

Build-a-Future

Main Road, West Ashby, Horncastle, Lincolnshire, LN9 5PT 01507 524015
DBS Recruitment Policy



Education is the Foundation to Build-a-Future
Company Reg N°: 4521396



Flow Chart

Part One

Safer Recruitment to Protect Children & Vulnerable Adults

The establishment of the Criminal Records Bureau

Part 2

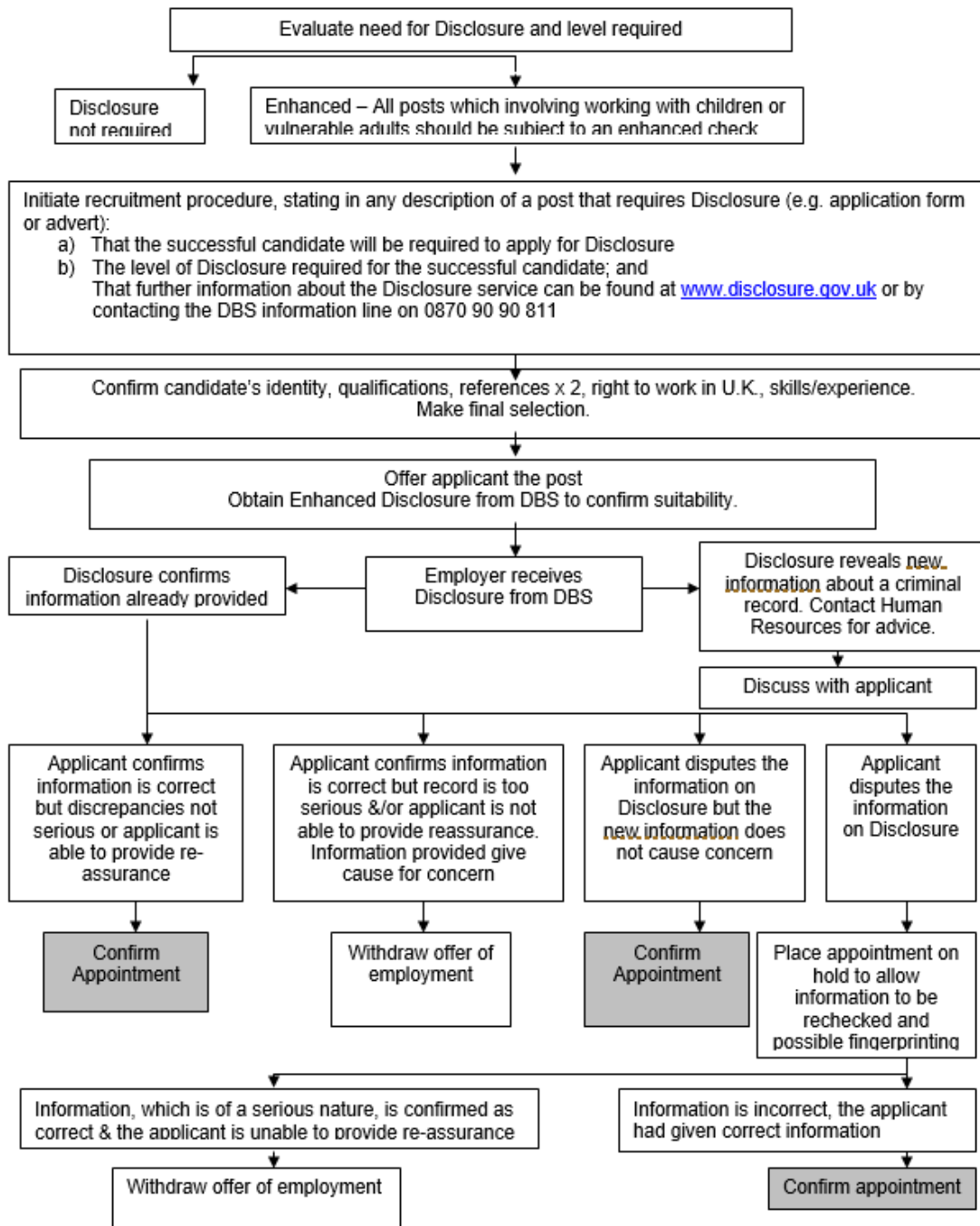
Policy Statement on the Recruitment of Ex-Offenders

Date: April 2017

Review Date: April 2019



Criminal Records Bureau



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Introduction

Build-a-Future as a registered body undertakes criminal record disclosure checks via the Disclosure and Barring Service (DBS) for potential employees, volunteers and workers, and for some other partner organisations and voluntary groups.

