



# People & Employment Policy

## Recruitment and Selection

(Including Safer Recruitment) and the employment of ex-offenders.

### POLICY STATEMENT

- All organisations, which employ Team Members, volunteers and contractors to work with vulnerable individuals are required to adopt a consistent and thorough process of safer recruitment in order to ensure that people who are unsuitable to work with Children and Vulnerable Adults (People we support) are prevented from doing so.

#### Document Control

|                   |              |                      |                                                                                 |
|-------------------|--------------|----------------------|---------------------------------------------------------------------------------|
| Policy Code:      | GRP 542      | Policy Owner:        | People Services                                                                 |
| Version:          | 25.11_v1.08  | Policy Author(s):    | James Marsh (People Director)<br>Wanda Green (Head of Safeguarding and Quality) |
| Date ratified:    | January 2026 |                      |                                                                                 |
| Review Frequency: | 2 years      |                      |                                                                                 |
| Next review date: | January 2028 | Ratifying Committee: | PRG                                                                             |

#### Document History (last 3 versions)

| Date of Issue  | Version No. | Person(s) responsible for change | Nature of Change                                    |
|----------------|-------------|----------------------------------|-----------------------------------------------------|
| September 2026 | 1.09        | Abbie Heard                      | Review due to legislation updates                   |
| January 2026   | 1.08        | Wanda Green                      | Additional information about returning Team Members |
| September 2023 | 1.07        | James Marsh                      | Introduction of on-line checks                      |

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# **1. Introduction**

## **1.1 Policy**

1.1.1 Safer recruitment must encompass the following key elements:

- Robust recruitment and selection processes.
- Relevant vetting and checking processes.
- Robust induction.
- Appropriate training opportunities and infrastructure.

1.1.2 Phoenix applies its safer recruitment procedures consistently across all roles, irrespective of whether the position involves direct contact with Children, Young People, Adults we support, or support functions. All Team Members, volunteers, agency workers, contractors and other individuals engaged by the organisation are subject to recruitment and vetting processes appropriate to their role and level of access, ensuring the safety and wellbeing of the People we support

1.1.3 Safer recruitment practice must include those persons who may not have direct contact with Children or Vulnerable Adults, but because of their presence and familiarity in certain settings will still be seen as safe and trustworthy. The principles of safer recruitment will be included in the terms of any contract drawn up between Phoenix and main contractors or agencies that provide services for Children and Adults for whom the organisation is responsible.

1.1.4 Phoenix monitors compliance with its contractors, which also includes a requirement that the provider will not sub-contract to any personnel who have not been part of a safer recruitment process. Please refer to Contractors Policy for further information.

## **1.2 System**

1.2.1 Phoenix utilises an Applicant Tracking System (ATS). All recruitment should be carried out through this system unless authorised by an Executive Director.

## **1.3 Referral Fee**

1.3.1 Phoenix may operate a referral scheme for Team Members who successfully refer candidates for employment. Details of payments, eligibility criteria and payment arrangements will be maintained within the relevant referral scheme guidance and may be amended from time to time

## **1.4 Training**

1.4.1 All Managers/Headteachers/Principal involved in the selection of candidates to work with Children and Vulnerable Adults should ensure that Team Members involved in recruiting maintain current knowledge of safeguarding legislation and undertake appropriate safer recruitment training.

1.4.2 The People Services Team will monitor the take up of any such training through the specification of the required course and monitor attendance via the training matrix.

1.4.3 The People Services Team will ensure all recruiting Managers are trained in the use of the Applicant Tracking System (ATS)

- 1.4.4 The People Services Team will ensure that all recruiting Managers receive continuous professional development to ensure best practice regarding the selection and recruitment process. It is mandatory that Safer Recruitment training is completed before being involved in recruitment decisions. Recruiting managers must complete the in-house course Recruitment Management within 3 months of joining Phoenix.
  - 1.4.5 Safer Recruitment training must be refreshed in line with organisational requirements and at least every 12 months where specified by Phoenix learning and development arrangements.
- 1.5 Induction and Supervision of Team Members & Volunteers**
- 1.5.1 Arrangements relating to induction, probation, training, supervision and appraisal are detailed within the organisation's People and Employment policies and supporting procedures.

## **2. Safer Recruitment Practice**

### **2.1 Introduction**

2.1.1 Safer recruitment practice will be applied at all stages of the recruitment process including:

- Advertising and information for applicants to deter unsuitable people from applying (i.e., announcing that all applicants will be enhanced DBS checked/online checked).
- Selection and interview of candidates based on the applicable job description and person specification.
- Taking up full and suitable references.
- Social media background checks
- Enhanced DBS checks and any additional checks (e.g., for registered occupations such as Teachers)
- Offer of appointment to successful candidate.
- Induction and supervision of newly appointed Team Members.

