragraph from the letter (see section 4E for more information).
- **Local Authority Staff Checks Letter** Think about working with our neighbouring OCL academies to get this letter completed for all of the OCL academies under that authority.
- **Letter of Introduction** This letter can be provided to a contractor business or the local authority for them to give to their staff, who should then produce this letter, together with photo ID at reception on their arrival. It is included as some contractors/local authorities prefer this approach and gives you another option for seeking to obtain the assurances we need to be getting about people’s suitability to work with children and young people.
- **School Nursing Services Checks Letter** Think about working with your other neighbouring OCL academies who may use the same service/provider, to obtain this check on behalf of all of you.

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 “Contractor” tab. To assist you with the completion of this tab there are a number of example contractors included on the tab. As and when you feel confident about completing this tab you can remove or hide the example lines.

### ***What is National Office doing to help us with this massive task?***

On 18 July 2019, Joy Madeiros, as Acting Director of PD, wrote to all of the Principals to inform them of the changes to the SCR and our recruitment processes. She asked that Principals work with their HR Practitioners to create a list of the following, for their Academy:

- a. **Volunteers**
- b. **Peripatetic staff (these may be self-employed individuals or companies that supply peripatetic staff)**
- c. **Local Authorities (who send social workers etc to your Academy)**
- d. **Nursing Services**
- e. **Therapists/counsellors/mentors**
- f. **Building and maintenance contractors**
- g. **Anyone else who comes to the Academy to perform their “work” who is not employed by OCL (which includes those employed by other Oasis UK subsidiaries)**

**who you allow to work unsupervised/do not treat as a visitor**

Using this list, we encourage you to see whether there are any areas in which you can work with your neighbouring OCL academies to undertake the necessary checks. For example, in the Bristol region, the HR Practitioners there have identified contractors that they all use and have divided between them the task of writing to these, on behalf of all of them.

Our biggest contractor is Sodexo and whilst in the past they have provided us with the names and DBS certificate numbers of their staff, we now need them to confirm that all of the statutory checks (explained above) have been satisfactorily completed. During the Summer holidays, National Office have sought such verification and we hope that come September, we shall be able to provide you with the information you need for your SCR in respect of each of the Sodexo staff that work at your Academy.

Property & Estates are ensuring their standard terms and conditions to ensure that the contractors they engage meet our requirements. Your Academy’s Cluster Asset Manager (CAM) will be able to provide you with the required confirmations from contractors who will be working at your Academy.

The People Directorate have also written to the major teaching and support staff agencies below, to make them aware of OCL’s requirements for agency/supply staff (para 19(2)(d)(i) EISSR 2014), and advising them that we will be unable to accept agency/supply staff if these requirements are not met.

Teaching Personnel	Prospero	Protocol Education	Teacher Active
Hays Education	Randstad Education	Education People	Lynx

Copies of our correspondence and any reply we received, is on Oasiszone, in the Agency & Supply Staff folder of the Recruitment Toolkit.

***The Contractor has provided DBS certificate numbers but hasn’t confirmed whether these are for Enhanced checks, whether a Barred List check has been completed or how old the certificate is. Should I be worried?***

There are some “contractors”, such as Social Workers/Local Authority employees, for whom it is reasonable for us to accept on face value that the employer has been rigorous in their checking and have a shared legal and moral responsibility for ensuring the suitability of their employees to work with children and young people. It would be impractical and arguably unnecessary for us to require that their employee’s produce their certificate.

There are other contractors (and it’s impossible to prescribe who these are), for whom it is absolutely right that we don’t simply accept a certificate number and date. Instead we require that each employee produce their certificate, so that we can satisfy ourselves that the check has been done correctly and there is nothing on the certificate which causes us concerns. The Contractor Vetting Form makes clear that we may request to see the original certificate; thereby affording us the ability to ask (and raising the expectation that the contractor will comply with that request). If you are unsure whether to ask for the certificate or the contractor fails to respond to your request, please speak to your PD Business Partner.

There are currently no laws about renewing certificates so it's very feasible that a contractor's employee has a certificate which is quite old. Ideally, the terms of the contract with the contractor will set out what we expect of their checking (for example, we can require that certificates are no more than 3 years old or that all of the contractor's employee sign up to the Update Service). Talk to your PD Business Partner about the "size/value" of the contract, what work is involved, the frequency of the work/contact with students to assess whether this is a situation where we should be requiring the contractor to obtain new certificates.

