

# MY OASIS

Therapeutic Alternative Provision

## Safer Recruitment Policy

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# Policy Statement

At My Oasis, safeguarding is paramount, and we are fully committed to ensuring the welfare and safety of all our students. We believe that young people at risk have a right to be in a supportive, caring and safe environment which includes the right to protection from all types of abuse; where staff are vigilant for signs of any young person in distress and are confident about applying the processes to avert and alleviate any such problems. New staff and volunteers are expected to share this commitment. We take reasonable and sensible measures to ensure young people are kept safe from harm, and ensuring we follow stringent safer recruitment processes when recruiting staff to work at My Oasis is the first step to safeguarding and promoting the welfare of our students.

As My Oasis is an equal opportunity employer we will not discriminate unlawfully against anyone. This policy and procedure sets out our commitment to fair, safe and effective recruitment and selection of new and existing employees.

## Aims and Objectives

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

**The aims of the Therapeutic Alternative Provision's (TAP's) recruitment policy are as follows:**

- To ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position.
- To ensure that all job applicants are considered equally and consistently.
- To ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

- To ensure compliance with all relevant legislation, recommendations and guidance including statutory guidance such as the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance), the guidance set out in part 3 of Keeping Children Safe in Education (DfE 2023) and any guidance or code of practice published by the Disclosure and Barring Service (DBS).
- To ensure that the TAP meets its commitment to safeguarding and promoting the welfare of young people at My Oasis by carrying out all necessary pre-employment checks.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, relevant safeguarding legislation and statutory guidance. If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they become aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.

## Our Recruitment and Selection Process

The recruitment steps outlined below are based on part 3 Keeping Children Safe in Education.

### 1. Post-approved by the Head of the Provision

The Head of the Provision must approve the post before the safer recruitment process begins to ensure that the process is closely monitored.

### 2. Job Descriptions and Person Specifications Finalised

A job description is a key document in the recruitment process and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role.

The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job. The person specification will include a

specific reference to suitability to work with young people as well as the safeguarding responsibilities of the post.

### 3. Advertising

To ensure equality of opportunity, the Therapeutic Alternative Provision (TAP) will advertise all vacant posts to encourage as wide a field of applicants as possible, normally this entails an external advertisement. Any advertisement will make clear the TAP's commitment to safeguarding and promoting the welfare of young people and will include the agreed statement:

*"My Oasis is committed to safeguarding and promoting the welfare of young people and we expect all staff and volunteers to share this commitment to keeping young people safe. Any offer of employment will be subject to statutory pre-employment checks including satisfactory references and Enhanced DBS and Barred List checks. This post is exempt from the provisions of the Rehabilitation of Offenders Act 1974 (as amended in 2013 & 2020) and shortlisted candidates will be required to disclose any relevant criminal history prior to the interview"*

### **Application Form**

The application form will need to request the following information:

- Details of the applicant including current and former names, current address and national insurance number and/or proof to work in the UK.
- A statement of any academic and/or vocational qualifications the applicant has obtained that are relevant to the position they are applying for with the details of the awarding body and date of award.
- Details of their present (or last) employment and reason for leaving.
- A full educational, training and work history in chronological order since leaving secondary education with any gaps explained.

- Details of two referees. One referee must be the applicant's current or most recent employer and not family members.
- An explanation that the post is exempt from the Rehabilitation of Offenders Act 1974 and that if the applicant is shortlisted all convictions, cautions, reprimands and final warnings, including those regarded as 'spent' must be declared prior to interview unless protected (amendment in 2013 and 2020).
- A declaration that the person has no convictions, cautions, final warnings or reprimands. Where these exist, details of the offence including dates should be provided by shortlisted candidates and will be discussed further at the interview. Where the candidate needs to declare any convictions, cautions, reprimands or final warnings they should be advised that they will be asked to provide full details if they are invited for an interview and this information will not be requested or considered until this point.
- A declaration that should they provide false information or omit any material fact they will be liable to dismissal if appointed and possible referral to the police.

Applicants should be asked to sign their completed application form if submitted electronically.

#### **4. Shortlisted applicants**

The Head of the provision or the centre manager should identify those applicants who meet the criteria based on their application form and personal statement. The TAP has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job, therefore a scoring system should be used to assess each applicant against the criteria on the person specification.