### **2.2 Applications from previous Team Members**

2.2.1 When a Team Member returns to work for Phoenix, safer recruitment checks will apply.

2.2.2 Team Members who have been away from Phoenix for over three months will be treated as a new employee and will not be able to work within settings until all recruitment checks. If returning within 24 months any courses still in date will remain live and will not need to be repeated. If the Team member has been away for more than 24 months they will be expected to complete all training again. Regardless of the duration between periods of employment, line managers will need to complete the localised induction and ensure any training needs are met, including identifying knowledge gaps.

2.2.3 A Team Member may begin work in the setting if their return is within 3 months of their leaving date and:

- Their DBS is within 3 years
- All employment gaps are confirmed and references received
- Their end date and new start date has a minimum of a 9-day gap (which includes a Mon-Fri and a weekend on each side).

2.2.4 All Team Members returning will be subject to a new probation period.

### **2.3 Applications from relatives/ individuals with personal relations**

- 2.3.1 Phoenix recognises that family members and individuals in personal relationships may, in some circumstances, work within the same organisation or setting. Where such relationships exist, consideration must be given to any actual, perceived or potential conflicts of interest, safeguarding implications, confidentiality concerns and professional boundaries.
- 2.3.2 Individuals with a close personal relationship should not normally be placed in arrangements where one directly line manages, supervises, appraises, disciplines or makes employment decisions regarding the other. Consideration should also be given to whether it is appropriate for individuals in a close personal relationship to work within the same classroom, residential home, team or service where this may impact objectivity, professional boundaries, team dynamics or the People we support.
- 2.3.3 Advice must be sought from People Services and the relevant Operations Director before appointment or transfer decisions are made. Any existing or developing personal relationships in the workplace must be declared to the line manager so that any necessary arrangements can be considered

## **2.4 Advertisements and Information for Applicants**

- 2.4.1 Prior to advertising any job role, an accurate, up-to-date job description and person specification must be available.
- 2.4.2 Promotional opportunities for existing Team Members will be advertised internally to every Team Member within the organisation unless there is an identified need to recruit specialist skills or experience into the company.
- 2.4.3 Where an external advertisement is required, this will be arranged by the People Services team to ensure that legislation is met, and that recruitment is in-line with the safer recruitment requirements and company brand style and language.
- 2.4.4 Phoenix demonstrates its commitment to safeguarding and protecting the People we support by ensuring that all recruitment advertising material contains a policy statement to this effect. This will include the fact that the identity of the candidate, if successful, will need to be checked thoroughly, that the applicant will be required to complete an application for a DBS Disclosure to an enhanced level which includes a check on the applicable barring list (e.g., Adult and/or child and/or registered occupations list) as well as potential check of any publicly available online information.
- 2.4.5 The job description clearly articulates the extent of the relationship with, and the degree of responsibility for the People we support with whom the person will have contact.
- 2.4.6 The person specification denotes:
- The qualifications and experience needed for the role.
  - The competencies and qualities that the applicant should be able to demonstrate.
  - How the above factors will be tested or assessed during the selection process.
- 2.4.7 The application form requests:
- A full history of employment, both paid and voluntary, since leaving school, including any periods of further education or training. This should include;

- Start and end dates.
- Explanations for leaving.
- Reasons for any gaps in employment
- Details of any relevant academic and/or vocational qualifications
- A declaration that the applicant has no convictions, cautions, or bind-overs, including those regarded as spent. This should also include referral to, or inclusion, on the DBS Children's or Adult's barred List and regulatory body restricting or preventing them from working with children or vulnerable adults. Some offences disqualify applicants from working with Children and Vulnerable adults and these can be checked via the regulatory guidance from Ofsted, Estyn, CIW, and the CQC.
- A signed declaration of truth

2.4.8 Curriculum Vitae may be drawn up by applicants in addition to an application form, however, because these will only contain the information the applicant wishes to present and may omit relevant details, a full application form must be completed as part of the selection process, prior to any offer of employment.