### 3. Contractual arrangements with a contractor

**You are advised to consult the NEW SUPPLIERS AND CHANGES TO SUPPLIER DETAILS POLICY- NOVEMBER 2018 which has been prepared by Finance in addition to following the instructions below.**

#### Terms of business

Wherever possible, the Academy or National Service should seek to record the terms on which the Contractor will be working. For the most part, contracts go well and everyone gets what they are expecting from the relationship, however it's important to be alive to the fact that misunderstandings can occur and things can go wrong. Being able to refer to a written agreement can assist the parties to maintain constructive dialogue and achieve positive outcomes. For big/national contracts, like Sodexo, this will be managed at National Office level however for local contracts (where an individual or business is procured by the Principal), the responsibility falls to the Principal, working in conjunction with the PD Business Partner and Finance lead. Terms of business don't need to be complex (or involve lawyers, unless large sums of money are at stake) – if the contractor doesn't provide any, it's worthwhile capturing in writing the basics:

- What the contractor is expected to do/achieve
- Any expectations you have about how they will perform the work
- How much they will be paid (per hour, per day, per visit, for the completion of the project)
- When they will invoice and when they will be paid
- How either party ends the contract and how you will work out how much is due to the contractor if the contract doesn't run its full course

#### Payment of a contractor

If the contractor will be invoicing the Academy/OCL for payment for their services then it is vitally important that the Academy/OCL confirms the "tax status" of the contractor before the contract commences.

IR35 is the industry name for a specific part of the Finance Act 2000. It aims to prevent people avoiding tax by working as self-employed contractors through an intermediary limited company (known as a Personal Service Company), while performing the same function as regular employees.

The legislation says that these kinds of contractors should be subject to the same Income Tax and National Insurance Contributions (NICs) as regular employees. In other words, the legislation ensures that, if the relationship between the worker and the client would have been one of employment if it wasn't for the intermediary company, the worker pays tax and NICs roughly equivalent to an employee.

Before the contract commences, a check must be undertaken using the HMRC Assessment Tool:

<https://www.gov.uk/guidance/check-employment-status-for-tax> This asks a series of questions about the contractor and the work that they will be doing. It is essential that the questions are answered honestly as the Academy/OCL may then rely on the outcome of the assessment in any subsequent tax assessment.

If the assessment has not been completed and it transpires that the contractor should have been classed as an employee, Oasis Community Learning is likely to be fined by HMRC and is also liable for any tax and NICs that the contractor should have paid. Should this occur we will seek equivalent redress from suppliers.



A copy of the result of assessment should be printed out and stored securely with the other recruitment and vetting information obtained about the contractor, and a copy of the terms of business or contract with the contractor.

Whether or not a potential supplier has to complete an Employment Status Check depends on two different factors – the status of the company (e.g. registered company, partnership, sole trader etc.) and what the company will be supplying the University (goods or services). The table below allows suppliers to determine whether the checks are required.

Company Status	Goods	Services
Registered/Limited Company	?	?
Limited Liability Partnership	?	?
Charity	?	?
Self Employed/Sole Trader	?	?
School or University	?	?
Other	Contact our finance team for Guidance	Contact our finance team for Guidance

- ? Employment Status Check Required  
? Employment Status Check Not Required

Please note, the table above is for guidance only. Potential suppliers should follow the instructions provided on the Supplier Request form as to whether an Employment Status check is required.

### Pay should be made through payroll

Where the HMRC tool indicates that payment must be processed through payroll (with the deduction of tax and national insurance), you will need to notify the individual/contractor of this (and supply them with a copy of the HMRC test result), obtain the individual's bank details and national insurance number and enter the individual on itrent as a "supplier". You will also need to set them up as a supplier on PS Financials.

### Contractor is a limited company

Where the contractor is a limited company (and not a personal service company) then you should undertake a Companies House webcheck search to confirm the name of the company, its company number, registered office and the names of its directors. Print this check off and store it securely with all other paperwork relating to the contract.

If the annual spend is less than £1000 and will comprise of less than 3 transactions per year then payment can be made via BACS. Where the spend exceeds these thresholds, the contractor should be set up as a "supplier" on PS Financials.

