



# **OCL Safer Recruitment - Specific Guidance**

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## Document Control

### Changes History

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### Approvals

This document requires the following approvals.

| Name         | Position              | Date Approved | Version |
|--------------|-----------------------|---------------|---------|
| John Barneby | Acting Director of HR | 01/09/2016    | 2.0     |
|              |                       |               |         |

### Distribution

This document has been distributed to:

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|--------------------------------------------|----------|------------|---------|
| All Oasis Academy Principals               | -        | 02/09/2016 | 2.0     |
| All Academies Staff And Oasis Centre Staff | -        |            | 2.0     |
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## Contents

|                                                                                       |   |
|---------------------------------------------------------------------------------------|---|
| Introduction .....                                                                    | 3 |
| Recruitment Planning.....                                                             | 3 |
| Defining the role .....                                                               | 3 |
| Sending the Right Message – Advertising and Recruitment Materials .....               | 3 |
| The Application Form .....                                                            | 4 |
| Scrutinising application forms and shortlisting .....                                 | 4 |
| Pre-Interview Checks .....                                                            | 5 |
| References.....                                                                       | 5 |
| Checking Identity and Qualifications.....                                             | 5 |
| Selection.....                                                                        | 5 |
| Offer and Pre-Employment Checks .....                                                 | 6 |
| Handling Disclosure Information and assessing the relevance of criminal records ..... | 6 |
| Limitations to Disclosure Information.....                                            | 7 |
| An ongoing culture of vigilance .....                                                 | 7 |

# Safer Recruitment - Specific Guidance

## Introduction

This document provides **specific guidance** on safer recruitment practices. It should be read in conjunction with Oasis Community Learning (OCL) Recruitment and Selection policy, Recruitment Guidance for Academy Recruiters and Line Managers and Recruitment Toolkit, which all provide more in-depth information, guidance and resources to support you in recruitment and selection.

Safer recruitment is one strand of safeguarding and promoting the welfare of children and keeping them safe in education settings. Statutory guidance Working Together to Safeguard Children (March 2015) states that arrangements should be in place as part of our duty to safeguard and promote the welfare of children.

Under section 157 of the Education Act 2002 we (OCL) have a duty to exercise our functions with a view to safeguarding and promoting the welfare of our pupils. Guidance about these duties can be found in Keeping Children Safe in Education (September 2016). Ensuring safer recruitment is paramount at every stage of the recruitment and selection processes and that safeguarding features highly in OCL policies, procedures, process and practice sends a clear message to applicants and existing staff and volunteers and helps deter unsuitable individuals and inappropriate behaviour.

## Recruitment Planning

A well-planned and structured recruitment process will not only give you the best chance of recruiting the right person for the role, it will also ensure that any information that could be important in determining whether someone is safe to work with children is not missed.

### Defining the role

- All positions must have clear and fit for purpose job description and person specification (JDPS).
- The JDPS should specifically include reference to the responsibility the role has for safeguarding and promoting the welfare of children and the qualities – whether that be ability, experience, training or attitude, or a mixture of these – that the person will need to fulfil that responsibility.
- The JDPS Template provides standard wording that must be included for every post.
- Safeguarding and promoting the welfare of children is everyone's responsibility. Everyone who comes into contact with children and their families and carers has a role to play in safeguarding. The actual nature and degree of responsibility varies according to the role.

### Sending the Right Message – Advertising and Recruitment Materials

- 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, for OCL to have a clear statement about the organisation's commitment to safeguarding and promoting the welfare of students. 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."*

- The job description should include statements about the responsibilities the post has for safeguarding and promoting welfare of children. Similarly, the person specification should make it clear that the ability to contribute to safeguarding and promoting welfare is an essential attribute.

## The Application Form

- All positions must use the OCL standard application forms (Leaders, Teachers and Support staff) which are compliant with current legislation and guidance.
- 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 see how a candidate meets the selection criteria.
- A signed declaration that the information is true and complete is included as part of the application form.
- The OCL form also asks for self-disclosure of any convictions, cautions, reprimand or warnings not 'protected' under the *Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Exceptions Order 2013*.<sup>1</sup>
- This is important because:
  - It gives prospective employees 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.
  - Having a signed statement that the information given on the application is complete and accurate means that if the DBS certificate reveals that the successful candidate has deliberately withheld his or her criminal background, it is easier for the employer, the police and/or the regulatory agency to take action against the person.

## Scrutinising application forms and shortlisting

- All application forms must be scrutinised with any gaps in employment or education history and discrepancies highlighted for further exploration during shortlisting and interview.
- Incomplete applications should be returned/ rejected.
- Disclosed information should only be considered for shortlisted applicants. It is discriminatory to use this information during shortlisting.
- The shortlisting and assessment criteria should be agreed in advance and based on the person specification and job description.
- Shortlisting criteria must be applied consistently and objectively to all candidates.
- The shortlisting process should be undertaken by at least two people, at least one of whom must have undertaken Safer Recruitment Training!

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<sup>1</sup> Under this act criminal convictions normally become spent after a period of time (length dependent on sentence). However, there are situations in which a person must declare any relevant criminal record when asked to do so even if the conviction, caution or bind-over would be regarded as spent in other circumstances. One of those situations is when someone is applying for work with children. However, 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.