## **2.5 Other Checks Prior to Interview**

- 2.5.1 If an applicant claims to have specific qualifications or experience relevant to working with the People we support, which may not be verified by a reference, the facts may be verified by making contact with the relevant body or previous employer and any discrepancy explored during a follow up interview.
- 2.5.2 When interviewing for roles in Schools, Colleges, Children's Homes, Adult Services and other regulated services, selection/interview panels should complete a basic check of publicly available information where appropriate, recording any relevant findings as part of the recruitment process.
- 2.5.3 Any content that is extremist in nature or demonstrates support for such views or beliefs.
- Shared views of a discriminatory nature.
  - Information available online that contradicts information within the candidate's employment history as shared on their application form.
  - Information alluding to cautions or convictions such as those published in the press.
  - Images or information that brings their professional integrity into question.
- 2.5.4 Information identified through online searches must be verified as relating to the applicant concerned. Recruiting managers must exercise professional judgement and ensure information is relevant, proportionate and considered fairly.

- 2.5.5 Where online searches identify information that may be relevant to the applicant's suitability for the role, this should be discussed with the candidate and explored as part of the recruitment process. Any concerns should be considered proportionately, objectively and alongside all other recruitment information before a recruitment decision is made. A clear record should be maintained of the concern raised, the applicant's explanation and the rationale for any decision.
- 2.5.6 Selection/Interview panels should be especially cognisant on understanding and interpreting equivalent qualifications (specifically equivalent qualifications to the L3 Diploma for Residential Childcare as required for Children's residential services) where regulators can ask for evidence how the company has deemed one qualification equivalent to another.
- 2.5.7 Selection/Interview panels should also be cognisant that the time window allowed by regulation to acquire qualifications (specifically the L3 Diploma in Residential Childcare) can have started even if prospective applicants have worked in different homes, whether in another home run by the same organisation (i.e., Phoenix) or one run by another organisation, during the grace time period.

## **2.6 Selection of Candidates**

- 2.6.1 There are standard procedures for short listing to ensure that the best candidates are selected fairly. All applicants should be assessed equally against the criteria contained in the job description and person specification without exception or variation.
- 2.6.2 All applications will be received and collated by Peoples Services. Once the closing date has passed the interview panel will meet to shortlist the applicants. All applications will be collated through the Applicant Tracking System unless a reasonable adjustment is made on the grounds of disability. Depending on the nature of the vacancy, the volume of vacancies, and the urgency, shortlisting may begin before the vacancy has closed. When large number of vacancies, interviews and offers may be made before the vacancy has closed.
- 2.6.3 Once short listing has been completed and agreed, candidates will be informed of the date of the interview and will be contacted by telephone to ascertain their availability for interview. They will then be sent an invitation to attend the interview.

## **2.7 Documentary Evidence to Bring to the Interview**

- 2.7.1 All candidates should be instructed to bring with them documentary evidence of their identity, either a full birth certificate, passport or photo card driving licence and additionally a document such as a recent (i.e., within 3 months) utility bill or bank statement (note print outs of on-line statements are not acceptable) that verifies the candidate's name and address. Where appropriate, change of name documentation must also be brought to the interview.
- 2.7.2 Candidates should also be asked to bring original or certified copies of documents confirming any necessary or relevant educational and professional qualifications. If the successful candidate cannot produce original documents or certified copies written confirmation of their relevant qualifications must be obtained from the awarding body.

## **2.8 Right To Work checks**

- 2.8.1 Right to work checks must be completed in accordance with current Home Office requirements using one of the acceptable methods available at the time of appointment. This may include a manual document check, an online Home Office right to work check, or an approved digital identity verification process where applicable. The check must confirm that the individual has permission to undertake the work being offered, including any restrictions relating to role type, hours, location, study status or sponsorship conditions.
- 2.8.2 Where an individual has time-limited permission to work in the UK, Phoenix will record the expiry date and ensure follow-up checks are completed before that permission expires. It is the responsibility of the recruiting manager, supported by People Services, to ensure that no individual continues to work beyond the expiry of their permission or outside the conditions attached to their right to work.
- 2.8.3 Team Members must notify Phoenix immediately if there is any change to their immigration status, right to work, visa conditions, sponsorship arrangements, or any other matter that may affect their ability to continue working lawfully in the UK. Phoenix will manage such information sensitively, confidentially and in accordance with legal requirements, while ensuring safeguarding, regulatory and employment compliance are maintained.
- 2.8.4 Evidence of right to work checks, including the date of the check, method used, documents or online confirmation obtained, any restrictions identified and follow-up check dates where applicable, must be retained securely on the Team Member's file, and also on the HR system.
- 2.8.5 <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>
- 2.8.6 Phoenix must check and keep copies of original, acceptable documents before an applicant starts working for the Company. If a person has a time limit on their stay in the UK, then Phoenix should carry out repeat checks at least once every 12 months. If a person has a restriction on the type of work they can do and, or the number of hours they can work, then Phoenix must not employ them in breach of these restrictions.