The level of check undertaken by Build-a-Future will be appropriate for the post/ type of work (paid or unpaid) to be undertaken and Regulated Activity will be used as the main determining factor for undertaking a disclosure check.

1. Policy Statement

Build-a-Future will undertake Disclosure and Barring Service (DBS) checks to:

- Provide protection for students and vulnerable adults against those who might wish to harm them.
- Protect the interests of Build-a-Future from those who may not be considered suitable, in accordance with the law, to work in certain occupational areas.

Build-a-Future is committed to preventing discrimination or any other unfair treatment against any employees, potential employees or voluntary workers on the grounds of offending behaviour that does not create risk to children or vulnerable adults.

2. Scope of Policy

The policy applies to all individuals whose role meets the criteria for a DBS check, regardless of the type of employment contract (e.g. temporary, casual, voluntary, fixed term, zero hours etc.)

3. Legal Background

Applications for DBS checks are made under the terms of Part V of the Police Act 1997 and the enabling provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 for the purpose of asking exempted questions.

This enables spent convictions to be disclosed and taken into account when considering an applicant's suitability for work with children, vulnerable adults or in certain specified positions.

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The Ministry of Justice advises that organisations should not insist that a Disclosure check forms part of a recruitment exercise or bid when tendering for contracts, unless the services provided meet the criteria for an eligible Disclosure check as defined by the exceptions.

In addition to the Police Act 1997, the following legislation is also relevant to the application of Disclosure information:

- Rehabilitation of Offenders Act 1974
- Education Reform Act 1998
- Teaching and Higher Education Act 1997
- Protection of Children Act 1999 (POCA)
- Criminal Justice and Court Services Act 2000
- Care Standards Act 2000 – Protection of Vulnerable Adults Scheme (POVA)
- The Education Act 2002

The Safeguarding Vulnerable Groups Act 2006, as amended by the Protection of Freedoms Act 2012, introduced criminal offences in relation to the engagement of barred persons and the provision of information relating to individuals. If an offence in relation to the Act is committed by a corporate body and is proved to be committed with the consent or connivance of, or to be attributable to neglect on the part of a director, manager or other similar officer of the body or a person acting in this capacity, this will result in fines and possible imprisonment.

4. DBS Disclosures

The DBS provides access to Disclosure checks for employment-related and voluntary appointment purposes. Disclosure checks help Build-a-Future to make informed decisions about the suitability of candidates for a particular position.

Build-a-Future undertakes the following actions when carrying out a DBS Disclosure check in accordance with DBS guidelines:

- Deciding whether a Disclosure check is required.
- Issuing a Disclosure application form to the individual.
- Requesting a Disclosure check.
- Using the Disclosure check information to confirm whether the appointment can proceed.
- Recording the Disclosure check outcome.

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5. Responsibilities

The responsibilities of Build-a-Future are:

- To determine whether a post is subject to a Disclosure check, with or without Barred List checks.
- To initiate the request for a Disclosure check by issuing the Disclosure application forms, including guidance to the preferred candidate.
- Where responsible for issuing the Disclosure application forms, to ensure that identification verification is carried out in accordance with the guidance on information required.
- To send a DBS form for the successful candidate to Lincolnshire Teaching and Learning Centre.
- To liaise with candidates who have failed to return the Disclosure application form.
- To meet candidates where serious convictions are disclosed to verify the accuracy of the information and discuss the Disclosure check outcome with Lincolnshire Teaching and Learning Centre.
- To ensure that any additional information provided by local police forces under the disclosure is not disclosed to the candidate or any other individual not involved in the recruitment process.
- To ensure that individuals are not employed without the appropriate Disclosure check subject to provisions on starting without checks.
- To determine whether, in exceptional circumstances, the risk exemption provisions can be implemented to allow a candidate to commence an appointment (with restricted activities) before Disclosure clearance has been obtained.
- To ensure that Build-a-Future comply with all the requirements detailed in this policy including maintaining appropriate records.

6. Levels of Disclosure

There are 3 levels of Disclosure:

Standard Check

To be eligible for a Standard level Disclosure check the position must be included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975. A Standard Check discloses spent and unspent convictions, cautions, reprimands and final warnings.

Enhanced Check

To be eligible for an Enhanced level Disclosure check, the position must be included in both the ROA Exceptions Order and in Police Act Regulations.