## Pre-Interview Checks

### References

- References are an important part of the safer recruitment process.
- Two references should be requested for all candidates prior to interview, one of which should be from the current/most recent employer.
- If the applicant is not working with children now (but has previously done so), at least one reference should be from a child-facing role.
- All references should be obtained using the [OCL Reference Request Templates](#), which are compliant with relevant guidance, including enquiring about suitability to work with children and any child protection concerns.
- References should not be taken on face value – care must be taken to verify the identity of the referee and to scrutinise responses, asking for additional information when necessary (e.g. vague responses, missing information or areas of concern highlighted).
- You may receive 'open' references in response to requests. These should never be accepted at face value as may be the product of a settlement agreement to avoid disciplinary action.
- Please see the [Referencing Guidance](#) for more in-depth advice and guidance on this area.

### Checking Identity and Qualifications

- Shortlisted candidates' should be asked to bring documentation with them to interview so their right to work in the UK, identity and academic or vocational qualifications can be verified ([Documents to Bring to Interview](#) in Recruitment Toolkit).
- Documents should be scrutinised to ensure legitimate/authentic and photo copies should be taken. The person reviewing them must verify them by adding their signature, name, position and date.

## Selection

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.

- Interviews and selection activities must be undertaken by two or more people (three for leadership posts), at least one of whom must have undertaken Safer Recruitment Training.
- Selection criteria should be agreed in advance based on the JDPS for the position and should be unique for each role.
- Interviews must ideally take place face-to-face and should be structured, with each candidate asked the same set of questions. However, it is acceptable (and important) to ask follow-up questions based on response and to probe gaps, frequent changes in employment, vagueness or areas of concern highlighted in references.
- The selection process should always include a face-to-face interview. However, in addition it is recommended that further selection tools are used to allow the best opportunity to assess how suitable a candidate is for the role. Where possible/appropriate, students should be involved in the selection process (e.g. a student panel).

- As well as exploring previous experience of working with children (if any) and/or relevant qualifications or skills, you must also explore whether candidates have the right attitudes and motives to work with children, taking into account areas such as the PREVENT agenda.
- Selection panels should avoid the use of too many hypothetical questions and try to seek positive examples or evidence.
- During the interview, assessors 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.
- Factual notes should be taken during the interview and decisions clearly documented. Candidate have the right to request copies of any information written on them.
- Panel members should be aware of their own prejudices and discrimination and take care to make decisions based on objective criteria.

### Offer and Pre-Employment Checks

- An offer should not be made until at least one (but ideally both) satisfactory references are received. Any offer made is then conditional upon the following checks, the outcome of which should be recorded in the Single Central Record (see the [OCL Recruitment Policy](#) and referenced documents for detailed information and guidance):
  - Identity - including DOB.
  - Eligibility to work in the UK.
  - Enhanced DBS check with Barred List.
  - For teachers appointed after 02/09/13, that they are not subject to a prohibition order or interim prohibition order.
  - Verification of Qualifications.
  - Status: QTS, HCPC, disqualification from Early Years / Childcare Register, etc.
  - Section 128 direction (Prohibition from Management Checks), where applicable
  - Overseas checks.
  - Mental and physical fitness to carry out the work.
  - Pre-employment European check (EEA), for Teachers appointed after 18<sup>th</sup> January 2016

### Handling Disclosure Information and assessing the relevance of criminal records

- Having a criminal record does not automatically make someone unsuitable for work with children.
- Applicants are asked to disclose convictions, cautions, reprimands or warnings (not protected by the Rehabilitation of Offenders Act) on their application. If the candidate is successful at interview, a Risk Assessment should be undertaken to determine suitability for the post. The information disclosed should be verified for accuracy when the DBS certificate is received.

- Only the most serious offences lead to barring by the DBS. Therefore, in deciding the relevance of convictions, a number of points should be considered, including:
  - Nature, seriousness and relevance.
  - How long ago it occurred.
  - Whether it was a one-off or part of a history.
  - Circumstances of it being committed.
  - Changes in applicant's personal circumstances.
  - Country of conviction.
  - Decriminalisation.
- It is unlawful to take offences that are 'protected' into account when making this decision.
- If a disclosure certificate returns a conviction that has not been disclosed, this can be grounds for an offer to be revoked.
- Disclosure information must be treated in the strictest of confidence. It is an offence under the Police Act 1197 to pass disclosure information to unauthorized persons. This means people who require access in the course of their duties.
- When a criminal offence is disclosed, or if a DBS certificate returns details of convictions that weren't disclosed during application, the line manager/Principal should seek advice from their HR Business Partner or the Head of HR before making a decision on appointment.

### Limitations to Disclosure Information

- The information provided on a disclosure certificate is limited to basic facts. It does not provide context to the offence(s). If it provides cause for concern, the applicant should be given the opportunity to discuss it.
- While an important part of the recruitment process, it is important to be aware that DBS is just one of the pre-employment checks that need to be undertaken.
- Unless the updates service has been subscribed to, DBS checks are only valid on the day of issue. Therefore, DBS certificates from other organisations should not be accepted as they won't cover any offences committed after this date.
- DBS and barred list checks only provide information on those that have been convicted of offences. It is therefore important that they are not relied upon as the sole tool for identifying those unsuitable to work with children.

### An ongoing culture of vigilance

- While ensuring safer recruitment practices is vital, it is important to remember that it doesn't end here. It is equally important to create and maintain an ongoing culture of vigilance that will help deter, prevent, and detect inappropriate or abusive behaviour.
- All OCL employees must be fully briefed on child protection policies and procedures and their individual responsibility.
- OCL subscribe to Safeguarding training through Hays Education and all employees are required to undertake this training annually,
- Further information on this area can be found in the [Safeguarding Policy](#).

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<sup>i</sup> Please contact the National Recruitment Team for further information on how to register for this training ([oclrecruitment@oasisuk.org](mailto:oclrecruitment@oasisuk.org) )