## **2.9 Interviewing Short-listed Candidates**

- 2.9.1 The Interview Panel will meet to prepare for the interviews where each candidate will be discussed. Interview questions should be agreed, and a Chair appointed who will ensure that all the relevant documentation is completed.
- 2.9.2 There must always be a person trained in Safer Recruitment principles on the panel.
- 2.9.3 When a candidate arrives for interview the person completing the interview will photocopy their right to work ID (and DBS ID is available). The likeness to any photographic ID should be checked against the candidate's appearance at interview.
- 2.9.4 Interview questions will be typed and the candidate's responses to them recorded. Each of the interview panel will have a set of interview questions so that notes can be taken during the interview.
- 2.9.5 The questions will ensure that candidates are asked about their;
- Previous work experience.
  - Knowledge, relevant skills.

- Evidence of ability.
- Attitude towards working with the People we support.
- Commitment to safeguarding and promoting the welfare of the People we support.
- Professional boundaries, conduct and ability to work respectfully with colleagues, families and the People we support.

2.9.6 The structure of the interview process should be agreed including who will ask which questions before the actual interview.

2.9.7 The process will be as follows:

- Introductions.
- Confirm purpose and context of the interview (role, location, number of interviews).
- Explain our Safer Recruitment process.
- Brief insight into Phoenix.
- The interview questions and checklist.
- Opportunity for Applicant to ask questions \*
- Clarification of any issues and confirmation of current applicant position/salary/ notice period/benefits etc.
- Discuss next steps.
- Close.

\* Personal details of the People we support in our care will not be given under any circumstances.

2.9.8 Once every candidate has been interviewed, the panel will meet to discuss and make selections. Applicants will only be assessed in relation to the job description and person specification.

2.9.9 The Panel will produce a written record of each interview to assist in the process of the final selection. Each Team Member has an individual personnel file where all correspondence relating to their recruitment including application form, interview notes, references, checks and personal details will be stored throughout their employment with Phoenix. In the event of them leaving for any reason, their personnel file will be kept in line with policy GRP504 Document and Records Archiving.

2.9.10 The candidates will be notified in writing if they are either successful or not.

2.9.11 Any unsuccessful candidate's personal details will be destroyed after a maximum of six months.

## **2.10 References**

- 2.10.1 The application form requests professional references. Phoenix insists on two references one of which should be from the applicant's current or most recent employer. When employing candidates to work in Children's/Adults Homes references should attempt to be sought (as far as reasonably practicable) for any position involving work with children or vulnerable adults.
- 2.10.2 For education appointments, references should be obtained and scrutinised in accordance with Keeping Children Safe in Education requirements, including obtaining information about disciplinary action, safeguarding concerns and suitability to work with children
- 2.10.3 References should be obtained from a verifiable business or organisational email address wherever possible. References received from personal email accounts must be subject to enhanced verification to confirm the referee's identity and authority to provide the reference.
- 2.10.4 Completed references must be sent to our business addresses, not a home address.
- 2.10.5 References should contain objective, verifiable information and in order to achieve this, a reference pro-forma with questions relating to the candidate's suitability to work with the People we support. These
- 2.10.6 References should include:
- Length of time the person has known the applicant and in what capacity.
  - Post held with dates and reasons for leaving.
  - Ability and suitability to work with children and vulnerable adults.
  - Skills, strengths, and weaknesses and how these have been demonstrated.
  - Any current disciplinary investigation and/or sanction.
  - Any allegations and/or disciplinary investigations relating to the safety or welfare of children and vulnerable adults and the outcome of these (including where any sanction has expired).
  - Details of any criminal convictions, cautions or bind-overs.
  - If the referee would re-employ the applicant and, if not, details of why.
  - Verification of the identity of the referee.
- 2.10.7 The referee should be asked to confirm whether the applicant has been the subject of any disciplinary sanctions and whether the applicant has had any allegations made against them or concerns raised which relate to either the safety or welfare of behaviour towards Children or vulnerable adults. This should include any concerns relating to professional conduct, harassment, discrimination, bullying, boundary issues or behaviour that may impact suitability for the role.
- 2.10.8 Details about the outcome of any concerns or allegations should be sought.
- 2.10.9 References received will be verified verbally with the originator by phone.
- 2.10.10 Open references or testimonials will not be accepted.

