

## The Learners Collective – Safer Recruitment Policy

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### 1. Introduction

- 1.1. TLC is a tutoring organisation which requires tutors representing it to provide tuition to students in a congenial and safe environment. TLC has a moral and legal obligation to ensure that, when given responsibility for students, they are treated with the highest possible standard of care.
- 1.2. Guidance from the Keeping Children Safe in Education 2023 Part 3 framework and The Safeguarding Vulnerable Groups Act 2006 require The Learners Collective (“TLC”) to carry out rigorous checks on staff and tutors who are to work with children and young people. It is an offence for those who are barred from working with children to apply for roles that involve engaging in activity relevant to children i.e., tutoring.
- 1.3. The aim of this Safer Recruitment Policy (the “Policy”) is to demonstrate TLC’s robust 3-stage recruitment process, which includes an application process, initial interview, and live interview. Only upon successfully completion of all 3 stages including identity and reference checks, Safeguarding and Pedagogical Training, including a proficiency assessment, are tutors put forward for any tutoring assignments.
- 1.4. This Policy also seeks to deter unfit or unsuitable candidates from applying for the role and filter any such candidates out via our 3-stage recruitment process.
- 1.5. Our recruitment and selection procedures aim to hire the most suitable candidates as tutors, with all applicants receiving fair and equitable treatment during the recruitment process. All TLC staff involved in the recruitment process must fully adhere to this Policy.
- 1.6. Our Policy adheres to relevant employment law practice and other legislation and incorporates statutory guidance for schools and colleges contained in Keeping children safe in education 2023, Part three: Safer recruitment where relevant to TLC. Potential candidates should note that it is an offence in accordance with Section 7(1)(a) of the Safeguarding Vulnerable Groups Act 2006 to apply for a role as a tutor working with children if the applicant is barred from engaging in regulated activity relevant to children.
- 1.7. This policy should be read in conjunction with TLC’s [Recruitment and Selection Policy](#) (see *Schedule 1*).

### 2. Equal Opportunities

- 2.1. TLC follows its Equality, Diversity and Inclusion Policy and wishes to recruit those people who are best suited for the vacancies for which they have applied, regardless of sex, sexual orientation, religion and belief, race, disability, pregnancy and maternity, age, gender, gender reassignment, marriage and civil partnership.

2.2. TLC is committed to complying with the Human Rights Act 1998, as applicable, and the Equality Act 2010 including the guidance issued by the Government Equalities Office (GEO) <https://www.gov.uk/government/organisations/governmentequalities-office> giving specific exclusions in regard to pre-employment health questions.

### 3. Recruitment and selection process for New Tutors

#### 3.1. Advertisements

- 3.1.1. The Learners Collective posts tutoring vacancies on platforms such as LinkedIn. These posts run until the positions required have been filled.
- 3.1.2. These adverts outline the expectations and requirements for the tutoring role, including the need to have relevant tutoring/mentoring experience.
- 3.1.3. Adverts require candidates to submit a CV and strongly encourage candidates to submit any other relevant supporting documents (e.g., cover letter, recommendation letter, etc.).
- 3.1.4. The adverts make clear that The Learners Collective follows stringent screening, and pre-employment checks including:
  - 3.1.4.1. Holding an initial interview;
  - 3.1.4.2. Ensuring that a candidate has a clean and current Enhanced DBS, with a check of the children's barred list; or will be required to obtain one;
  - 3.1.4.3. Requiring candidates to provide at least 2 independent professional references.
  - 3.1.4.4. A list of the skills, abilities, experience, attitude, and behaviours required for the role;
  - 3.1.4.5. A section on the safeguarding requirements and responsibilities as per the job description and personal specification (i.e., to what extent the role will involve contact with children and whether they will be engaging in regulated activity relevant to children);
  - 3.1.4.6. The Learners Collective's stringent attitude towards Safeguarding promoting the welfare of children, making clear that safeguarding checks will be undertaken (KCSIE 2023, 210-211); and
  - 3.1.4.7. whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974.

#### 3.2. Application Profile (Forms)

- 3.2.1. The purpose of the Application Profile is to determine if the potential tutor appears suitable for the role and working with students.
- 3.2.2. The first stage of TLC's recruitment process is the initial application. As the role involves engaging in regulated activity relevant to children, a statement is to be included in the application form that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.
- 3.2.3. The Learners Collective's Safeguarding Policies and Procedures are displayed on the application page for all potential applicants to view, including TLC's policy on employment of ex-offenders.
- 3.2.4. Prospective tutors must fill out their application profile on TutorCruncher. The application profile includes;
  - 3.2.4.1. personal details, current and former names, current address and national insurance number;
  - 3.2.4.2. details of their present (or last) employment and reason for leaving;
  - 3.2.4.3. full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment;

- 3.2.4.4. qualifications, the awarding body and date of award;
  - 3.2.4.5. details of referees/references (see 3.3.3 and 15 (Appendix 2) below for further information);
  - 3.2.4.6. a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.
- 3.2.5. A Curriculum Vitae alone will not be accepted: it may only be submitted alongside the application form. (KCSIE 2023, 212-215).
- 3.2.6. Tutors will need a minimum of A/A\* in the A-level subject or 7/8/9 in the GCSE subject they would like to teach. Tutors will also need verifiable tutoring experience in the subjects they wish to teach by way of references.
- 3.2.7. TLC also requires prospective tutors to declare their A-level and GCSE grades, a CV and cover letter. If TLC requires more information, the tutors will be contacted to provide this before they can be considered for the next stage. Successful candidates will have to send proof of such qualifications for verification.
- 3.2.8. TLC will begin reviewing applications of tutors whom they deem to be suitable and reflect TLC's ethos and values. Successful applicants will be invited to our initial interview.

### 3.3. Initial Interview

- 3.3.1. Before the Initial interview takes place, applicants will be asked to gather proof of identification documents and a 5 year address history, these must be submitted to the TLC prior to the Initial interview taking place.
- 3.3.2. Tutors who hold a valid Enhanced DBS that is less than 12 months old will be required to submit a copy of this before the interview. Details on the validity of an Enhanced DBS can be found in *Appendix 1* below.
- 3.3.3. Tutors will also need to submit two references to TLC, details of which are found in *Appendix 2* below. This should be obtained before the initial interview to allow any concerns raised to be explored further with the referee and taken up with the candidate at interview.
- 3.3.4. Tutors can also provide any professional certification they possess to support their application (e.g., PGCE, QTS).
- 3.3.5. The initial interview is a personality-based interview will take place through a video call; applicants will discuss their experience, employment history including any gaps, and motivation for tutoring. As well as whether their personality aligns with the core values of TLC. Proof of identification will also be verified using the identification documents, i.e., passport, driving license etc. Key questions covered in the initial interview include:
- 3.3.5.1. Their current role;
  - 3.3.5.2. Their motivation for applying for the particular role;
  - 3.3.5.3. Their tutoring and teaching experience;
  - 3.3.5.4. What subjects they are looking to tutor;
  - 3.3.5.5. Their available times to tutor during the week;
  - 3.3.5.6. Their SEN or other relevant experience; and
  - 3.3.5.7. An assessment of their communication skills, enthusiasm, and professionalism.
- 3.3.6. The interview will also ensure that the tutor understands their obligations in terms of safeguarding and child protection and take them seriously, and to identify potential concerns. These questions include:
- 3.3.6.1. How are tutors responsible for keeping children safe?
  - 3.3.6.2. What is your attitude to child protection and safeguarding?

3.3.6.3. Tell me how you dealt with a safeguarding issue, or a time where you took action to protect a child?

3.3.6.4. How would you deal with suspected bullying in an online tutorial?

A full list of questions can be found in **Schedule 2**.

3.3.7. It is also disclosed to candidates that by proceeding to arrange an interview, TLC will carry out online searches as part of due diligence checks. These online checks include a Google search of the candidate and an investigation of any potentially concerning information; and a search of social media, including Facebook, LinkedIn and Instagram for the purpose of safeguarding and child protection. This will be carried out prior to the interview to help identify and incidents or issues that have happened, and are publicly available online, which can then be explored with the applicant at interview.