### Data Protection

You must check the Due Diligence Register to establish whether the contractor has already "passed" our GDPR assessment process. Where they are listed, update the Academy's Data Catalogue. Where they are not listed, email Sarah Otto/Data Protection Officer, to obtain a copy of the OCL Third Party Supplier Questionnaire. You will need to complete and return this to Sarah and await clearance.

You may proceed with the contract but must ensure that no personal data is shared with the contractor (by any means) until clearance has been granted.

You should seek advice from the Data Protection Officer as to whether a contractor is required to undertake the OCL Data Protection Training.

#### 4. Contractor Induction – Safeguarding and Child Protection

Contractors who have access to our students, whether supervised or unsupervised, for 3 or more occasions in a 30 day period should be asked to undertake Hay's Safeguarding Training (or the Academy's equivalent) as a condition of their contract with OCL.

If a contractor will have access to personal data then you should also arrange for them to undertake our online Data Protection training.

Training can be arranged by emailing Emily Phelps ([Emily.phelps@oasisuk.org](mailto:Emily.phelps@oasisuk.org)) with the following information.

- First name
- Surname
- Email address
- Establishment (i.e. which academy/office)
- Employment status (employee/agency/contractor)

## PART SIX: RECRUITMENT OF EX-OFFENDERS

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.

Since an amendment in 2013, applicants no longer have to disclose ALL spent convictions, only those that aren't deemed 'protected' (normally short, minor convictions from a number of years ago do not have to be disclosed). It is unlawful for employers to ask applicants to disclose these or to take them into consideration even if disclosed knowingly. Guidance provided at <https://www.gov.uk/government/collections/dbsfiltering-guidance> by the DBS will help you to understand the old and minor cautions and convictions that do not need to be disclosed.

Applicants for employment and volunteers are therefore asked to declare on their Application Form 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). This is important because:

- It gives prospective employees and volunteers an opportunity to flag up convictions in a confidential way and to have open discussions as part of the recruitment and selection process.
- It acts to deter unsuitable individuals from applying for positions within our academies.

Those who are invited to interview are asked to complete a **DBS Self Declaration Form** which represents a further opportunity for candidates to be open and honest in their dealings with us.

However, OCL has a legal duty to ensure that those wishing to work with us are assessed on the basis of merit and that no-one is automatically rejected on the basis of their criminal record. This is also consistent with our ethos and 9 habits – to act with compassion and to believe that everyone can be transformed.

The *Revised Code of Practice for Disclosure and Barring Service Registered Persons* requires that OCL has a Policy on the recruitment of ex-offenders, which:

- Ensures that all applicants for relevant positions or employment are notified in advance of the requirement for a DBS Disclosure.
- Notifies all potential applicants of the potential effect of a criminal record history on the recruitment and selection process and any recruitment decision.
- Requires the prospective employer to discuss the content of the Disclosure with the applicant before withdrawing any offer of employment.

The OCL Recruitment of Ex-Offenders Policy is contained in the **OCL Recruitment & Selection Policy**.

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.

OCL will carry out a DBS risk assessment by reference to the criteria set out above (see **DBS Risk Assessment of Conviction, Caution or Reprimand** in the Recruitment Toolkit). The assessment form must be signed by the Principal at the Academy or the National Office Line Manager and approved by the Regional PD Business Partner before a position is offered/continued employment is confirmed. Please ensure that the Risk Assessment form is completed fully and with detail. Questions of the individual should be probing but sensitive and you should pursue full and detailed explanations/answers.

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.

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.

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

The completed Risk Assessment must be securely stored on the individual's personnel file.

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 SEVEN: THE SINGLE CENTRAL RECORD

During the Summer of 2019, the PD Directorate have worked to improve the format of the Single Central Record (SCR), to reflect the feedback that we have received from Academies and to ensure that it supports the recording of the checks that Academies and National Service are required to undertake by virtue of The Education (Independent School Standards) Regulations 2014, KCSIE 2019 and the OCL Recruitment & Selection Policy.

We realise that you may have recently had your SCR scrutinised and approved of by OFSTED, so you may be querying why revisions are needed. The short answer is that our current SCR template (and in fact our wider safer recruitment procedures) does not capture everyone who “works” at or in our academies and doesn’t capture all of the data we are legally obliged to collect in respect of those individuals.