## **2.11 Offer of Appointment to Successful Candidate**

2.11.1 Any offer of appointment should be conditional upon pre-employment checks being satisfactorily completed, including;

- An enhanced DBS check including appropriate barring list checks.
- Two references of satisfactory content and verification of the originator.
- Verification of any mandatory qualifications such as the Level 5 NVQ in Health and Social Care, GCSE in English and Maths, Qualified Teacher Status ( QTS ) and the completion of teacher induction or probation periods.
- Verification of the candidate's medical fitness via Occupational Health process
- Verification of any relevant professional status and whether any restrictions have been imposed by a regulatory body such as the Teaching Regulations Agency (TRA), the Education Workforce Council (EWC) and the General Medical Council (GMC)
- All checks should be confirmed in writing and retained on the candidate's personnel file, together with photocopies of documents used to verify his/her identity and qualifications.
- Proof of right to work in UK.
- Driving licence and driver eligibility checks, where driving forms part of the role.

## **2.12 Disclosure and Barring Services**

2.12.1 All successful applicants will undergo an Enhanced Disclosure and Barring list check. This includes the content of the standard check plus any additional information held by local police that is reasonably considered relevant to the workforce being applied for (i.e., adult and/or child or 'other' workforce). The barring list check also identifies whether the person is barred from working in regulated activity with the group they are applying to work for, for example, whether they are barred from working with children. Given the diverse nature of Phoenix's services we request both Children and Adults barred list checks.

2.12.2 Phoenix is an Umbrella Body for Disclosure and Barring Services and as such, have designated approved Team Members, who oversee all DBS disclosure checks.

2.12.3 If a DSB disclosure certificate is submitted to us containing any cautions or convictions, the candidate will be called to a meeting and interviewed in connection with the disclosure report and a DBS risk assessment will be completed in order to identify suitability for employment.

2.12.4 DBS certificate information will only be retained in accordance with DBS requirements and applicable regulatory guidance. Phoenix will record the date of issue, certificate type, unique reference number and recruitment decision. Any certificate information retained will be stored securely and destroyed when no longer required.

2.12.5 Current Team Members and volunteers are subject to a full DBS check every 3 years.

- 2.12.6 Annually, Team Members and volunteers complete a DBS update Self-Declaration Form.
- 2.12.7 In the case of applicants who have not resided within the UK or who have not worked in the UK, the process is slightly different. Phoenix uses an external organisation to provide international checks.

## **2.13 Record Keeping**

- 2.13.1 A record should be kept of evidence to show that such DBS checks have been carried out in respect of temporary Team Members and volunteers whether recruited directly or through an agency.
- 2.13.2 Satisfactory references must be kept on the candidate's personnel file or, in the case of temporary Team Members or volunteers not recruited through an agency, on a central record within the organisation.
- 2.13.3 Where information gained by the Team Member from either references or other checks calls into question the candidate's suitability to work with children, or where the candidate has provided false information in support of the application the facts should be reported to the Police and/or the DBS as appropriate.

## **2.14 Overseas checks**

- 2.14.1 There is no statutory definition of when overseas checks should be obtained; this is because overseas checks are not possible in every country. Welsh guidance identifies spending three months overseas in the last 3 years should trigger a check.
- 2.14.2 It is the company's policy that an overseas police check should be obtained when the successful applicant has spent consistently three months or more in one country overseas in the last 10 years over the age of 18 years old, younger than this and they are considered a minor. As an organisation we apply this policy to all of our settings.

### 3. Single Central Record Register

#### 3.1 Outline

3.1.1 This is applicable to Schools and Further Education Colleges Only

3.1.2 In line with the regulations listed within; Keeping Children Safe in Education and Keeping Learners Safe (current version), it is a requirement that our schools and colleges must keep a separate “Single Central Record”, referred to in the regulations as the register.

3.1.3 The single central record must cover the following people:

- All Team Members who work at the school/college.
- All members of the proprietor body (i.e., statutory Directors of Oakwood College Limited and Phoenix Schools Ltd).
- All Team Members who are employed as part of the supply team to the school or further education college, whether employed directly by the school, college, local authority or through an agency.
- Agency, supply and temporary workers who undertake work within the school or college, even where this is for a short period, must be appropriately recorded and evidenced in accordance with statutory safeguarding requirements.
- From 1 September 2026, recruitment and vetting arrangements for volunteers will reflect changes introduced through the Crime and Policing Act 2026. Where a volunteer undertakes regulated activity, including where such activity is supervised, an Enhanced DBS check including Children's Barred List information will be obtained in accordance with current statutory guidance.
- People brought into the school or college to provide regular additional teaching or instruction for Pupils/ Learners but who are not employees, for example, a specialist sports coach or artist.
- Support Team Members of Phoenix Learning and Care who might reasonably have access unsupervised to Children (e.g., Quality, Maintenance, IT support functions).
- Members of the Phoenix Integrated Therapies Team (ITT) .
- All members of the Governance and Oversight Team (include in a separate section of the register).