#### 3.4. Shortlisting

3.4.1. Shortlisted candidates will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children.

3.4.2. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records, further information can be found [here](#). For example, we will ask:

3.4.2.1. If they have a criminal history;

3.4.2.2. if they are included on the children's barred list;

3.4.2.3. if they are prohibited from teaching;

3.4.2.4. for information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted;

3.4.2.5. if they are known to the police and children's local authority social care;

3.4.2.6. if they have been disqualified from providing childcare (see paras of KCSIE 2023 263-267);

3.4.2.7. any relevant overseas information.

3.4.3. This information is only requested from applicants who have been shortlisted. Applicants are asked to sign a declaration confirming the information they have provided is true. The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at the Live teaching interview.

3.4.4. The Learners Collective will:

3.4.4.1. ensure that at least two people carry out the shortlisting exercise (those who shortlist will aim to carry out the interview for a consistent approach);

3.4.4.2. consider any inconsistencies and look for gaps in employment and reasons given for them;

3.4.4.3. explore all potential concerns; and (KCSIE 2023, 216-221).

3.4.4.4. carry out an online search on the shortlisted candidate (See Clause 3.3.7)

#### 3.5. Live Teaching Interview and Selection.

3.5.1. The aim of the Live Teaching interview is to assess the pedagogical proficiency, metacognition and emotional intelligence of the tutor. The interview is conducted by the Talent Acquisition Lead and/or the Managing Director.

3.5.2. The live teaching interview is split into 2 parts, the first will assess the pedagogical proficiency of the tutor by assessing a lesson taught to a student played by a member of our team. The second will assess the metacognition and emotional intelligence of the tutor through a series of questions.

3.5.3. The interview process is designed to ensure that candidate would be suitable for the role based on their qualification and experience; that they have the requisite teaching ability; and that they understand and take seriously their obligations in terms of safeguarding and child protection. The interview also enables TLC to get to know tutors more personally in order to make better matches to students.

3.5.4. Prior to the interview, the candidate will receive a fictional brief: it will include the subject on which the candidate will be required to conduct a 15-minute mini-lesson, as well as information about the fictional student (e.g., low confidence). The candidate will then be required to carry out the tutorial and will be assessed in accordance with the framework detailed in our Quality Assurance Policy (see **Schedule 3**).

3.5.5. During the interview, TLC also provides the candidate with:

- 3.5.5.1. An introduction to TLC and its philosophy on education and tutoring;
- 3.5.5.2. An outline of the key requirements of our Child Protection and Safeguarding Policy;
- 3.5.5.3. The expectations of TLC regarding communication and conduct and a broad outline of the tutoring process;
- 3.5.5.4. A description of the training tutors will be required to do as TLC tutors, including pedagogical training and initial safeguarding training and periodic safeguarding refresher training; and
- 3.5.5.5. An explanation of the next steps in the process.

3.5.6. The candidate is also asked a variety of agreed structured questions to cover the objectives in sub-clause 3.1.4, including:

- 3.5.6.1. A review of their experience as outlined in their CV and a request for further references if reference supplied do not cover key relevant recent roles;
- 3.5.6.2. Scenarios for handling a particular type of student, to determine if they demonstrate the experience claimed in their CV;
- 3.5.6.3. A discussion of any gaps in their CV;
- 3.5.6.4. A review of their relevant qualifications;
- 3.5.6.5. An assessment of what attracted the candidate to the post being applied for and of their motivation for wanting to work with children in the particular role;
- 3.5.6.6. Exploring their skills and asking for examples of experiences of working with children which are relevant to the role;
- 3.5.6.7. If there are any disciplinary actions outstanding, or cautions, warnings or barring; and
- 3.5.6.8. If they are mentally and physically fit to perform the duties of a self-employed tutor.

3.5.7. In the interview, the candidate's responses are closely examined when questioned about how they tutor and work with students, especially those with special educational needs. The interview will also explore potential areas of concern and determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- 3.5.7.1. implication that adults and children are equal;
- 3.5.7.2. lack of recognition and/or understanding of the vulnerability of children
- 3.5.7.3. inappropriate idealisation of children;
- 3.5.7.4. inadequate understanding of appropriate boundaries between adults and children, and;
- 3.5.7.5. indicators of negative safeguarding behaviours. (KCSIE 2023, 226)

3.5.8. Interview notes are recorded and saved to the candidate's folder.

#### **4. Pre-onboarding New Tutors (Pre-Appointment Vetting Checks)**

- 4.1. Tutors who have successfully passed TLC's robust 3-stage recruitment process will be required to either; provide a copy of their valid Enhanced DBS with children's barred list information that is less than 12 months old or request an Enhanced DBS through TLC.
- 4.2. If a tutor has an Enhanced DBS that is older than 12 months but has subscribed to the DBS Update Service, they must still provide a copy of their valid Enhanced DBS as well as give TLC permission to check the tutor on the Update Service.
- 4.3. If a tutor requests an Enhanced DBS through TLC, tutors are aware and expected to cover the initial cost before the application can be processed. Once payment has been made, TLC can begin the process for the tutor's Enhanced DBS.
- 4.4. TLC uses CareCheck, a certified screening provider to carry out any new Enhanced DBS applications. CareCheck provides flags an Enhanced DBS application if there are any convictions. TLC uses the results to determine whether a tutor is onboarded, more details can be found below in *Appendixes 1 and 3*.
- 4.5. Once the tutor receives their Enhanced DBS, they are required to provide a current and original Enhanced DBS certificate to TLC. Tutors will not be onboarded until they have provided TLC with a copy of their Enhanced DBS. This information is stored and processed in accordance with our [Privacy and Data Protection Policy](#).
- 4.6. If the tutor is a qualified teacher, they must provide the following details for TLC to check the Prohibited Teacher List database; Teacher Reference Number (TRN), noting that this can be obtained from: [education.gov.uk](http://education.gov.uk) and; full name (including middle names and any previous names).
- 4.7. All offers of appointment are conditional until satisfactory completion of the mandatory pre-employment checks. The Learners Collective will:
  - 4.7.1. verify a candidate's identity via the appropriate identification documents (i.e., birth certificate, passport) (see Schedule 1 below for more details);
  - 4.7.2. obtain an enhanced DBS check (including children's barred list information) or check with the DBS update service (note: an original certificate will still need to be obtained).;
  - 4.7.3. verify the candidate's mental and physical fitness to carry out their work responsibilities;
  - 4.7.4. verify the person's right to work in the UK, including EU nationals (*see Schedule 1 below for more details*).
  - 4.7.5. if the person has lived or worked outside the UK, obtain an overseas check from that particular country or those countries;
  - 4.7.6. verify professional qualifications, as appropriate. The Teaching Regulation Agency's (TRA) Employer Access Service should be used to verify any award of qualified teacher status (QTS);
  - 4.7.7. verify the applicant is not subject to a prohibition order issued by the Secretary of State (see paragraph 253, KCSIE 2023) for prohibition checks or any sanction or restriction imposed (that remains current) by the GTCE (see paragraph 255, KCSIE 2023), before its abolition in March 2012.
- 4.8. Copies of documents used to verify the successful candidate's identity, right to work and required qualifications should be kept are kept on their personnel file as per KCSIE 2023, paragraph 232. Copies of DBS certificates and records of criminal information disclosed by the candidate are covered by UK GDPR/DPA 2018 Article 10.
- 4.9. As per paragraph 276 of KCSIE 2023, The Learners Collective must comply the requirements of the Data Protection Act 2018. Copies of any documents are kept no longer than 6 months. The Learners Collective do not have to keep copies of DBS certificates, in order to fulfil the duty of maintaining the single central record.
- 4.10. All tutors must agree to adhere to the DBS Code of Practice for the relevant registered body prior to starting any teaching assignment with TLC.

## **5. Tutors who have lived or worked outside the UK**

- 5.1. TLC collects the 5-year address history of each tutor who seeks to work with TLC., This is to identify if any additional and overseas checks are required on the individual working with children. TLC defines overseas as “if they have been resident overseas for more than 3 months in one country”. Again, this information is stored and processed in accordance with our Privacy and Data Protection Policy.
- 5.2. If an overseas address is provided the tutor’s application will be put on hold until the tutor can provide the correct check needed from overseas. Individuals who have lived or worked outside the UK must undergo the same checks as all other staff and tutors. This includes obtaining (via the applicant) an enhanced DBS certificate (including children’s barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, The Learners Collective will make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.
- 5.3. These checks could include, where available:
  - 5.3.1. criminal records checks for overseas applicants;
  - 5.3.2. obtaining a letter (via the applicant) from the professional regulating authority (this is often the Department/Ministry of Education but varies across the world) in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.
- 5.4. Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.
- 5.5. Where information for an overseas check is not available, TLC will carry out alternative methods of checking the suitability and conducts a suitable risk assessment that supports and informs the decision making on whether to proceed with the appointment (see *Schedule 4*).