### Your Academy SCR folder on Oasiszone

An Academy’s SCR should be stored on the Oasiszone, without password protection. Only a limited number of key personnel have access to the document (via Sharepoint permissions). The system logs access and automatically backs-up, so it is possible to identify how, when and by whom the SCR has been amended.






In your Academy’s SCR folder you will now find the following:

The “**Archive SCR Information pre September 2019**” folder allows you to store anything you remove from your SCR.





The “**Leavers pre Sept 2019**” page is for those who feature on your old SCR tabs who subsequently leave your Academy. Individuals entered on to the new SCR tabs will be moved to the bottom of the page when they leave your Academy. This will get over the historic problem of columns not matching up!

The “**SCR for September 2019**” is your Academy SCR. It contains all your existing “staff”. It is important to think about “staff” in the widest sense. Anyone who works at your Academy should feature on your SCR. This includes those that are unpaid for their work (Volunteers) and those who are paid by someone else to work at your Academy, for example by the Local Authority or another Charity. The only exception to this is people who are National Service staff who will be on the National Service SCR and therefore do not need to be on your Academy’s SCR.

### Mayfield ▶ SCR

 New  Upload  Sync  Share  More ▼

**All Documents** ...

✓	 Name		Modified	Modified By
	 <b>Archive SCR information pre September 2019</b>	...	3 days ago	<input type="checkbox"/> Camilla Holland
	 <b>Mayfield Leavers pre Sept 2019</b>	...	Yesterday at 19:00	<input type="checkbox"/> Camilla Holland
	 <b>Mayfield SCR for September 2019</b>	...	Yesterday at 18:58	<input type="checkbox"/> Camilla Holland

Drag files here to upload

## What has been changed?

Into each Academy's SCR we have inserted:

### Key: Tabs Explained

This explains which staff should be recorded on which page/tab of your SCR. Please take the time to read this, as this explains why there are fewer "new" pages than under the previous template. There is also a table to record the initials, name and role of those who make entries into the SCR. We have also included a quick reference table providing advice about the DBS and Barred List checks required for the various types of staff that will perform their work at an Academy.

Tabs Explained	
Tab	Explanation
Teachers	This tab should include those employed to teach including unqualified teacher, salaried trainee teachers and "casual" teachers, and educational leaders (eg Principal, Deputy Principal etc).
Support Staff	This tab should include all support staff, including those employed on a "casual" basis, by the Academy.
Volunteers	This tab should include all regular volunteers. This is not a tab to record one-off visitors or those that volunteer once or twice (eg. school trip). <b>This tab should also include Academy Councillors and Hub Councillors</b>
Agency & Supply Staff	This tab should be used to record all agency/supply staff, irrespective of the length of their assignment.
Contractors (eg. Cleaners, Caterers, Builders, Peripatetic staff, Counsellors, Therapists, Social Workers, Nursing Service and Fee-Funded Trainee Teachers)	This tab should be used to record anyone working at the Academy under a contract with the Academy/OCL; anyone working at the Academy by reason of their contract with a third party (ie those working for the Local Authority or as peripatetic staff who are paid for by the parent/carers). <i>Examples have been inserted in the SCR in italics to assist you with completion. You may delete these when you feel confident about what to insert in this tab.</i>
Leavers	Please move any leavers to the bottom of the appropriate tab. Please ensure you enter the date on which their employment terminated or they were no longer engaged by the Academy. They should remain on the tab for 7 years from the date of termination of employment/engagement.
Audit Tracker	This tab is to keep track/record those who have reviewed your SCR, their findings and required actions.

### Audit Tracker

Principals are, from September 2019, required to audit the SCR every term (6 times a year). Any other audits which are undertaken (eg. By the Compliance Team for Right to Work) will also be recorded on this page. If an "Auditor" (including the Principal), deems the SCR to have "failed", they must email details of the failure/non compliance to the Principal (even if it is the Principal that has conducted the audit) copying in the Academy's PD Business Partner. It is the Principal's responsibility (working in conjunction with their PD Business Partner) to ensure that any issues are addressed.