3.1.4 Generally, the information to be recorded on Team Members files is whether or not the following checks have been carried out or certificates obtained, and the date on which the checks were completed:

- An identity check. The check should confirm name, date of birth, address and should have been a photographic form of identity (e.g, passport). This check can also help prove the persons eligibility to work in the UK.

- A Children's Barred List check must be undertaken on all Team Members working in schools. Note; The enhanced DBS check will automatically include a check against the Children's Barred list where a check against the Children's list (previously known as POCA) is requested. On the DBS it will be listed in the section entitled; "Information from the list held under section 142 of the Education Act 2002".
- An enhanced DBS check.
- A prohibition from teaching check\* It is a statutory requirement to check, on appointment, that a teacher is not prohibited from teaching.
- A Section 128 to ensure that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State.
- Further checks on people living or working outside the UK Although a DBS check is required for Team Members that have lived overseas, it is necessary to undertake further checks with the country where they lived. These checks may include certificates of good conduct from local police forces or embassies, follow-up verification to anything that is provided should be made (e.g., call the organisation that sent the document and/or make checks through embassies etc).
- A check of professional qualifications Where a qualification is a requirement of the post, it must be checked and confirmed as a part of the record, this includes QTS, NPQH and registration as a teacher with the DfE.
- A check to establish the person's right to work in the United Kingdom Eligibility to work in the UK must be confirmed before the employee starts work. The record should indicate the document that was evidenced to confirm that right. UK and EEA nationals have that right (but must be able to prove it); individuals outside the UK/EEA will probably require a permit.

### **3.2 Secretary of State Prohibition Orders**

- 3.2.1 Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. A check of any prohibition can be done via the Teaching Regulation Agency (TRA) and the Education Workforce Council (EWC)
- 3.2.2 This will identify any existing prohibitions and sanctions made by the General Teaching Council for England (GTCE) before it's abolition at the end of March 2012 and provide information about any teacher qualifications held and whether induction has been passed. The service is offered free of charge to schools, local authorities, and teacher supply agencies in England.

### **3.3 Ownership of the Single Central Record Register**

- 3.3.1 The custodian of the Single Central Records lies with the People Director with delegated access to the particular establishment. The master record will be maintained within the organisation's approved secure electronic record management system

### **3.4 Disqualification under the Childcare Act 2006**

- 3.4.1 The Childcare (disqualification) Regulations 2009 are made under section 75 of the Childcare Act 2006. This provides that a person who is disqualified under the 2018 regulations may not provide relevant childcare provision or be directly concerned in the management of such provision.

### **3.5 Disqualification by Association**

- 3.5.1 Disqualification by association refers to being banned from working in certain roles with vulnerable groups due to an offence committed by someone living in your household, this includes childminders and those working in domestic-only childcare settings.
- 3.5.2 When a Team Member raises a concern or a concern is identified about a person, they share a house with a balanced response will be taken. The Manager/Headteacher/Principal will communicate with Peoples Services and the relevant Operations Director to consider how best to support the Team Member and ensure the safety of the People we support.
- 3.5.3 This rule was scrapped for schools and early years settings in England from September 2018. Schools no longer need to ask about the convictions of household members, and Team Members who had previously been disqualified by association are no longer required to do so.
- 3.5.4 Phoenix recognises the importance of ensuring that all individuals working across our education, care and support services are suitable to work with the People we support. Whilst disqualification by association requirements no longer apply within education settings, Phoenix will take a balanced, proportionate and risk-based approach when relevant information comes to light in any service area, ensuring safeguarding remains paramount.