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An Enhanced check discloses spent and unspent convictions, cautions, reprimands, final warnings plus 'approved' information from local police records, but there is no information provided from the Independent Safeguarding Authority (ISA) Barred Lists.

Enhanced plus Children's and / or Adults barred list checks.

To be eligible to request a check of the Children's or Adults Barred lists, the position must meet the post-September 2012 definition of Regulated activity. There a small number of other positions for which these checks can also be requested, therefore reference must be made to the most recent Eligible Positions guidance.

An enhanced check with barred list checks discloses spent and unspent convictions, cautions, reprimands, final warnings plus 'approved' information from local police records, and the Independent Safeguarding Authority (ISA) Barred lists.

If an individual will be working in regulated activity with both children and adults, a check of both barred lists will be required.

Approved Information

Approved information is information held on local police records, which does not form part of a person's criminal record. It is often called 'non-conviction' information. Each Chief Constable decides what, if any, non-conviction information is released in response to an application for an Enhanced disclosure.

7. Regulated Activity Relating to Children

Build-a-Future will require a Disclosure for all individuals who work in roles that are considered as Regulated Activities.

Regulated Activity is work that a barred person must not do. In relation to students, regulated activities comprise:

1. Unsupervised activities: teaching, training, instructing, caring for or supervising students or driving a vehicle only for students.
2. Work in a limited range of establishments i.e. 'specified places' with opportunity for contact, but not work by supervised volunteers.

Work under (1) or (2) is Regulated Activity only if done regularly.

Regular means carried out by the same person:

- Frequently (once a week or more often)

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- On 4 or more days in a 30-day period (or in some cases overnight)

The following establishments are Specified Places in relation to children and those individuals working within these establishments will be engaging in regulated activity:

- Build-a-Future
- Schools
- Pupil referral units
- Nursery Schools
- Institutions for the detention of children
- Children's homes
- Children's centres in England
- Childcare premises (including nurseries)

8. Appointments which may not require Disclosure checks

Posts that involve no more than a minor degree of face-to-face contact with students or vulnerable adults or which will be subject to direct supervision are unlikely to qualify for a Disclosure.

Examples might include:

- People who are on site before or after hours when students and/ or vulnerable adults are not present.
- Visitors who have business with Centre staff or contact with a student or vulnerable adult which does not fall within the scope of regulated activity and where a member of staff will be present.
- Visitors who go onto site only to carry out repairs or service equipment.
- Building contractors who will only have contact with students or vulnerable adults on an irregular basis for short periods of time or are working on a work site that is segregated from the main establishment.
- Students on work experience.

This is not a definitive list and should be considered as a guide only. In all cases consideration should be given to the level of risk involved when determining if a Disclosure check is required. In making such assessments, the Centre reserves the right to make a judgement as to whether a Disclosure check, at an appropriate level, is required.

9. Agency Staff and Contractors

It is Build-a-Future's responsibility to inform the agency, contractor, or any other source of non-employed personnel, that a current DBS Disclosure is required.

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The providers of agency staff have specific legal obligations relating to the provision of agency staff and contractors. The centre is responsible for ensuring that any framework contracts for the provision of Agency staff require providers to have in place the same levels and standards for pre-employment checks as the Centre but the ultimate responsibility still rests with the Centre.

Build-a-Future must undertake all reasonable checks to ensure that individuals employed through agencies/ via contracts for service who are undertaking a post in the Centre or delivering a service to the Centre where an individual should be checked, have undergone a Disclosure check at the appropriate level.

The agency/ contract worker will be required to produce their original DBS Disclosure certificate before commencement of their employment with the regulated service along with proof of identity. Build-a-Future will be required to note the DBS Disclosure number and date of issue and the serial number of the ID document provided. This information must be retained for inspection, but the Centre may not retain a copy of the disclosure form.

When employing Agency staff the Centre will stipulate when ordering that a current DBS Disclosure is required to work in various posts connected students and vulnerable groups.

The Disclosure must have been undertaken by the Agency/ Contractor:

- Upon commencement of their agency employment.
 - Within 3 years for employees with continuous employment with the agency or contractor.
10. Informing Job Applicants, Employees or Voluntary Workers that their appointment is subject to a Disclosure Check

Build-a-Future's application process (for paid or voluntary work) will inform candidates whether they must disclose 'spent' convictions as appropriate. The fact that a check is required for a post will be stated in the recruitment advertisement information. In addition, the level of check required for a particular post will be confirmed to applicants.

