



OAK ACTIVITIES SAFER RECRUITMENT POLICY

Reviewer:	Michael Kaoura, Stuart Nimmo
Position:	Business Development and Compliance Manager (Data Protection Officer)
Date Last Reviewed:	25 th November 2024
Review Date:	25 th November 2026

Contents

1. Monitoring and Review	2
2. Legislation.....	2
3. Terminology.....	2
4. Data protection and principles.....	4
5. Introduction	4
6. Roles and Responsibilities	5
7. Lawful basis for protecting personal information.....	5
8. Consent.....	6
9. Direct Marketing.....	7
10. Sharing personal data.....	7
11. Subject to access requests.....	8
12. Data security and retention.....	10
13. Disposal of records.....	10
14 Data Security and Removal of Records from Oak Activities Premises.....	10



15 Bring Your Own Device guidance	11
16 Personal data breaches.....	11
17 Safeguarding.....	12
18. Training	12
19. Photographs and videos.....	13
20. Links with other policies	13
Appendix 1: Personal data breach procedure.....	15

The purpose of this policy is to provide guidance to employees of Oak Activities Limited

References:

- ISI Commentary on the Regulatory Requirements September 2021
- DfE Statutory Guidance ‘Keeping Children Safe in Education’, September 2024:
[Keeping children safe in education 2024](#)

1.Statement of Intent

Oak Activities is committed to safeguarding and promoting the welfare of children and young people in its care. As an employer, the company expects all staff and volunteers to share this commitment.

The recruitment of all employees and volunteers (including those on a permanent and/or temporary basis) must comply with the Government’s statutory guidance which includes “Keeping Children Safe in Education” (September 2021), the Children Act 1989, updated 2004, The Education (Independent Companies Standards) Regulations 2014 and the Safeguarding Vulnerable Groups Act 2006. The company takes very seriously its duty of care for all pupils. In order to help safeguard and promote the welfare of all its pupils, the company is committed to a thorough and consistent Safer Recruitment Policy.

2.Purpose

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

3.Recruitment Process



The recruitment steps outlined below are based on part 3 of Keeping Children Safe in Education. To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training. We have put the following steps in place during our recruitment and selection process to ensure we are committed to safeguarding and promoting the welfare of children.

4. Advertising

Vacant posts will normally be advertised externally and will always be advertised internally. Adverts must be organised by the relevant member of the senior management team, Business Development and Compliance Manager and the Managing Director of Oak Activities. The Companies safeguarding statement is included in all job advertisements. The HR department will check all adverts to ensure they comply with employment legislation including KCSIE and ISI, before being placed.

When advertising roles, we will make clear:

- Oak Activities commitment to safeguarding and promoting the welfare of children
- That safeguarding checks will be undertaken
- The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children
- Whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are 'protected', so the

5. Application Form

The application form plays an important part of the company's selection process and all applicants should complete it in full. A Curriculum Vitae may not be accepted. The application form requires the applicant's:

- full name;
- any previous name;
- right to work in the UK;
- full education and qualifications, employment, voluntary and other history to the month and year. Reasons for leaving all previous posts are requested;
- details of two referees which must include the current or most recent employer and the most recent place the candidate worked with children (if applicable):

Our application forms will:

- Include a statement saying that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity)
- Include a copy of, or link to, our child protection and safeguarding policy and our policy on the employment of ex-offenders



6. Job Description and Person Specification:

This contains the company's safeguarding statement. The job description lists the main responsibilities and duties of the position, which the successful applicant will undertake. The person specification describes the skills, experience and qualifications the company is looking for.

7. Shortlisting

All application forms received will be carefully read and considered independently by a minimum of two persons from the Recruitment Selection Panel. An initial shortlist is drawn up which is given to the HR department.

The panel will then hold an initial remote shortlisting meeting with each candidate to provide the final shortlist.

The Company will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role.

Our shortlisting process will aim to include three people and will:

- Consider any inconsistencies and look for gaps in employment and reasons given for them
- Explore all potential concerns

Once we have shortlisted candidates, we will ask shortlisted candidates to:

- Complete a self-declaration of their criminal record or any information that would make them
- unsuitable to work with children, so they can share relevant information and discuss it at the
- interview stage. The information we will ask for includes:
- If they have a criminal history
- Whether they are included on the barred list
- Whether they are prohibited from teaching
- Information about any criminal offences committed in any country in line with the law as
- applicable in England and Wales
- Any relevant overseas information
- Sign a declaration confirming the information they have provided is true and that they will inform us should there be any subsequent change to the information.

We may also carry out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online. This will be completed by someone with no other involvement in the recruitment process. If this is to occur, Oak Activities will inform shortlisted candidates that online searches may be done as part of due diligence checks.



8. Interview

Shortlisted applicants are invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail.

Formal interviews will have a panel of at least two people chaired by the appropriate safer recruitment trained manager leading on the recruitment or another designated trained senior member of staff.