## **4. The Recruitment and Employment of ex-offenders**

### **4.1 Policy**

- 4.1.1 Phoenix is committed to being an Equal Opportunities employer and this policy aims to ensure that ex-offenders receive fair treatment throughout their experience of recruitment and employment within our organisation.
- 4.1.2 We also believe the welfare of the People we support in our care is paramount and work in accordance with National Guidance such as 'Working together to Safeguard Children' and Safeguarding Vulnerable Groups Act 2006.
- 4.1.3 Phoenix recognises our social responsibility and position within the community. We appreciate the role that continuity of employment can play in rehabilitation of ex-offenders when matched with the appropriate posts.
- 4.1.4 We will ensure that application packs for positions where Disclosures will be requested contain a statement that a Disclosure will be requested in the event of a successful application, so that the applicants are aware of the situation.
- 4.1.5 This will be worded accordingly:

This post meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, any applicants for this post who are offered employment for this organisation will be subject to a criminal record check from the Disclosure and Barring Service before the appointment is confirmed. This will include details if cautions, reprimands, or final warnings as well as convictions. A criminal record will not automatically bar a person from successfully taking up this post. If you have been convicted of a criminal offence, please give details including all relevant dates in the space below. (Information given will be treated in the strictest confidence). If you have not been convicted/cautioned of a criminal offence, please indicate by stating 'NONE.'

- 4.1.6 To assist us in this assessment, all applicants will be asked to provide details of unspent criminal records at the initial application stage.
- 4.1.7 In line with the Rehabilitation of Offenders Act 1974, details of spent convictions will be requested from applicants for posts which are considered exempt from the Act due to the responsibilities of the role, predominately posts which include working with children, vulnerable adults.
- 4.1.8 Phoenix cannot simply turn an applicant down for a position because the applicant has been convicted of an offence if the conviction or caution is 'spent' - unless an exception applies. Additionally, job applicants do not need to tell potential employers like Phoenix about spent convictions or cautions.
- 4.1.9 However, all our vacancies require an enhanced DBS check, and this can illustrate that an applicant is not suitable for a vacancy because of a spent conviction or caution. Phoenix as an employer in this case can withdraw a job offer. Phoenix as the employer should tell the applicant that an exception applies. It is against the law to refuse someone a job because they've got a spent conviction or caution, unless it's because a DBS check shows that they are unsuitable.
- 4.1.10 Recruiting Managers/Headteachers/Principal should use the Positive Disclosure Risk Assessment and Decision Sheet form (Standard Form SF89) to make a balanced decision about whether they wish to recommend any individual with a positive disclosure for employment or continued employment. Before a decision is reached on whether to offer or confirm employment to an individual, following a positive disclosure, the individual applicant should be offered the opportunity to discuss the contents of the disclosure with the recruiting manager. The details of this discussion should be recorded on the assessment form and will form the basis of the risk assessment.
- 4.1.11 All recommendations following positive disclosures should be passed to the People Director. The final decision about whether to employ or continue to employ any individual with a positive disclosure will be taken by members of the Group Leadership Team, who will moderate the process by countersigning the SF89 to ensure consistency and fairness.

## **4.2 How do I decide whether to employ an ex-offender?**

- 4.2.1 When considering offences, many will say that their criminal behaviour was historic. Some criminal offences are committed during youth, without a thought for the consequences that a criminal record might have on future employment. Additionally, offences might be related to specific instances of intolerable provocation (e.g., an abusive relationship).
- 4.2.2 If you discover during the course of application, interview, or enhanced DBS certificate check that a potential candidate has a criminal record then you must carefully consider whether this additional piece of information is relevant to the decision whether to employ that individual. At interview, Phoenix aims to ensure that an open and measured discussion takes place on the subject of any offence or other matter that may be relevant to the position sought.
- 4.2.3 Before making a decision, the following factors should be considered.
- Did the applicant communicate to the Company the conviction
  - The risk to vulnerable individuals

- The nature and severity of any offences, cautions or orders.
- The age of any offences or orders
- Repetition of any offences or orders or any particular pattern of offending
- The notes of any interviews with the individual, including their explanation and attitude of the disqualifying event
- Any other information
- Any mitigating circumstances.

4.2.4 The circumstances of the offence may also be relevant and is something that you could ask about. A 'heat of the moment' offence may indicate a questionable temperament but may be more favourable than an offence which was pre-mediated and displayed a degree of calculation.

4.2.5 A final important way to view an offence is to look at it in the context of the individual applicant's life. Was the offence committed at a different time in that person's life, and can they point to things that have changed to justify who they are now compared to who they were when the offence was committed.

### **4.3 How can I determine the seriousness of offences?**

4.3.1 Of course, there are some categories of offence which preclude employment in certain sectors by law. Examples include employment with children for anyone convicted of sexual offences. Specific convictions should be checked with the appropriate regulatory guidelines.

4.3.2 In some cases, an offence on its own may not appear serious; however, the context of the offence might be relevant in determining whether to offer someone a role in our business.