Applicants for posts requiring a disclosure check will be required to provide photographic proof of identity, e.g. passport or driving licence, on the day of interview.

Applicants will be informed that failing to disclose a 'spent' conviction for an 'exempt' post/ profession under the Rehabilitation of Offenders Act (ROA) 1974 will be considered an act of Gross Misconduct under the centre's disciplinary procedure if they are subsequently

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appointed to a post. In some cases failure to disclose a 'spent' conviction may be a criminal offence.

11. Commencing Employment prior to Receiving Disclosure Information

Normally candidates may not start working in the appointment until a Disclosure check that is satisfactory to the Centre has been obtained.

However, in exceptional circumstances this may be permitted, for instance when not allowing a person to commence employment prior to clearance would:

- Cause severe disruption to service provision.
- Impact on statutory staffing requirements.
- Mean that Ofsted and Care Quality Commission requirements for regulated services would not be met.

In these instances Build-a-Future can authorise the employee to start work before a Disclosure check is received by completing the appropriate risk exemption. Decisions must be taken on an individual basis. Build-a-Future is responsible for compliance with up to date safeguarding legislation and guidance.

For posts which are subject to the Protection of Children Act a pre-employment Children's List (previously called List 99) check must be undertaken.

For posts that are subject to the Protection of Vulnerable Adults Scheme a pre-employment Adult-First (previously called PoVA) check must be undertaken.

Build-a-Future must ensure that arrangements to manage the candidate's access to students or vulnerable adults are appropriately supervised.

The offer of employment to the individual and any subsequent employment arising from the offer will be conditional and subject to a Disclosure check that is satisfactory to the Centre. Normally, this should be completed during the employee's probationary period. Where clearance is not returned during this period, employment can continue only if the probationary period is extended in writing.

12. Arrangements for Applicants with Criminal Records

Applicants with criminal records should be treated according to their merits and subject to any special criteria for the appointment, for example, caring for children and vulnerable adults which debars some in this category.

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A criminal record may not in itself prevent a person being appointed but reference should be made to the appropriate legislation.

When the Centre receives a Disclosure check that indicates that the individual has a criminal record which would debar a person from appointment or indicate that they may pose a risk, the Centre will investigate the accuracy of the criminal record with the candidate.

In such circumstances an objective review will be carried out in accordance with the Centre's procedures.

13. Candidate Provisionally Selected for a New Appointment

Where Build-a-Future has made a conditional offer of appointment subject to DBS clearance and other pre-employment checks and the Disclosure information received might mean that the candidate presents a risk to students or vulnerable adults the candidate will be rejected.

The job description and/or person specification should identify where the post holder is required to be suitable to work with students and/or vulnerable adults. The candidate will be rejected because he/she is unable to meet one or more areas of the job description/ person specification. The applicant will be informed of this decision in writing.

A decision to appoint the candidate where there is evidence of conviction for a serious offence must be approved in writing by the person responsible for safeguarding.

14. Voluntary Workers in Relation to their Current Appointment

Where a voluntary worker appointment falls within the definition of Regulated Activity and is a position eligible for a DBS check, this must be undertaken prior to the individual commencing.

An individual must not start in a volunteer role unless a satisfactory DBS Disclosure has been obtained. If a potential volunteer discloses a conviction or the DBS check reveals a record the objective assessment process must be followed to determine if the individual can or cannot undertake the volunteer placement.

Where the objective assessment process indicates that the candidate may present a risk to students or vulnerable adults, the voluntary worker should be informed of this decision and any offer of appointment withdrawn.

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A decision to retain the voluntary worker where there is evidence of a conviction for a serious offence must be approved in writing.

15. Disclosure Checks for Other Groups Work Placements

The disclosure level assessment process should be used to determine if a DBS check is required for Over 16's seeking to undertake a work placement.

Consultants

A self-employed consultant/ interim engaged to work in a placement involving contact with students, young people and/or vulnerable adults or within an eligible position is required to have a disclosure check at the appropriate level before starting an engagement.

If the consultant/ interim is engaged via an agency or consultancy organisation the agency/ organisation is responsible for undertaking the required disclosure check. The agency must provide the centre with proof of disclosure before a consultant/ interim is used.

Where the Centre engages an individual directly in a self-employed capacity in a placement involving students, young people and/or vulnerable adults the Centre will require a disclosure check to be carried out at the appropriate level.