## **6. Applicant moving from previous post**

- 6.1. There is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person’s appointment, the applicant has worked in:
  - 6.1.1. a school in England in a position which brought him or her regularly into contact with children aged under 18, or;
  - 6.1.2. another institution within the further education sector in England, or in a 16 to 19 academy, in a position which involved the provision of education and caring for, training, supervising or being solely in charge of persons aged under 18.
- 6.2. Whilst there is no requirement to carry out an enhanced DBS check in the circumstances described above, TLC will carefully consider if it would be appropriate to request one, to ensure they have up to date information. Schools and colleges will still carry out all other relevant pre-appointment checks (as listed at paragraph 232, KCSIE 2023).

## **7. Prohibitions, Directions, Sanctions and Restrictions**

- 7.1. Secretary of state teacher prohibition, and interim prohibition orders
  - 7.1.1. Teacher prohibition and interim prohibition orders prevent a person from carrying out teaching work as defined in the Teachers’ Disciplinary (England) Regulations 2012 in schools, sixth form colleges, 16-19 academies, relevant youth accommodation and children’s homes in England. Further information about the duty to consider referring to the Teaching Regulation Agency (TRA) can be found at paragraph 351, KCSIE 2023.
  - 7.1.2. Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the TRA. Pending such consideration, the

Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

7.1.3. The TRA's role in making prohibition orders and the processes used to impose them are described in more detail in the publications "[Teacher misconduct: disciplinary procedures for the teaching profession](#)" and "[Teacher misconduct: the prohibition of teachers: Advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession](#)".

7.1.4. A person who is prohibited must not be appointed to a role that involves teaching work (as defined in the Teachers' Disciplinary (England) Regulations 2012).

## 7.2. Historic General Teaching Council for English (GTCE) Sanctions and Restrictions

7.2.1. There are a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE (prior to its abolition in 2012). These will be found using the TRA's Employer Access service when carrying out 'teacher status checks (KCSIE 2023, 255).

## 8. Regulated Activity

8.1. A person will be engaging in regulated activity with children if, as a result of their work, they:

8.1.1. Will be responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or

8.1.2. Will be working on a regular basis in a specified establishment, such as a school, or in connection with the purposes of the establishment, where the work gives opportunity for contact with children.

## 9. Successful Tutors

9.1. Successful tutors will be sent the TLC Representation Agreement; by signing the agreement, tutors will self-declare they are physically and mentally fit to deliver lessons, and that they have read and reviewed our Safeguarding and Child Protection Policies. They will also need to self-declare they have read and understood Part 1 of Keeping Children Safe in Education 2023. Assuming that all other conditions have been satisfied, the following documents are sent to the tutor for their review:

9.1.1. A Key Information Document in accordance with *regulation 13A of the Conduct of Employment Agencies and Employment Businesses Regulation 2003*;

9.1.2. A welcome letter, containing detailed guidance on the required pedagogical, safeguarding and data protection training and on TLC's tuition management system (TutorCruncher);

9.1.3. Safeguarding and Child Protection Policies; and

9.1.4. The NTP tutor pack, which is applicable for in-school tuition.

9.2. Successful tutors are taken through an induction process by a member of TLC and required to complete TLC's 3-stage safeguarding training process. Tutors will not be able to undertake any tutoring assignments until this is successfully completed, including successful completion of the relevant proficiency assessments which form part of the training process. More information with regards to our Safeguarding Training can be found in our Safeguarding Strategy.

## 10. Recording Information – Single Central Record

10.1. The Learners Collective is required by law to maintain a maintain a single central record of pre-appointment checks.

10.2. The single central record must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained:



- 10.2.1. an identity check (details of which can be found [here](#));
- 10.2.2. an enhanced DBS check (with children's barred list check) requested/certificate provided;
- 10.2.3. a prohibition from teaching check (if applicable);
- 10.2.4. further checks on people who have lived or worked outside the UK;
- 10.2.5. a check of professional qualifications, where required, and;
- 10.2.6. a check to establish the person's right to work in the United Kingdom.

## **11. Training**

7.1. TLC believes that training and raising awareness of safeguarding issues, policies and procedures is fundamental to the development and maintenance of a safer environment, safer organisation and safer staff and tutors. Safeguarding is an integral value of TLC and informs all our outreach and policies. TLC recognises that it provides tuition across a wide range of age groups. It is therefore committed to ensuring their staff and tutors are adequately trained and prepared to recognise the different types of abuse that can impact the different age groups. All staff and volunteers – regardless of whether they will have contact with children- will be required to undertake safeguarding training.

7.2. The aim of safeguarding training is to ensure that staff and tutors have the knowledge and are prepared to help in preventing abuse, recognising abuse, recording and reporting concerns to the right people, and know how to respond to allegations. All staff and tutors must undergo compulsory training on an annual basis (see [Safeguarding Policy and Safeguarding Procedures](#)).

7.3. Our training consists of; a live online safeguarding training run by our in-house pedagogical and safeguarding expert; independent external safeguarding training created by High Speed Training; ongoing review days with Tutors; refresher training for tutors who have not had training in 12 months.

7.4. Tutors will also need to read Part 1 of Keeping Children Safe in Education 2023, complete a the Prevent Duty course provided in the Safeguarding training guide and confirm they have completed their external safeguarding training created by High-Speed Training, as well Online Safety Training created by the NSPCC.

7.5. Safeguarding training at the appropriate level to the role and responsibilities held is a mandatory element of all inductions for staff and tutors. Furthermore, safeguarding training is not regarded as a 'once only' activity, but as an ongoing development of skills and knowledge of safeguarding practices as detailed in our Safeguarding Strategy. All tutors will be Level 2 Safeguarding trained.

7.6. Monitoring the working practice of staff and tutors is undertaken not less than once per year through the appropriate supervision mechanisms, such as refresher training to ensure the requirements of this policy and supporting procedures are being met. TLC keeps a record of all training complete, including refresher training.

7.7. Finally, TLC recognises their safeguarding responsibilities towards their tutors. TLC provides support and advice to all tutors, by providing open and easy methods of communication and supporting tutors through lesson observations and continuous feedback as detailed in our Safeguarding Strategy.

## **12. Ongoing procedures to ensure ongoing safeguarding of children and the legal reporting duties on employers (KCSIE 2023, 344-351).**

12.1. Safer recruitment is not just about carrying out the right DBS check. Similarly, safeguarding should not be limited to recruitment procedures. Good safeguarding requires a continuing commitment from all staff to ensure the safety and welfare of children is embedded in all of TLC's processes and procedures, and consequently enshrined in its ethos. For more information on our ongoing procedures, please see our Safeguarding Strategy.

### *Ongoing vigilance for all staff*

- 12.2. TLC seeks to create the right culture and environment so that staff feel comfortable to discuss matters both within, and where appropriate, outside of the workplace (including online), which may have implications for the safeguarding of children.
- 12.3. A key aspect of TLC's mission to maintain an environment that deters and prevents abuse and challenges inappropriate behaviour. To achieve this, staff are encouraged to follow the procedures above whenever they have a safeguarding concern about another staff member, or where they do not feel so comfortable, to follow the procedures laid out in our [Whistleblowing Policy](#).

### *Existing Staff*

- 12.4. There are limited circumstances where TLC will need to carry out new checks on existing staff. These are when:
- 12.4.1. an individual working at TLC moves from a post that was not regulated activity with children into work which is considered to be regulated activity with children. In such circumstances, the relevant checks for that regulated activity must be carried out;
- 12.4.2. there are concerns about an individual's suitability to work with children.