4.3.3 Once in employment, Team Members must inform their line manager, in confidence, of any changes to their circumstances affecting their criminal records status, in order that the impact upon their suitability to undertake their role may be reviewed.

## **5. Recruitment from other sources**

### **5.1 Contractors and Professional Visitors**

- 5.1.1 Where individuals attend our settings in a professional capacity, including contractors, self-employed professionals, agency personnel, therapists, trainers and visitors, the responsible manager must ensure that appropriate safeguarding checks have been completed in line with current safeguarding legislation requirements and Phoenix Contractor arrangements (See Contractors Policy for further guidance.)

### **5.2 Agencies**

- 5.2.1 From time-to-time applications maybe received from individuals currently employed by labour agencies supplying resource into the company services.
- 5.2.2 Recruiting managers should be aware of the recruitment charges administered by both employment and labour agencies which can be excessive typically in the region of 20% of a Team Members annual salary. Where a decision to recruit is being made where a recruitment fee is chargeable then the approval of the Operations Director and People Director must be sought in advance of the offer being made to the prospective candidate.
- 5.2.3 Temp-to-perm arrangements should only be agreed following discussion with the relevant Operations Director and People Director, on a case-by-case basis.
- 5.2.4 Recruiting managers responsible for incurring agency spend for recruitment without the appropriate authority in place may be subject to formal conduct proceedings for breaching this policy.
- 5.2.5 Recruiting Managers are responsible for ensuring that any potential candidates they may wish to offer have not been engaged with Phoenix through any other permanent or temporary agency in the qualifying period before employment that may trigger an introduction fee.

### **5.3 Internal Transfers/Promotions**

- 5.3.1 Internal applications for job roles are encouraged. These may be to widen a Team Members scope of experience (including working at similar facilities within the Phoenix Group) or promotional opportunities where the Team Member can develop their career within the organisation.
- 5.3.2 All (unless specialist skills are required) positions will be advertised internally via the People Services team only.
- 5.3.3 The following general principles will apply to internal transfers;
- Where a Team Member applies for a role in another setting where they have a relative consideration will be given to the impact this may have in the setting.
  - Once offered a position the successful Team Member should be expected to be placed in a reasonable amount of time, typically within 8 weeks.
  - Team Members should ideally have passed their probation period successfully and worked for the organisation for 12 months prior to applying for a promotional role.

## **6. Appendix 1 - Shadow Session and Micro-Teach process.**

- 6.1.1 Applicable to Schools and College only.
- 6.1.2 This process has been implemented as part of the recruitment process. In addition to the formal interview, the shadow session/micro teach is to ascertain more insight into the person and how they interact with the Pupils/Learners and Team Members they may work with in the future. It is also designed to gain insight as to how they present themselves – physically and emotionally, and ascertain their suitability of the role.
- 6.1.3 The potential candidates contact details will be given to the Headteacher/Principal to agree a mutually convenient day to undertake the shadow session/micro teach.
- 6.1.4 The Headteacher/Principal will identify suitably experienced Team Members (designated Team Members) on duty that day who can demonstrate objectivity.
- 6.1.5 Prior to their attendance, the Headteacher/Principal will inform Pupils/ Learners that a potential new member of the team will be visiting the site and ask them if they will be kind enough to help us with their feedback.
- 6.1.6 The potential Team Member must not be given access to any confidential documentation on the People we support and not to be left in the office unaccompanied.
- 6.1.7 The potential Team Member must not be left alone at any time, with or without Pupils/Learners.
- 6.1.8 The potential Team Member is not to drive any company vehicles.
- 6.1.9 A risk assessment will be in place for each micro-teach and/or shadow session.
- 6.1.10 Once the shadow session and micro teach have been completed and approved, the recruiting team will contact the potential Team Member accordingly.
- 6.1.11 The potential Team Member must not be given access to company keys.
- 6.1.12 A risk assessment must be undertaken and approved by the Headteacher/Principal.
- 6.1.13 During the session the potential Team Member will undertake a micro teach or support work for a minimum of 20 minutes.
- 6.1.14 The micro-teach session must include suitable lesson plans including differentiation and supporting resources. The materials will be assessed for suitability by an experienced member of the teaching team before the session is undertaken.
- 6.1.15 Feedback will be sought from the Pupils/ Learners involved.
- 6.1.16 Feedback from the designated member of the team should be objective. The feedback should be based on what is observed during the micro-teach, for example, interactions with the Pupils/Learners, did the member of the team ask suitable and appropriate questions.