Audits (The audit should be undertaken of both pre 1/09/2019 pages and post 1/9/2019 pages - please ensure any notes/comments clearly identify the pages on which actions are required)				
THE PRINCIPAL MUST UNDERTAKE AN AUDIT ONCE A TERM				
SCR Checked by (Insert full name)	Status of Checker (eg.MST, PDBP, Principal, DSL, RTW/Compliance Team)	Date checked	SCR over-all Pass or Fail	Notes/Comments (Where SCR is deemed to have Failed and actions are required, these should be detailed in an email to the Principal, copied to the People Directorate Business Partner for the Region)

## Drop down boxes/Look Ups

We have sought to respond to feedback from the Academies about the need for clear direction on what to record in the various boxes of the SCR. There have been mixed messages about whether you should write “N/A”, “N/R” etc. We have therefore created drop down options in as many of the columns as is possible. Please do not delete or amend the Look Ups page in your folder as this will affect the drop down boxes in your SCR pages.

## New tabs/pages for “Teachers”, “Support Staff”, “Contractors”, “Volunteers”, “Agency/Supply Staff”

These have been inserted alongside your old tabs – so your SCR will look like this:



No “old/existing” data has been moved. There is no need to move data from your old tabs to your new tabs. It is just essential that from September 2019, you use the new tabs to record the checks that you undertake. See “September 2019 – What do I do next?” below for further information.

## National Office/Service Staff, Trustees and Governance

You are no longer required to include those who work for National Service or who are Trustees/on the Executive Board, on your Academy SCR. These individuals will appear on the National Service SCR. During an Ofsted Inspection, your Academy will be granted access to the National Service SCR, so that the Inspector is able to view these pages.

## Academy Council

If your Academy still has an Academy Council after 1 September 2019 then new Academy Councillors (those appointed after 1 September 2019) should be included on the Volunteers tab. If you no longer have an Academy Council then the contents of your old Academy Council tab should be moved to the **Leavers Pre Sept 2019** page and you should delete this now empty page from your current SCR.

## Leavers

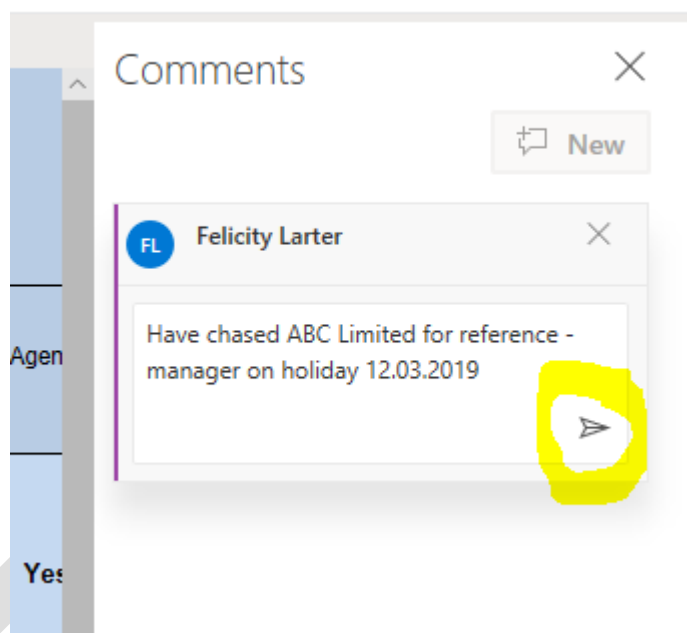
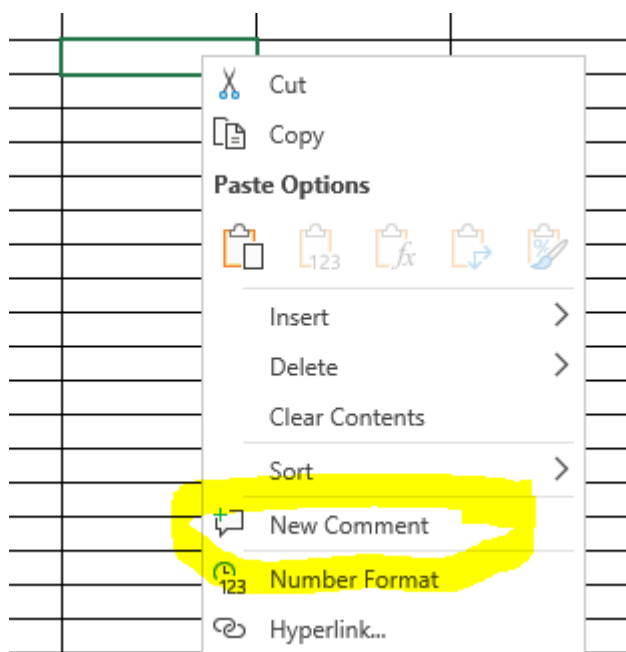
The Leavers tab of the old SCR template has always been problematic as the columns don’t match up. From 1 September 2019, place those who are on old SCR pages into the Leavers file which sits outside of your SCR (**Leavers pre Sept 2019** in the SCR folder). Those who are entered on the new SCR pages, but subsequently leave, should be moved to the bottom of the new SCR page on which they feature.