### *Duty to refer to the Disclosure and Barring Service*

- 12.5. When an allegation is made (see Part four of KCSIE 2023), an investigation should be carried out to gather enough evidence to establish if it has foundation, and TLC should ensure they have sufficient information to meet the referral duty criteria explained in the DBS referral guidance, which can be found on [here](#).
- 12.6. There is a legal requirement for TLC to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:
- 12.6.1. engaged in relevant conduct in relation to children and/or adults, and/or has satisfied the harm test in relation to children and/or vulnerable adults, and/or been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.
- 12.7. The DBS will consider whether to bar the person. Detailed guidance on when to refer to the DBS (including what is the harm test and relevant conduct), and what information must be provided, can be found on [here](#).
- 12.8. Referrals should be made as soon as possible when an individual is removed from regulated activity. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned.

### *Duty to refer to the Teaching Regulation Agency*

- 12.9. Where TLC dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002.
- 12.10. The Secretary of State may investigate the case, and if there is a case to answer, must then decide whether to make a prohibition order in respect of the person. Details about how to make a referral to the TRA can be found [here](#).
- 12.11. TLC also has a number of more detailed ongoing safeguarding procedures as detailed in the 'TLC's Proactive Approach to Safeguarding' in *TLC's Safeguarding Strategy*. The details

include our approach to recruitment, training, and safeguarding procedures before, during and after tuition.

### **13. Conclusion**

13.1. TLC is committed to ensuring that when given responsibility for young people and vulnerable adults, they are treated with the highest possible standard of care. TLC will take all necessary steps to guard against working with tutors who are unsuitable to work with children or vulnerable adults and will cease to work with tutors who do not meet its stringent tutoring standards.

13.2. This Policy will be reviewed and updated periodically to ensure compliance with legislation and best practice.

### **14. Appendix 1 Validity of the Enhanced DBS**

TLC requires all tutors to hold a valid Enhanced DBS to become a tutor for TLC. In order for an Enhanced DBS to be valid, TLC requires that it must:

- Be no older than 12 months unless the tutor is subscribed to the DBS Update Service, in which case, the tutor must give permission to TLC to check the tutor on the Update Service.
- Have been issued in the UK
- Provide details of the Children's Barred List Information

Before using the Update Service, TLC will:

- Obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check
- Confirm the DBS certificate matches the individual's identity
- Examine the original certificate to ensure that it is valid for employment with the children's workforce; and
- Ensure that the level of the check is appropriate to the job for which they are applying (e.g., an enhanced DBS check including with barred list information).

### **15. Appendix 2 Employment History and Reference Checks**

The purpose of seeking references is to allow The Learners Collective to obtain factual information to support appointment decisions. The Learners Collective will obtain references before interview, where possible, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

The Learners Collective will:

- Not accept open references e.g. to whom it may concern.
- Not rely on applicants to obtain their reference.
- Ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect of any disciplinary investigations)
- Obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed.
- Secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer.
- Always verify any information with the person who provided the reference.
- Ensure electronic references originate from a legitimate source.
- Contact referees to clarify content where information is vague or insufficient information is provided.
- Compare the information on the application form with that in the reference and take up any discrepancies with the candidate.
- Establish the reason for the candidate leaving their current or most recent post.

- Ensure any concerns are resolved satisfactorily before appointment is confirmed.

References should ensure the information confirms the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding concerns/allegations that meet the harm threshold. They should not include information about concerns/allegations which are unsubstantiated, unfounded, false, or malicious. Further guidance on references, including on the position regarding low-level concerns, is set out in Part four of KCSIE 2023.

References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings. Any repeated concerns or allegations which do not meet the harm threshold which have all been found to be false, unfounded, unsubstantiated or malicious should not be included in any reference.

All tutors are required to submit a minimum of 2 reference checks before the Initial interview, the reference checks must be:

- Addressed to TLC
- Either from previous employment, an academic source or a recognised professional who has been known to the applicant for a minimum of 6 months
- Confirm dates of employment if necessary
- Confirm that the candidate is suitable to work with children
- References must be work e-mails (no Gmail/Hotmail, etc.) and not from co-workers, but rather a line manager or higher (e.g. head teacher / head of department)

If a tutor fails to have 2 complete and relevant references, TLC will not proceed with the tutors application.

### **16. Appendix 3 Fair Recruitment**

As an organisation using Disclosure information for the purpose of assessing an applicant's suitability to become a tutor, we undertake to treat all applicants fairly. We undertake not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

A Disclosure should only be requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a disclosure is required, all application forms, job adverts, and recruitment briefs will contain a statement that a Disclosure will be requested.

Unless the nature of the position allows us to ask questions about your entire criminal record, we will only ask about "Unspent" convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those within the company who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. The Rehabilitation of Offenders Act 1974. We make every subject of a Disclosure aware of the existence of the Code of Practice and make a copy available on request. Having a criminal record will not necessarily bar individuals from working in this specific industry. It will depend on the nature of the position and the circumstances and background of any candidate's offences.

### **17. Appendix 4 Current Tutors**

TLC have updated this Safer Recruitment Policy in line with the updated Keeping Children Safe in Education 2022 guidelines, if current tutors wish to work in School's they will need to submit 2 references, details of this can be found in *Appendix 2*. Current tutors will also need a valid Enhanced DBS that is less than 12 months old or be subscribed to the DBS Update Service.

## Appendix 5 Overseas Tutors Risk Assessment

### Risk Assessment for staff and tutors who have lived or worked overseas

#### Introduction

Keeping Children Safe in Education 2023 states that “Where this [overseas] information is not available schools and colleges should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.”

This form can be used to assist in assessing and recording the risks of allowing someone to work for, or on behalf of, The Learners Collective where the concerned individual cannot provide a police check or Enhanced DBS equivalent from the overseas country they have lived or worked in as outlined in KCSIE 2022 above. This risk assessment must be undertaken in conjunction with the Safer Recruitment Policy and the Recruitment and Selection Policy and Procedures.

The completion of this risk assessment form is the responsibility of the Talent Acquisition Lead. It must be authorised by the Managing Director and the Designated Safeguarding Lead before the person can start teaching or working with children. This completed risk assessment form must be placed on the individual’s personnel file or other appropriate file and made available for internal and external audit.

Tutors and staff will only be allowed to work for, or on behalf of, The Learners Collective when all relevant risks associated with onboarding the tutor as well as safeguarding mitigations in place have been considered. This form should only be used in circumstances where a Tutor is not able to provide an overseas check: an overseas check should always be requested at the first instance.

**Please note: if anything detrimental is highlighted during this risk assessment, the candidate’s application should be rejected.**

Candidate's Name.....

Post Applied For.....

Country/Countries where check is required.....

1. Did the applicant submit a fully completed application form including, all previous employment and gaps in employment?	Yes		No	
2. Did the applicant declare any criminal convictions, bind-overs, cautions, reprimands or police investigations which might lead to a conviction, orders binding them over or cautions in the UK or any other country?	Yes		No	
If yes, are these convictions relevant to the work that they are being employed to undertake?	Yes		No	
If yes, are these convictions of a serious nature i.e. offences against children / vulnerable adults / violent or sexual offences etc?	Yes		No	

If yes, please state details

.....

.....

.....

3. Did the applicant declare that they had been subject to any disciplinary investigation or action, including suspension?	Yes		No	
--	-----	--	----	--

If yes, please state details

.....

.....

.....

4. Has an Enhanced DBS check (including children's barred list information) been completed and to a satisfactory standard?	Yes		No	
--	-----	--	----	--

5. Has the candidate's identity been verified?	Yes		No	
--	-----	--	----	--

6. Have employment references been obtained in line with KCSIE guidance?	Yes		No	
--	-----	--	----	--

7. Do the individual's references give any cause for concern?	Yes		No	
---	-----	--	----	--

If yes, please state details.....

.....

.....

8. At interview, did the individual say or do anything which gave cause for concern, in relation to allowing them to commence work before a Disclosure is received?	Yes		No	
---	-----	--	----	--

If yes, please state details.....

.....

.....

11. Will the individual have access to, or opportunity to commit an offence against a child?	Yes		No	
--	-----	--	----	--

12. Has a check of the Children's Barred List been made?	Yes		No	
--	-----	--	----	--

What precautions or measures can be put in place?

The tutor's lessons can be supervised by a member of the safeguarding team to ensure that the risk of a safeguarding incident occurring is minimised. The lessons are recorded and regularly reviewed.