The Head of the Provision and the Centre Manager should consider any inconsistencies and identify any gaps in employment and explore the reasons provided by the candidate to allow the opportunity to discuss these further at the interview.

The TAP will also carry out an online search on the shortlisted candidates as part of due diligence which may help to identify any incidents or issues that have occurred and are publicly available online, which the provision may also want to explore with the applicant at the interview.

Shortlisted applicants should be asked to complete a self-declaration in relation to all relevant convictions, cautions or other matters which may affect their suitability to work with young people, including those regarded as 'spent' unless they are protected. Shortlisted applicants should be signposted to the Ministry of Justice website for support in understanding what they are required to declare.

All forms should be returned, and the declarations should be considered prior to the interview to allow for the information disclosed to be discussed with the candidate during the interview process.

## **5. Interviews**

There will be a face-to-face interview where possible, and a minimum of two interviewers will be present during the interview stage. At least one member of any interviewing panel must have undertaken safer recruitment training or refresher training.

All applicants invited to attend an interview at the TAP will be required to bring their qualification certificates, professional status documents and identification documentation such as passport, birth certificate, driving license, etc. with them as proof of identity/eligibility to work in the UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. Where an applicant claims to have changed their name by deed poll or any other means (marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

Only original documents will be accepted, and photocopies will be taken. However, unsuccessful applicant documents will be destroyed six months after the recruitment process.

Provision will be made for disabled candidates to attend interviews, plus the My Oasis premise is accessible for disabled applicants.

### **The interview process will:**

- Explore the applicant's ability to carry out the job description and meet the person specification.

- Enable the Head of the Provision and the Centre Manager to explore any anomalies or gaps in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).
- Provide the opportunity to discuss and consider any information regarding past disciplinary actions or allegations, cautions or convictions in the circumstance of the individual case if it has been disclosed on the application form.

The Equality Act 2010 (Section 60) prevents employers from asking applicants about their health or attendance before making an offer of appointment. Questions relating to the applicant's health or sickness absence history must not be asked at the interview stage.

Only appropriate information should be sought to enable the candidate to participate in the interview process.

## **6. Offer of appointment and our new employee process**

My Oasis carries out a number of pre-employment checks in respect of all prospective employees. If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- The agreement of a mutually acceptable start date and the signing of a contract incorporating the TAP's standard terms and conditions of employment.
- Verification of the applicant's identity (where that has not previously been verified).
- The receipt of two references (one of which must be from the applicant's most recent employer) which the TAP considers satisfactory.
- The TAP being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working at the TAP. Alternatively, information which, in the TAP's opinion, renders the applicant unsuitable to work at the provision.

- Verification of the applicant's right to work in the UK and any further checks which are necessary as a result of the applicant having lived or worked outside of the UK.
- Verification of professional qualifications which the TAP deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).
- Confirmation that the applicant is not named on the Children's Barred List.
- The receipt of an enhanced disclosure from the DBS which the TAP considers to be satisfactory.

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

It is the TAP's policy to re-check employee's DBS Certificates every two years and in addition, any employee that takes leave for more than three months (i.e., maternity leave, career break, etc) must be re-checked before they return back to work. Members of staff at the TAP are aware of their obligation to inform the Head of the Provision of any cautions or convictions that arise between these checks taking place.

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

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

As The DBS no longer issues Disclosure Certificates to employers, employees/applicants should bring their original Certificate to the Head of the Provision within seven days of issue or applicants before they commence any work at the provision.

Applicants who have lived/travelled abroad for more than three months within the previous year will need to obtain a criminal records check from the relevant country. The applicant will not be permitted to



commence work until the overseas information has been received and is considered satisfactory by the TAP.

**Under no circumstances will the TAP permit any unchecked individual to have unsupervised contact with students.**

Staff are required to join the DBS Update Service if they are likely to require another check in the future. Charlotte Lowe Psychological Services Ltd (CLPS Ltd) will cover the cost of this service for staff members who have a contract lasting at least two years. However, if a staff member resigns before their contract ends, they will be responsible for reimbursing CLPS Ltd for the cost. Alternatively, staff members may choose to enrol in the DBS Update Service independently for an annual fee of £13.