## Comments

We recognise that often there is a “story” or explanation behind information or lack of information on the SCR. We have considered the best way of recording “comments” and have decided that this should be by way of “comments boxes” rather than having a “comments column” at the end of the SCR page. If you have “comments columns” on your old SCR pages, please leave these. But, please ensure that you use “comment boxes” on your new SCR pages.

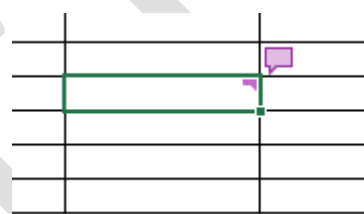
To insert a comment, click on the cell you wish to add the comment to, right click on the mouse and choose “New Comment”. Enter your comment in the Comments screen/box which appears on the right hand side of your screen and click the arrow at the bottom (highlighted in yellow below).





A purple flag will appear on the page to denote that a comment is attached to that cell.

To remove the comment box, simply right click on the cell and chose "Delete Comment".



### September 2019 – What do I do next?

- Anyone employed via a Hiring Requisition **approved** after 1 September 2019 must be added to the new pages. Academies are welcome to put their September 2019 starters on the new pages – we have just sought to be mindful that much of the work in respect of their recruitment will have been captured on the old pages.
- Anyone who volunteers at your Academy after 1 September (even if they have previously volunteered) must be added to the new Volunteer page and you must undertake all of the Volunteer checks detailed in this Handbook. We recognise that this may take some time and that there may be some reluctance to do this with long established Volunteers however, in many cases, our Academies are failing to fulfil their statutory requirements in respect of Volunteers – this needs to be addressed without delay.
- Anyone who "works" at your Academy (eg. social workers, peripatetic staff, Sodexo staff, therapists, counsellors – whether paid for by OCL/your Academy/the Local Authority/another) after 1 September 2019 (even if they have previously "worked at your Academy") must be added to the new Contractor page and you must undertake all of the checks detailed in this Handbook. We recognise that this may take some time however, in many cases our Academies are failing to fulfil their statutory requirements in respect of these individuals – this needs to be addressed without delay. See the Contractor section of this Handbook for advice on how you can reduce the workload involved by

working with your neighbouring academies and the steps National Office have taken to undertake some of these checks for your Academy.

- Agency/Supply staff who work at your Academy from 1 September 2019 must be entered on the Agency/Supply Staff page, irrespective of the length of their assignment. Please see the Agency/Supply Staff section of this Handbook.

***The SCR book is now huge! There are so many tabs, it feels unworkable!***

Whilst we have had an SCR template for a couple of years, many of the Academies have adapted this and as such, no two SCRs are the same. It would have been practically impossible for us to rationalise everyone's SCR and we have always wanted to make sure that no data is lost. To this end, the safest way forward was to add new pages to your existing SCR. Once we are up and running with the new pages, your Regional Business Partner will work with your Academy to rationalise your old pages so, in time, the SCR should be no more than 10 pages maximum. You can assist this exercise by ensuring that you only use the new pages from 1 September 2019 and making sure that you use the Key to put people on the right pages.

***What about people who are employed by one Academy but regularly come to our Academy?***

They will be on their "home" Academy SCR pages and so do not need to be on your Academy's SCR pages too.

## Document Control

### Changes History

Version	Date	Owned and Amended by	Recipients	Summary of changes
1.0	July 2019	People Directorate (FRL)		

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