Where it is intended to allow a self-employed consultant/ interim to commence before a clear disclosure check is returned the Centre must follow the risk exemption process.

Where the disclosure of a self-employed consultant/ interim reveals a trace an objective assessment must be undertaken. A decision to retain the consultant/ interim must be approved in writing.

Casual/ Supply/ Agency Workers/ Contractors

Where agencies or contractors are registered with the DBS, they must provide the Centre with proof of registration before any agency workers are used or any services are commissioned for which a disclosure check is required. In addition an agency or contractor will be required to supply details of its policies and processes, including objective assessment procedures, which must be agreed with the Centre before any services can be commissioned.

Build-a-Future should assess the risks of contractors on the site, including the possibility of their forming a relationship with students or vulnerable adults. In an emergency it may not be possible to guarantee that a contractor's employee who has been checked will attend. In

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all cases appropriate measures should be taken, such as supervising the operative and keeping students and vulnerable adults away from the work area.

16. Handling and Using Disclosure Information

The Centre complies with the DBS Code of Practice, the Data Protection Act and minimum standards established by regulatory bodies relating to the safe handling, use, storage, retention and disposal of Disclosure information.

17. Barring from specified employment

In addition to information about criminal records the DBS will provide information on whether the individual is included on:

- List 99 (a list of individuals considered unsuitable for working with children held by the DfES)
- Protection of Children Act List (POCAL) (a list similar to List 99 but held by the Department of Health)

18. Disqualification under the Criminal Justice and Court Services Act 2000 (CJCSA)

Apart from assessing a person's suitability for a post to the LA's own satisfaction it is important to have the above information because, under the Criminal Justice and Court Services Act the following are offences:

- Where an individual who has been disqualified from working with children knowingly applies for, offers to do or accepts or does any work in a 'regulated position'
- Where an individual knowingly offers work in a 'regulated position' to a disqualified individual or fails to remove an individual from such work.

Meaning of 'disqualified' under the CJCSA An individual is disqualified from working with children for the purposes of the CJCSA if he is included on either List 99 or POCAL, or if he has been disqualified from working with children as part of a sentence (this information will be shown on the criminal record).

19. Meaning of 'regulated position'

Appendix 1 sets out those positions which are 'regulated positions' within the meaning of the CJCSA.

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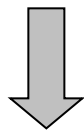
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20. Ensuring your recruitment records are complete – flowchart

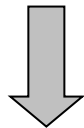
1. Step One

Ask the individual if they can provide the evidence you are missing,
e.g. evidence that a DBS/List 99 check has been undertaken.