HR will complete the safeguarding and compliance interview (unless delegated to a member of staff who has also undertaken safer recruitment training) which included:

- Probing any gaps in education / employment.
- Any frequent changes of employment.
- Explore any potential areas of concern to determine the candidates suitability.
- The Head of HR and management team leading on recruitment will question the detail of any disclosure made before. Full notes of interview should be made for all appointments, signed and dated and returned to the HR department.

9. Seeking references and checking employment history

We will obtain references before interview. Any concerns raised will be explored further with referees and taken up with the candidate at interview.

When seeking references we will:

- Not accept open references
- Liaise directly with referees and verify any information contained within references with the referees
- Ensure any references are from the candidate's current employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed
- Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children
- Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate
- Resolve any concerns before any appointment is confirmed

10. Attending Interview: Candidates who are invited to interview are asked if they require any necessary reasonable adjustments or arrangements to assist them in attending the interview. HR will arrange this if requested.



11. Equal Opportunities

Oak Activities promotes employment practice designed to eliminate discrimination. Therefore, our aim is:

- To ensure that no job applicant receives less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.
- All job applicants will be treated equally and fairly in the recruitment process as stated in this policy.
- The successful applicant will be recruited and trained on the basis of ability, experience and skill to undertake the job successfully as defined within the job description and person specification.

12. Identity Checks

Oak Activities requests candidates invited to interview to bring the following original documents with them, which will be checked for validity and photocopied, normally by the HR department.

1. Current passport or current driving licence including a photograph;
2. Birth certificate (or current driving licence including a photograph if not above);
3. Documents proving National Insurance (NI) number and birth certificate must be provided if they do not have a passport;
4. Proof of current address showing the candidate's current name;
5. Where appropriate any documentation evidencing a change of name (e.g., marriage certificate; adoption certificate or deed poll);
6. Proof of entitlement to work and reside in the UK;
7. Any educational and professional qualifications that are necessary or relevant for the post (e.g., certificates, diplomas etc.). Where originals are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

Please note that the above must be original documents. Photocopies or certified copies are not sufficient.

13. Vetting checks

In accordance with DfE requirements, a "single central record" of all staff is maintained by HR and requires the following items to be obtained/provided:

- ID Checks, including Proof of Right to Work in the UK as listed above;
- Enhanced DBS Disclosure;
- Barred List check;
- References;



- Full education and employment history;
- Medical Fitness Assessment;
- Check on Professional Qualifications including letter of professional standing for overseas qualifications (where relevant);
- Overseas Police Checks (where relevant);
- Prohibition from Teaching Check;
- Prohibition from Management Check;
- Radicalisation Check.

Any member of staff who is found to have engaged an employee without having complied with these requirements will be subject to disciplinary action.

14.Identity Checks: All successful applicants must bring to their interview proof of identity. Acceptable proofs of identity may include birth certificate, driving licence or passport combined with evidence of proof of address and NI. Applicants who are unable to bring these to interview must do so before taking up appointment.

15.References

Two professional references must be provided. These references should always be sought and obtained directly from the referee, where possible in writing, and their purpose is to provide objective and factual information to support the appointment decision. Where possible references will always be sought prior to the main interview. Any discrepancies or anomalies obtained via reference must be followed up. Direct contact by telephone is required with each referee to verify the reference. The Company will compare any information provided by the referee with that provided by the candidate on the application form. Any inconsistencies must be discussed with the candidate.

16.Previous Employment History

Complete information about previous employment must be provided along with satisfactory explanations for any gaps in employment. The HR Department will contact applicants directly in the event that there are employment gaps on the application form.

17.DBS Disclosure

An enhanced DBS disclosure is required for all new appointments to the company and must be obtained prior to appointment. Individuals will be asked to declare any convictions, cautions or reprimands, warnings or bind-overs that may have been incurred. Applicants and employees wishing to recruit should be aware that it takes, on average, 2 to 6 weeks to complete a Disclosure check.

18.Qualification Requirements



Candidates must demonstrate they have obtained any academic or vocational qualifications legally required for the post and/or declared in their application. Applicants will be asked to provide these when attending interview. Applicants who are unable to bring these to interview must do so before taking up appointment.

Where professional qualifications are taken in the European Economic Area, a letter of professional standing must be provided where relevant from countries which provide this.

19.Overseas Checks

All new appointments where persons have lived outside the UK during the last 10 years are subject to additional checks as deemed necessary. The Human Resources department will liaise directly with individuals to discuss what additional checks maybe necessary. Please note it is the responsibility of the individual to obtain and provide the information as required.

20.Medical Fitness

Once a conditional offer of employment has been made the company will require all successful staff to complete a medical questionnaire and declaration and, where there is a concern which is above the company's medical understanding, have an Occupational Health medical prior to taking up the post.