13. Are you satisfied the risk of possible offending can be minimised by ensuring that satisfactory supervisory measures listed above can be implemented?	Yes		No	
---	-----	--	----	--

What was the reason for the Tutor not being able to provide an overseas check?	
--	--

How long had the individual lived or worked overseas?	
The age of the person and how much of their lifespan was spent overseas/what age were they when the spent time overseas?	
Age of criminal responsibility for the relevant country?	
What were the reasons for them being overseas?	
Have they declared any information with you relating to previous criminal convictions or related to the harm of a child?  If yes, impact on job requirements of offending behaviour / convictions?	
Have there ever been any complaints or concerns raised about this person's work with children?	
What contact will the individual have with children? (face to face; 1:1; group etc).	
Frequency of contact with pupils? (daily; weekly, etc)	
Will the tutor be in a position where they could build relationships?	
Are there clearances/barring from any other source?	

Taking account of all factors above, please analyse whether the risk is <b>Significant, Moderate, Minor</b> or <b>Insignificant</b> ; your reasons for this assessment (and your recommendations):	
Reasons for your decision:	

Assessing risk Significant risk examples:

- Never lived in the UK.
- Returned from being abroad within the last year, and they spent more than 3 months abroad.
- Returned from being abroad within the last 5 years, and they spent over a year abroad.
- Employment history, overseas criminal record check (or lack thereof), interview and references haven't given you clear or sufficient information about their time abroad.
- Never worked with children or in an educational setting

Moderate risk examples:

- Last overseas (for longer than 3 months) more than 5 years ago, they've lived in the UK for at least 5 years and have had a DBS check within the last year, but information about their time abroad is patchy.
- Have been teaching in the UK for less than 5 years, and they've received positive references from previous UK employment in educational settings or with children.
- Have lived or worked in 2 or more overseas countries (not in an educational setting or with children)

Minor/insignificant risk examples:

- Once lived abroad but they've now lived in the UK for more than 10 years, and the wider recruitment process has raised no other concerns.
- Have worked in an educational setting or with children abroad, and you have references from these employers.
- Provided a history of employment from their home or overseas country.

Note: this list is not exhaustive, and some applicants may have circumstances that fall within different risks. The final risk outcome will be determined by the recruiter and will need to be approved by the DSL and Managing Director.



## **Schedule 1**

TLC offers a blend of academic and personal mentorship. The fundamental role of tutors is then two-fold: to offer high-quality academic support reflective of their own educational success; and to form mentorship relationships with students to improve their understanding of themselves and the world through the development of emotional intelligence.

A successful tutor is assessed by at least six categories:

- (1) Student Engagement – the tutor’s ability to build a rapport with students and create an environment conducive to learning;
- (2) Knowledge of Content – the tutor’s ability to select and deliver academic content which is appropriate for the student’s progress in the context of their particular exam;
- (3) Delivery of Content – the tutor’s ability to select and execute appropriate teaching practice(s) to engage the student completely and successfully with the content;
- (4) Delivery of Feedback – the tutor’s ability to plan, construct, and deliver purposeful feedback to the student through a range of appropriate mediums.<sup>1</sup>
- (5) Clarity of Communication – the tutor’s ability to articulate themselves clearly relative to the particular student; and
- (6) Value as a TLC Scholar – the tutor’s ability to demonstrate and apply qualities that exemplify the values of TLC.<sup>2</sup>

## **Candidate Requirements**

We are looking for exceptional, talented tutors – particularly those who identify as coming from a ‘traditionally under-represented background – who exemplify our six strengths: compassion, communication, receptiveness, honesty, resilience, and inspiring.

Candidates must satisfy the following requirements:

- (1) An A or A\* at A-Level or Undergraduate / Graduate level;
- (2) Aged 18 or over;
- (3) Previous Tutoring and/or Mentoring experience;
- (4) A valid Enhanced DBS (or to be arranged by TLC);
- (5) Currently living and has permission to work in the UK;
- (6) Able to provide proof of qualification, proof of identity including the right to work in the UK, two suitable references – one that can testify to their suitability to work with children, as well as other KCSIE 2022 safer recruitment requirements which are applicable to TLC (see our Safer Recruitment Policy).

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<sup>1</sup> ‘Teacher Feedback to Improve Learning, EEF, October 2021.

<sup>2</sup> For clarification, these values include but are not limited to: (1) an awareness of emotional intelligence; (2) an awareness of critical thinking; (3) an awareness of the benefits of personal mentorship and its relationship to academic tuition; (4) an understanding of self-awareness and the ability to self-critique in the context of learning; (5) an understanding of successful constructive feedback and of its delivery; and (6) an understanding of ‘disadvantage’ and its impact on learning.

## **Application Process**

We assess a candidate's suitability through:

- (1) A personality-based interview;
- (2) A pedagogical proficiency-based interview;<sup>3</sup> and
- (3) A metacognition and emotional intelligence-based interview.

All candidates should receive written feedback following successful completion of the interview process. For more information, please see our Safer Recruitment Policy.

## **Right to Work Checks**

TLC conducts right-to-work checks on every work seeker we intend to supply to our clients to comply with immigration and equality laws. We will conduct a physical document check or an online check to establish a candidate's right to work. Where a right-to-work check is conducted using the online service, the information is provided in real-time, directly from Home Office systems and so there will be no requirement to see the documents listed below.

### ***Physical Right to Work Checks***

For physical document checks, we follow the three-step process set out in the [Home Office Guidance: An employer's guide to right-to-work checks](#):

#### *Step One:*

We obtain the work seekers' original documents. The work seeker must provide us with either one document from [LIST A](#) of the Home Office right-to-work checklist or any of the documents or a combination of documents from [LIST B](#) of the checklist. We only accept original documents. Photocopies or electronic scans are not acceptable.

#### *Step Two:*

We take reasonable steps to check that the document is valid and that the work seeker is the person named in the document.

For each document we complete the following checks:

- check any photographs are consistent with the appearance of the work-seeker;
- check any dates of birth listed are consistent across documents and that we are satisfied that these correspond with the appearance of the work-seeker;
- check that the expiry date for permission to be in the UK has not passed;
- check that the documents are valid and genuine, have not been tampered with and belong to the holder; and
- if given two documents that have different names, we ask for a further document to explain the reason for this. The further document could be a marriage certificate, a divorce decree absolute, a deed poll or a statutory declaration.

#### *Step Three:*

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<sup>3</sup> This requires prospective tutors to deliver a 15-minute mini-lesson to an interviewer who undertakes the role as a 'student'. This allows us to be confident in the tutor's subject-knowledge, content delivery, and student engagement. See Appendix 3.

We make a copy of the relevant page/s of the document in a format that cannot be subsequently altered. This can include a photocopy or a scan or where we take an electronic copy, this will be in a non-rewritable format.

Where the work-seeker has provided us with a passport, we will photocopy or scan the following: any page with the document expiry date, the holder's nationality, date of birth, signature, leave expiry date, biometric details, photograph and any page containing information indicating that the holder has an entitlement to enter or remain in the UK and undertake the work in question.

For all other documents, we make a clear copy or scan of the document in full, including both sides of a Biometric Residence Permit. All copies of documents taken will be kept securely for the duration of the work-seekers engagement with TLC and for two years afterwards. The copy will then be securely destroyed.

### **Online Right to Work Checks**

For online right-to-work checks we will follow the three basic steps set out in the [Home Office Guidance: An employer's guide to right-to-work checks](#):

#### *Step One:*

We use the Home Office online right to work checking service in respect of an individual and will only employ the person if the online check confirms they are entitled to do the work in question.

#### *Step Two:*

We satisfy ourselves that any photograph on the online right to work check is of the individual presenting themselves for work; and

#### *Step Three:*

We retain a clear copy of the response provided by the online right to work check (storing that response securely, electronically or in hardcopy) for the duration of employment and for two years afterwards.

### **ID Checks and Proof of Address**

In addition to the above right-to-work documents, we also require the work seeker to provide us with two documents to confirm their identity and proof of address. The type of documents that we accept is a driving licence (Provisional or Full), core utility bill, bank, mortgage or credit statement, and government document/letter which includes the work-seeker national insurance number.

Copies of documents will be taken and noted (physically or virtually) with the date the documents were checked. Copies will be kept securely for the duration of the work-seekers engagement with TLC and for at least 1 year after. The copy will then be securely destroyed.