## Regulated activity

This means a person who will be:

- Responsible, on a regular basis in a school or Alternative Provision (AP) for teaching, training, instructing, caring for or supervising children; or
- Carrying out paid, or unsupervised unpaid, work regularly in a school or TAP where that work provides an opportunity for contact with young people; or
- Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not

## Dealing with convictions

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

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

- The nature, seriousness and relevance of the offence;

- How long ago the offence occurred;
- One-off or history of offences;
- Changes in circumstances, decriminalisation and remorse.

A formal meeting will take place face-to-face to establish the facts with the Chair of the Governing Board and a decision will be made following this meeting.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Chair of the Governing Board will evaluate all of the risk factors above before a position working at My Oasis is offered or confirmed. If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the TAP may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

Under the Protection of Children Act 1999 and the Criminal Justice and Courts Service Act 2000, schools and APs cannot employ persons who may have regular contact with young people who are:

- Included on the barred list (a list maintained by the Secretary of State of people judged to be unsuitable to work with children and young people);
- Subject to a disqualifying order made on being convicted or charged with the following offences against children or young people: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm and/or other serious acts of violence.
- My Oasis also may consider it high risk to employ persons, who may have regular contact with students, if they have been convicted of or charged with any of the Offences above or serious drug-related offences. The CES Model Rehabilitation of Offenders Act 1974. Disclosures Form is available on request from the provision.

# Induction Programme

All new employees will be given an induction programme which will clearly identify the TAP's policies and procedures, including the Child Protection and Safeguarding Policy, the Code of Conduct, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

## Record Retention / Data Protection

In addition to the various staff records kept in the TAP and on individual personnel files, a record of recruitment and vetting checks is kept. This is kept up-to-date and retained by the TAP's management. The

Register will contain details of the following:

- All employees who are employed to work at the TAP;
- All employees who are employed as supply staff to the TAP whether employed directly or through an agency;
- All others who have been chosen by the TAP to work in regular contact with students.

This will cover volunteers, Governors and individuals brought into the TAP to provide employment contracted services.

The provision is legally required to undertake the above pre-employment checks. If an applicant is therefore successful in their application, the TAP will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK and qualifications.

This documentation will be retained by the provision for the duration of the successful applicant's employment at My Oasis.

All information retained on employees is kept centrally in the main office, in a locked and secure cabinet.

The same policy applies to any suitability information obtained about volunteers involved with TAP

activities. My Oasis will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (i.e., shredded). The six-month retention period is in accordance with the Data Protection Act 1998.

Please refer to our Data Protection Policy for more information.

## Employment

My Oasis recognises that safer recruitment and selection is not just about the start of employment but should be part of a larger policy framework for all staff. The TAP will, therefore, provide ongoing training and support for all staff, as identified through their annual review or through the appropriate appraisal procedure.

Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against young people at risk are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. While these are pre-employment checks the TAP also has a legal duty to make a referral to the DBS in circumstances where an individual:

- Has applied for a position at the TAP despite being barred from working with young people at risk.
- Has been removed by the TAP from working in regulated activity (whether paid or unpaid).
- Has resigned prior to being removed, because they have harmed, or pose a risk of harm to a young person at risk.

## Contractors and agency staff

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

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

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

## Volunteers

The provision will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking an activity with students. In addition, the provision will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- Formal or informal information provided by staff and other volunteers.
- Character references from the volunteer's place of work or any other relevant source.
- An informal safer recruitment interview.
- Online background checks.

### **Adults who supervise students on work experience**

When organising work experience, we will ensure that policies and procedures are in place to protect young people from harm.

We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a student on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

# Roles and Responsibilities

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

It is the responsibility of the Head of Provision to:

- Ensure that this policy is monitored and evaluated. This will be undertaken through formal audits of job vacancies and a yearly Safer Recruitment Evaluation audit which will be presented to the Governing Board -
- Ensure the TAP has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with all legal requirements.
- Monitor the TAP's compliance with them.
- Ensure the Safer Recruitment Policy is updated on an annual basis.

It is the responsibility of all involved in the recruitment process to:

- Ensure that the TAP operates safer recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at My Oasis.
- Monitor contractors' and agencies' compliance with this document.
- Promote the welfare of young people at risk at every stage of the procedure.