21.Radicalisation Check

The Company has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent duty. Companies are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment [more guidance for companys from the DfE on this can be found at: [LINK](#)]

22.Conditional Offer of Appointment

A conditional contract of employment will be issued. The offer letter will confirm employment is subject to:

- Satisfactory references;
- Verification of their identity;
- Relevant DBS check;
- Medical fitness for the intended role;
- Receipt of all information required for the Single Central Register;
- Verify their mental and physical fitness to carry out their work responsibilities;



- Verify their right to work in the uk. Copies of verification will be kept for 2 years after they have ceased their employment with Oak Activities and during the term of their employment with the company;
- Ensure candidates are not subject to a prohibition order if they are employed as a teacher;
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. These could, where available, include;
 1. For all staff, including teaching positions: criminal records checks for overseas applicants. [Criminal records checks for overseas applicants - GOV.UK](#)
 2. Obtaining a letter confirming they have not imposed any sanctions or restrictions, and or any reasons of why they may be unsuitable to teach.
 3. Check that candidates taking up management positions are not subject to prohibition from management (section 128) direction made by the secretary of state.

23.Criminal Records Policy

The Company will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education' and any amended version in carrying out the necessary required Disclosure and Barring Service checks.

Oak Activities complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request or accessed here: [DBS Code of Practice](#)

24.Disclosure and Barring Service Update Service: Where an applicant subscribes to the DBS Update Service the applicant must provide the original DBS and give written consent to the company to make the required online check, which will show whether there have been changes to the disclosure status since the issue of a disclosure certificate.

If disclosure is delayed: A short period of work is allowed under controlled conditions, at the discretion of the Head of HR. If an enhanced disclosure is delayed, the Head of HR may allow the member of staff to commence work:

- Without confirming the appointment;
- After a satisfactory check of the barred list if the person will be working in regulated activity
- All other relevant checks (including any appropriate prohibition checks) have been satisfactorily completed;
- Provided that the DBS application has been made in advance;
- With appropriate safeguards taken (for example under supervision);
- Safeguards reviewed at least every two weeks by the Head of HR, member of staff and their Line Manager and referred to the Head of HR / Director as necessary;
- The person in question is informed what these safeguards are and has signed the supervision agreements along with their Line Manager and relevant Senior Management Team member;
- Safeguarding training is provided; and,



- A note is added to the single central register with evidence of the measures put in place held on the person's file.

25.Retention and Security of Records

The Company will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months.

Pre-appointment vetting checks We will record all information on the checks carried out in the company single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

26.Existing Staff

Staff currently employed by the company but appointed to a new post, do not require a new enhanced DBS check if their new role has increased pastoral responsibility unless there is any cause for concern. However, references will be taken and an interview held.

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff.

- These circumstances are when:
- There are concerns about an existing member of staff's suitability to work with children; or
- An individual moves from a post that is not regulated activity to one that is; or
- There has been a break in service of 12 weeks or more We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:
- We believe the individual has engaged in relevant conduct; or
- We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009; or
- We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

27.Regulated activity

means a person who will be:



- Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or
- Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; 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

28. Agency and third-party staff

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

29. Contractors

Oak Activities are tenants across of all of our provisions with a number of varied landlords including primary and secondary academy trusts. Oak Activities work with our landlords to ensure that contractors have had the appropriate level of DBS check. This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity.
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children

Oak Activities will check the identity of all staff and contractors on arrival. We will ensure that we obtain DBS checks or request that school have

We will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

• An enhanced DBS check with barred list information for contractors engaging in regulated activity • An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children We will obtain the DBS check for self-employed contractors. We will not keep copies of such checks for longer than 6 months. 36

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances. We will check the identity of all contractors and their staff on arrival at the school.

30. Child Protection

All staff must understand and commit to safeguarding and promoting the welfare of children when carrying out their duties. All new staff will be issued with a copy of the latest Keeping Children Safe in



Education document, the Company's Safeguarding Policy and Child Protection leaflet. New staff must sign to state they have read and understood these documents. Staff must undertake Child Protection training as part of their induction. Child Protection training sessions will be held regularly within the company, for all staff and regular safeguarding and child protection updates issued, as required but at least annually.

31. Recruitment of Ex-Offenders

The Company will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The Company makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the company. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or Disclosure and Barring Service.

Under the relevant legislation, it is unlawful for the Company to employ anyone who is included on the lists maintained by the Disclosure and Barring Service of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the Company to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the Company. The Company will report the matter to the Police and/or the Disclosure and Barring Service if:

- the company receives an application from a disqualified person;
- is provided with false information in, or in support of an applicant's application; or
- the Company has serious concerns about an applicant's suitability to work with children.

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 Company will consider the following factors before reaching a recruitment decision:

whether the conviction or other matter revealed is relevant to the position in question;

- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;



- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the Company's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the companies 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 the Company's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.

32.Single Central Record

The headteacher and trust lead for safeguarding are responsible for ensuring that our single central record is accurate and up to date. This will be checked at regular intervals throughout the year in line with our quality assurance process.