### **References**

In accordance with Regulation 22 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (and the terms of the Crown Commercial Service (CCS) Framework), we require (at least) two references within the past two years.

- One reference must be from the work seeker's most recent employer.
- One reference must be from the work seekers' most recent education employer (if this is different from the above most recent employer)
- References must be from non-family members who give their consent for the reference to be forwarded to our clients.
- We will verify all references by contacting the referees directly, either by telephone or email. References will and must come from a verified work email address.
- References must be in a senior or managing position in relation to the candidate they are providing a reference for.

- Open references will only be accepted once they are verified by the original referee or the organisation of the original referee was a member.
- References from other employment businesses must, as a minimum, include dates of employment and details of any safeguarding issues if they are known.
- All references are available on request from clients at any time.

## **Vetting**

### **Rehabilitation of Offenders Act Declaration**

During the registration process, all work seekers are required to complete our Rehabilitation of Offenders Act Declaration and, as required for regulated sectors, disclose all spent and unspent convictions, subject to the filtering rules.

If a work-seeker discloses any convictions, TLC will consult with the Teacher Regulation Agency, or for Wales, the Education Workforce Council, and the REC's legal helpline to obtain advice and guidance on whether the work-seeker can work in the education sector.

### **Rehabilitation of Offenders Policy**

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order and using criminal record checks processed through the Disclosure and Barring Service (DBS), TLC complies fully with the DBS code of practice and undertakes to treat all applicants for positions fairly.

TLC undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

TLC can only ask an individual to provide details of convictions and cautions that TLC are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended), and where appropriate (Police Act Regulations as amended),

TLC can only ask an individual about convictions and cautions that are not protected.

TLC is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

TLC has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process.

TLC actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records.

TLC selects all candidates for interviews based on their skills, qualifications and experience. TLC ensures that all staff of TLC who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

TLC also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At the interview, or in a separate discussion, TLC ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of an offer of employment/assignment.

TLC makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.

TLC undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer to be represented by TLC.

### **Disclosure and Barring Service and Update Service Checks**

TLC requires all our work seekers to have an enhanced Disclosure and Barring Service (DBS) check which includes a check on the Children's Barred List.

We view and take a copy of the original DBS certificate and, with consent from the work seeker, carry out a status check on the DBS Update Service. We record details of the check and the date the check is undertaken on the work seeker's file. If the Update Service check states that there is new information, we will require the work seeker to apply for a new DBS certificate before proceeding with their registration.

If a work seeker wishes to register with TLC and they are not already on the Update Service, a new DBS check will be required, and we would encourage the work seeker to subscribe to the Update Service. If they do not subscribe to the Update Service, we will require a new DBS check to be undertaken at least once a year.

TLC will undertake repeat status checks on the Update Service at least once a year, or more often if required by our clients, but no more than four times a year. We always obtain the work seeker's consent to undertake a status check.

If the DBS check shows details of a conviction or caution, in line with the Rehabilitation of Offenders Act 2014, we must inform the school and send over a copy that clearly shows any and all convictions, cautions or reprimands.

Following the decision of the Department for Education to remove access to the stand-alone Barred List checking system for employment businesses from 1 April 2021, we cannot conduct this standalone check and we will not place any work seekers in a role without a full enhanced DBS check being completed. This check includes a Barred List check.

When reviewing a work seeker's DBS certificate, TLC will check that the certificate is for Child Workforce only and status checks on the Update Service will only be for Child Workforce.

The definition of 'work with adults', as set out in the Police Act 1997 (Criminal Records) Regulations is narrower than the definition of 'work with children' and refers to providing personal care to the adult. It is, therefore, not always the case that we will be entitled to view information relating to the adult barred lists. If there is any uncertainty as to whether a particular role is eligible for a criminal record check, we can use the [DBS eligibility tool](#) and, if necessary, obtain guidance from the DBS.

If a particular role is not eligible for an enhanced check against both the child and adult barred lists, we must not proceed with the check and if the work-seeker has an existing DBS certificate covering both child and adult workforce, we will require them to undertake a new DBS for child workforce only.

### **Overseas Police Checks**

All work-seekers who have lived and worked in a single overseas country for more than six months in the last five years must provide an overseas police check.

If the work seeker is unable to provide a police check from the relevant country (for example, if the relevant country does not provide police checks), TLC may accept a statement of good conduct from the work seeker's previous employer within the relevant country. We would require the statement to include confirmation that, to the best of their knowledge, the work seeker has no criminal convictions and that they know of no reason why the work seeker should not work with children.

If an overseas check is not viable, or we are unable to obtain a police check or a statement of good conduct TLC conducts a suitable risk assessment that supports and informs the decision making on whether to proceed with the application.

### **Qualifications and Early Career Teachers (ECTs) / Newly Qualified Teachers (NQTs)**

Where the client, legislation or any professional body requires the work seeker to have a particular qualification or authorisation to work in the position offered by the client, we will obtain copies of original qualifications and authorisations, and these will be available to our clients upon request.

Under the Education (School Teacher's Qualifications) (England) Regulations 2003, work-seekers being supplied into a teaching position must be qualified to teach. In addition to checking the qualifications, we will also check the teacher's qualified teacher status via the Teacher Regulation Agency online portal. Please see further details below.

## Referrals

TLC as an employment business is a 'personnel supplier' and has a legal requirement under the Safeguarding Vulnerable Groups Act 2006 to refer information to the DBS about individuals who have either harmed or been placed at risk of harm, a child or vulnerable adult.

Where TLC supplies or introduces a work seeker to a client, and the client subsequently removes the work-seeker from carrying out 'regulated activity' because the client believes that the person has engaged in 'relevant conduct' or the 'harm test' is satisfied, TLC must provide information to the DBS about this matter. Additionally, if TLC decides to withdraw our services from the work seeker because we believe that the work seeker engaged in 'relevant conduct' or that the 'harm test' is satisfied, we must provide information to the DBS about this.

'Relevant conduct' is defined as:

- Conduct which endangers a child or vulnerable adult or is likely to endanger a child or vulnerable adult;
- Conduct which, if repeated against a child or vulnerable adult would endanger or would be likely to endanger him;
- Conduct involving sexual material relating to children (including possession of such material);
- Conduct involving sexually explicit images depicting violence against human beings;
- Conduct of a sexual nature involving a child or vulnerable adult.

TLC has a duty to refer information to the DBS if the 'harm test' is satisfied, i.e., if TLC thinks that the person may:

- Harm a child or vulnerable adult;
- Cause a child or vulnerable adult to be harmed;
- Put a child or vulnerable adult at risk of harm;
- Attempt to harm a child or vulnerable adult;
- Incite another to harm a child or vulnerable adult.

To ensure compliance with the DBS referral rules, we have processes in place to ensure that all staff are aware of the legal duty to make a DBS referral where necessary and know the process for doing so.

## Fitness to Teach

To ensure compliance with the **Education (Health Standards) (England) Regulations 2002**, TLC will ask all work-seekers to advise us of any health or disability issues that they believe are relevant to the role and which make it difficult for them to carry out functions that are essential to the role.

If a declaration is made, with consent from the work seeker, we will obtain confirmation from the work seeker's doctor that the work seeker is fit to teach. If we are unable to obtain this confirmation we will not proceed with the registration.

If a teacher has been retired on medical grounds by the Department of Education after 1 April 1997, the teacher will not be able to teach as they have been considered medically unfit. However, if the retirement was before 1 April 1997, the teacher may be able to work if they can evidence that they have the health and physical capacity to teach. This can be achieved by obtaining confirmation, in writing, from a GP.

In these instances, they can only work a maximum of 2.5 days per week. This requirement only applies in England.

## **Disqualification**

In order for TLC to comply with our obligations under the Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) Extended Entitlement (Amendment) Regulations 2018, we must carry out appropriate checks to ensure that work-seekers are not disqualified from teaching. Under the rules, individuals can either be disqualified from carrying out work with children in their own right, or disqualified by association because they live with somebody, or have somebody working in their home, who is disqualified (See disqualification by association).

### *Disqualification by Association Checks*

Changes to the disqualification rules were introduced in 2018 and since then, disqualification by association only applies to those who work in childcare in a domestic setting, such as in a childminder's home (previously it applied in schools and non-domestic settings such as nurseries).

For roles involving childcare that is carried in a domestic setting only, we will require a disqualification by association declaration to be signed by candidates before we place them in any roles.

### *Disqualification Checks*

Disqualification checks are required for all candidates who are seeking work that involves 'relevant childcare roles', such as:

- provision of early years childcare;
- later years childcare in the nursery, primary or secondary school settings;
- staff directly concerned with the management of the above.

For candidates who do not work in these 'relevant childcare roles', we will not conduct disqualification checks. For example, the following roles are not covered, staff who:

- only provide education, childcare or supervised activity during school hours to children above reception age; or
- only provide childcare or supervised activities out of school hours for children who are aged 8 or over; and
- are not involved in the management of relevant provisions.

## **Continued Suitability**

In order to ensure that all work seekers registered with TLC meet safeguarding and suitability requirements on an ongoing basis, at least once a year we will conduct status and Teacher Regulation Authority/Education Workforce Council checks (subject to any shorter period imposed by a client).

Where a work seeker has not worked with us for a period of three to six months, we will conduct status and Teacher Regulation Authority/Education Workforce Council checks and obtain additional reference/s to cover the period in question. Where a work-seeker has not worked with us for over six months the registration process will be repeated in full.

**Schedule 2**

Question	Positive Indicators	Negative Indicators
<b>Motivation for working with children</b>		
<ul style="list-style-type: none"> <li>▪ What attracted you to teaching/this post/this school?</li> <li>▪ How do you think your own childhood may have influenced your own practice? <b>Possible follow ups:</b> How? Why? What is the impact/result?</li> <li>▪ Tell us about your interests outside of work.</li> <li>▪ What motivates young people?</li> </ul>	<p>Genuine interest in the education and welfare of children.</p> <p>Understanding of children's needs and expectations.</p> <p>Self-awareness of impact on others.</p> <p>Strong examples of own experiences dealing with children in an appropriate and developmental manner.</p>	<p>Wanting role to meet own needs <u>at the expense</u> of children's needs.</p> <p>Inappropriate language when talking about children.</p> <p>Weak or vague examples of past experiences.</p> <p>No self-awareness.</p> <p>Emotional immaturity.</p>
<b>Understanding of child protection principles</b>		
<ul style="list-style-type: none"> <li>▪ What do you think are the professional challenges facing school staff today? <b>Possible follow ups:</b> Have you experienced any of these? How did you deal with them? What do you do to avoid them?</li> <li>▪ What would you do if you were concerned about a colleague's behaviour towards children?</li> <li>▪ What makes a school a safe and caring place? <b>Possible follow ups:</b> How have you contributed to this?</li> <li>▪ What policies are important to support a safe environment? <b>Possible follow ups:</b> Why are these important?</li> <li>▪ What are staff's responsibilities in protecting children?</li> <li>▪ Tell us what you have done in the last 12 months to actually improve child protection in the workplace?</li> </ul>	<p>Awareness of child protection principles.</p> <p>Up to date knowledge of legislation and current policies and practices.</p> <p>Strong examples of own experiences of developing/ strengthening/ embedding child protection policies and/or practices.</p> <p>Proactive and committed to safeguarding – sees it as part of the day job, not an 'add on'.</p> <p>Prepared to challenge working practices and colleagues if necessary.</p> <p>Willingness and eagerness to work with others to improve safeguarding.</p>	<p>No awareness or appreciation of child protection principles or current legislation.</p> <p>Weak or vague examples of past experiences or involvement in child protection issues.</p> <p>Passive approach to safeguarding – only paying 'lip service' to it.</p> <p>Unwilling to challenge practice and procedure, or to make changes where necessary.</p> <p>Reluctance to work and share practice with others.</p>
<b>Boundaries and inappropriate behaviour</b>		
<ul style="list-style-type: none"> <li>▪ Give an example of where you have had to deal with bullying behaviour between pupils. <b>Possible follow ups:</b> What was the result? Who did you involve? What was the impact on other children? How did you know?</li> <li>▪ Give an example of how you have managed poor pupil behaviour.</li> <li>▪ Young people can develop 'crushes'. How would you deal with this? <b>Possible follow ups:</b> Have you had experience of this? How would/ do you avoid this?</li> </ul>	<p>Self-awareness of impact on others.</p> <p>Awareness of appropriate boundaries and behaviour.</p> <p>Appreciation of the differences in levels of appropriateness when dealing with adults and children.</p>	<p>Unclear about boundaries with children.</p> <p>Using inappropriate language when talking about children – e.g.</p> <p>Weak examples of past experience dealing with difficult or vulnerable situations.</p> <p>No appreciation of the importance of</p>



<ul style="list-style-type: none"> <li>▪ Give an example of how you have responded to challenging behaviour. <b>Possible follow ups:</b> How did it affect you emotionally? Why did you respond in this way? What impact did it have on their learning and interaction with other children/ you?</li> <li>▪ When do you think it is appropriate to physically intervene in a situation involving young people?</li> <li>▪ How do you define an appropriate staff – pupil relationship?</li> <li>▪ Give examples of what you would consider to be appropriate and inappropriate behaviour between or toward staff and pupils.</li> <li>▪ Tell us about how you have dealt with a child with 'difficulties'.</li> </ul>	<p>Appreciation of the challenges involved with working with children.</p> <p>Strong examples of own experiences dealing with difficult or vulnerable situations in an appropriate manner.</p> <p>Self-management when dealing with difficult or emotional situations.</p>	<p>boundaries and children's needs.</p> <p>Lack of self-awareness or self-management techniques when dealing with difficult or vulnerable situations.</p>
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Schedule 3: Interview Pedagogical-Proficiency Assessment Criteria

INTERVIEW FEEDBACK

Biology – Sexual/Asexual Reproduction



Student engagement	
<i>Is the candidate able to build a rapport with the students, to create an environment conducive to learning?</i>	
Strengths	Needs work
<ul style="list-style-type: none"><li>• Used the student’s name (bonus to ask pronouns as well)</li><li>• Came across as friendly and approachable</li><li>• Consideration for camera presence</li><li>• Introduction was great (one of the best we have seen)</li><li>• Confident command of the online learning space</li><li>• Encouraged and/or positively affirmed the student</li><li>• Built a strong, immediate rapport with the student</li></ul>	
Relevance of content	
<i>Is the candidate able to select appropriate content for the student’s academic progress in the context of the exam?</i>	
Strengths	Needs work

<ul style="list-style-type: none"> <li>• Referred to appropriate exam technique</li> <li>• Link taught content to the demands of the exam</li> <li>• Explicitly refer to the relevant subject specification</li> <li>• Explore appropriate exam technique</li> </ul>	<ul style="list-style-type: none"> <li>• Clearly outlined appropriate learning objectives</li> </ul>
<b>Delivery of content</b>	
<i>Is the candidate able to select and execute appropriate teaching practice(s) to completely engage the student with the content?</i>	
<b>Strengths</b>	<b>Needs work</b>
<ul style="list-style-type: none"> <li>• Chosen method of delivery successfully immersed students (liked the use of acronym).</li> </ul>	<ul style="list-style-type: none"> <li>• You: <ul style="list-style-type: none"> <li>○ Suggest external media (e.g., YouTube, TV shows, movies)</li> <li>○ Demonstrate real-world application of subject</li> </ul> </li> </ul>
<b>Clarity of communication</b>	
<i>Is the candidate able to articulate themselves clearly?</i>	
<b>Strengths</b>	<b>Needs work</b>

<ul style="list-style-type: none"> <li>• Spoke and navigated the content at a reasonable pace</li> <li>• Enunciated sufficiently for the student to understand</li> <li>• Explained concepts in a simple and understandable manner</li> </ul>	<ul style="list-style-type: none"> <li>• Used media (e.g., PowerPoint or Whiteboard) to explain points in a clear and useful manner (was not necessarily needed as you had a confident command of explaining. There is a way to share screen on your iPad while also having your laptop join so you can be seen just in case. Having a visual means to see what you should be writing/drawing can be useful to the student, but admittedly having a balance of your method where the student is forced to interpret it themselves is also effective).</li> </ul>
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**Value as a TLC Scholar**

*Is the candidate able to exhibit qualities that exemplify the values of TLC?*

<b>Strengths</b>	<b>Needs work</b>
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<ul style="list-style-type: none"> <li>• Demonstrated an awareness of emotional intelligence</li> <li>• Demonstrated an awareness of the benefits of mentorship</li> <li>• Demonstrated a sense of self-awareness and the ability to self-critique in the context of teaching</li> <li>• Demonstrate an understanding of what constitutes a constructive piece of feedback</li> <li>• Demonstrated experience and/or understanding of the benefits of mentorship</li> </ul>	
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**Additional comments**

<b>Strengths</b>	<b>Needs work</b>
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- Fantastic appreciation of the brief and understanding of what the student may need before attending the tutorial. Really listened to the notes and onboarded more information from the initial chat that we had in the lesson.
- Asked for the student's name (good to do even if you know it as it may have a different pronunciation to expected; for a more inclusive bonus, you can ask for pronouns: e.g. can be asked by saying your own name and pronouns and asking back "Hi, my name is Ayesha and I use she/her pronouns; could you say your name and pronouns?").
- Great attitude to the lesson as well as a lovely energy.
- The level of questioning was perfect, and we really appreciated the use of giving time to students to think about questions. This is particularly beneficial for students who may be neurodivergent who may need some extra time to think about and centre their thoughts.
- Amazing level of interaction and positive reinforcement.
- Great understanding about navigating difficult situations and conflict, especially noticing how to not take things personally. This is a great perspective that we encourage Scholars to take.
- Had actionable ways of how you implement things outside of the specification/find content that would make the core subject more interesting to the student.
- Fantastic reflection on checking in on the student and realizing that they might say they are understanding/doing it, but not necessarily so.

- Could benefit from some initial learning objectives at the start of the tutorial.
- Some use of whiteboard/PowerPoint could be useful.

Schedule 4: Risk Assessment for Overseas Tutors

**Risk Assessment for staff and tutors who have lived or worked overseas**

**Introduction**

Keeping Children Safe in Education 2023 states that *“Where this [overseas] information is not available schools and colleges should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.”*

This form can be used to assist in assessing and recording the risks of allowing someone to work for, or on behalf of, The Learners Collective where the concerned individual cannot provide a police check or Enhanced DBS equivalent from the overseas country they have lived or worked in as outlined in KCSIE 2023 above. This risk assessment must be undertaken in conjunction with the Safer Recruitment Policy and the Recruitment and Selection Policy and Procedures.

The completion of this risk assessment form is the responsibility of the Talent Acquisition Lead. It must be authorised by the Managing Director and the Designated Safeguarding Lead before the person can start teaching or working with children. This completed risk assessment form must be placed on the individual’s personnel file or other appropriate file and made available for internal and external audit.

Tutors and staff will only be allowed to work for, or on behalf of, The Learners Collective when all relevant risks associated with onboarding the tutor as well as safeguarding mitigations in place have been considered. This form should only be used in circumstances where a Tutor is not able to provide an overseas check: an overseas check should always be requested at the first instance.

**Please note: if anything detrimental is highlighted during this risk assessment, the candidate’s application should be rejected.**

Candidate's Name.....

Post Applied For.....

Country/Countries where check is required.....

1. Did the applicant submit a fully completed application form including, all previous employment and gaps in employment?	Yes		No	
2. Did the applicant declare any criminal convictions, bind-overs, cautions, reprimands or police investigations which might lead to a conviction, orders binding them over or cautions in the UK or any other country?	Yes		No	
If yes, are these convictions relevant to the work that they are being employed to undertake?	Yes		No	
If yes, are these convictions of a serious nature i.e. offences against children / vulnerable adults / violent or sexual offences etc?	Yes		No	
If yes, please state details				
.....				
.....				

3. Did the applicant declare that they had been subject to any disciplinary investigation or action, including suspension?	Yes		No	
If yes, please state details ..... ..... .....				
4. Has an Enhanced DBS check (including children's barred list information) been completed and to a satisfactory standard?	Yes		No	
5. Has the candidate's identity been verified?	Yes		No	
6. Have employment references been obtained in line with KCSIE guidance?	Yes		No	
7. Do the individual's references give any cause for concern?	Yes		No	
If yes, please state details..... ..... .....				
8. At interview, did the individual say or do anything which gave cause for concern, in relation to allowing them to commence work before a Disclosure is received?	Yes		No	
If yes, please state details..... ..... .....				
11. Will the individual have access to, or opportunity to commit an offence against a child?	Yes		No	
12. Has a check of the Children's Barred List been made?	Yes		No	
What precautions or measures can be put in place? The tutor's lessons can be supervised by a member of the safeguarding team to ensure that the risk of a safeguarding incident occurring is minimised. The lessons are recorded and regularly reviewed.				
13. Are you satisfied the risk of possible offending can be minimised by ensuring that satisfactory supervisory measures listed above can be implemented?	Yes		No	

What was the reason for the Tutor not being able to provide an overseas check?	
How long had the individual lived or worked overseas?	
The age of the person and how much of their lifespan was spent overseas/what age were they when the spent time overseas?	
Age of criminal responsibility for the relevant country?	
What were the reasons for them being overseas?	
Have they declared any information with you relating to previous criminal convictions or related to the harm of a child? If yes, impact on job requirements of offending behaviour / convictions?	
Have there ever been any complaints or concerns raised about this person's work with children?	
What contact will the individual have with children? (face to face; 1:1; group etc).	
Frequency of contact with pupils? (daily; weekly, etc)	

Will the tutor be in a position where they could build relationships?	
Are there clearances/barring from any other source?	
Taking account of all factors above, please analyse whether the risk is <b>Significant, Moderate, Minor</b> or <b>Insignificant</b> ; your reasons for this assessment (and your recommendations):	
Reasons for your decision:	

Assessing risk Significant risk examples:

- Never lived in the UK.
- Returned from being abroad within the last year, and they spent more than 3 months abroad.
- Returned from being abroad within the last 5 years, and they spent over a year abroad.
- Employment history, overseas criminal record check (or lack thereof), interview and references haven't given you clear or sufficient information about their time abroad.
- Never worked with children or in an educational setting

Moderate risk examples:

- Last overseas (for longer than 3 months) more than 5 years ago, they've lived in the UK for at least 5 years and have had a DBS check within the last year, but information about their time abroad is patchy.
- Have been teaching in the UK for less than 5 years, and they've received positive references from previous UK employment in educational settings or with children.
- Have lived or worked in 2 or more overseas countries (not in an educational setting or with children)

Minor/insignificant risk examples:

- Once lived abroad but they've now lived in the UK for more than 10 years, and the wider recruitment process has raised no other concerns.
- Have worked in an educational setting or with children abroad, and you have references from these employers.
- Provided a history of employment from their home or overseas country.

Note: this list is not exhaustive, and some applicants may have circumstances that fall within different risks. The final risk outcome will be determined by the recruiter and will need to be approved by the DSL and Managing Director.

### **DECLARATION BY MANAGING DIRECTOR**

Please tick **one** of the following statements

	<p>I have considered the questions outlined above, and <b>I am not satisfied</b> that it is safe to allow the above-named individual to commence work with The Learners Collective</p>
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**OR**



·	I have considered the questions outlined above and confirm that <b>I am satisfied</b> that it is safe to allow the above-named individual to commence work with The Learners Collective, subject to the safety measures detailed above being in place
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I confirm that I have notified relevant and appropriate staff that the individual is still subject to clearance and of the need to ensure the above measures are implemented.

I confirm that I have explained to the individual concerned the implications of commencing work prior to clearance being received and the possibility that disciplinary action including summary dismissal may result if it is subsequently discovered that the individual did not disclose any material facts relating to their employment.

**Signed:** .....

**Print Name:** .....

**Date:** .....

**DECLARATION BY DESIGNATED SAFEGUARDING LEAD**

Please tick **one** of the following statements

·	I have considered the questions outlined above, and <b>I am not satisfied</b> that it is safe to allow the above-named individual to commence work with The Learners Collective
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**OR**

·	I have considered the questions outlined above and confirm that <b>I am satisfied</b> that it is safe to allow the above-named individual to commence work with The Learners Collective, subject to the safety measures detailed above being in place
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I confirm that I have notified relevant and appropriate staff that the individual should commence work with the mitigations above.

**Signed:** .....

**Print Name:** .....

**Date:** .....