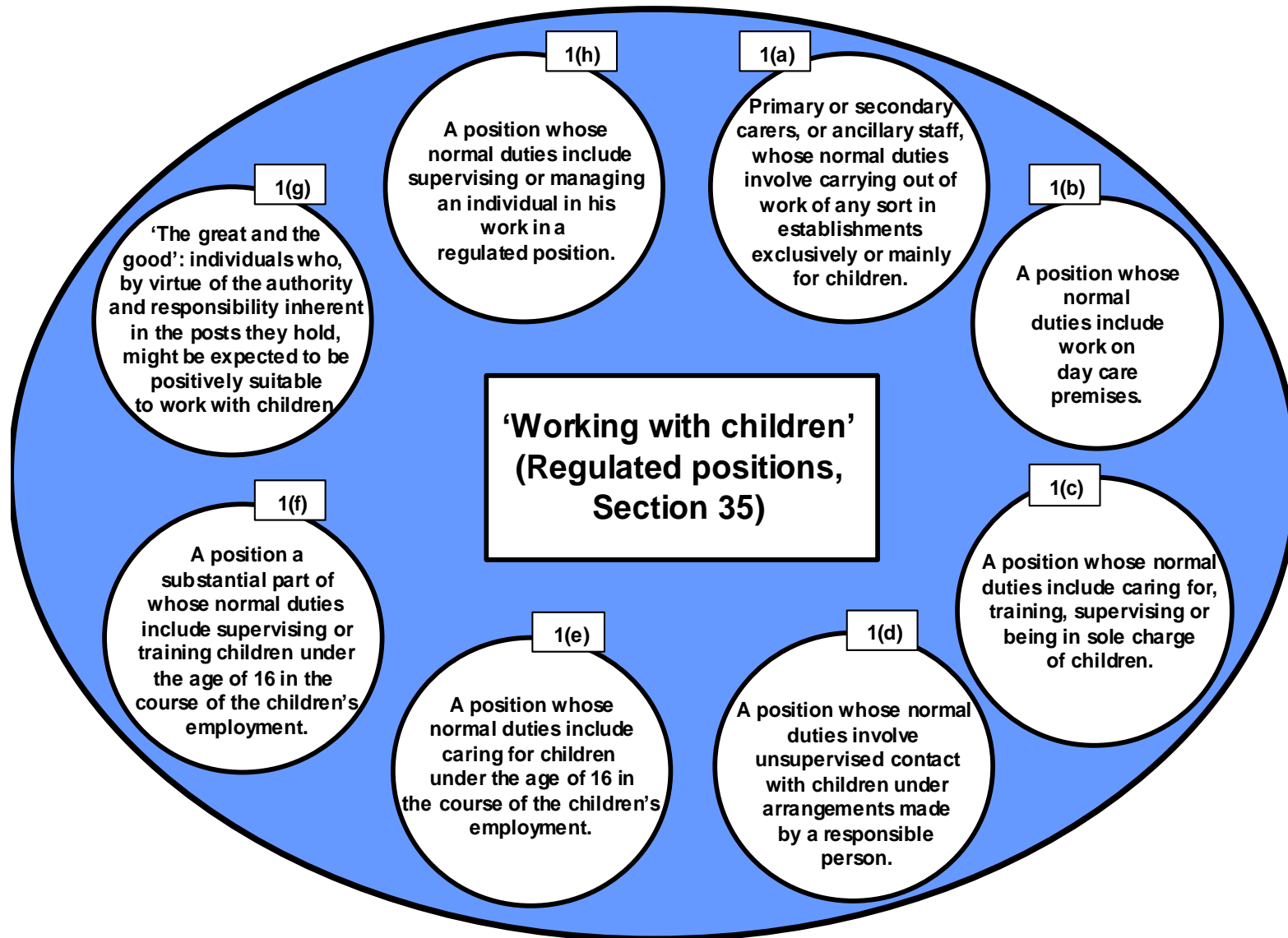
2. Step Two

If the individual is unable to provide this evidence, contact Human Resources to enquire if
a copy of this evidence is available.



Step Three

If Step One and Step Two reveal no evidence of a DBS/List 99 check, for those staff
appointed since March 2002, a full DBS check will be required.



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Appendix 2

Build-a-Future Training Centre

POLICY STATEMENT ON THE RECRUITMENT

OF EX-OFFENDERS

CHILDREN & YOUNG PEOPLES HUMAN RESOURCES VERSION FOR SCHOOLS AND EXTERNAL USERS OF THE DBS SERVICE

1. As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Build-a-Future complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions within the Council or for organisations outside the organisation fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
2. Build-a-Future 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 dependants, age, physical/mental disability or offending background.
3. We have written a policy on the recruitment of ex-offenders, which is made available to all individuals who are required to complete a Criminal Records Bureau disclosure.
4. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We strongly recommend that decisions to shortlist all candidates for interview are based on the candidates' skills, qualifications and experience.
5. A Disclosure must only be requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. Appendix 1 contains an indicative list of posts subject to disclosure. This list is not exhaustive and may be amended from time to time. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs must contain a statement that a Disclosure will be requested in the event of the individual being offered the position.
6. Where a Disclosure is to form part of the recruitment process, we strongly recommend you encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person on the selection panel and we guarantee that this information is only seen by those who need to see it as part of the recruitment process.
7. We will ensure that those Officers involved in the recruitment process will be suitably informed as to how to identify and assess the relevance and circumstances of offences.
8. Unless the nature of the position allows the organisation to ask questions about a potential employees' entire criminal record, we only ask about "unspent" convictions as defined in the Rehabilitation of Offenders Act 1974. All jobs working with children or vulnerable adults will require a potential employee to disclose full details of their

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- criminal record as they are subject to the Rehabilitation of Offenders Act (exceptions amendment order).
9. At interview, or in a separate discussion, we strongly recommend 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, may lead Children & Young Peoples Human Resources to advise you to withdraw an offer of employment.
 10. We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.
 11. We undertake to discuss any matter revealed in a Disclosure with the person seeking the position before advising the withdrawal of a conditional offer of employment.
 12. Having a criminal record will not necessarily bar someone from working within the organisation. This will depend on the nature of the position and the circumstances and background of the offences.

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Appendix 1

Examples of positions current subject to police checks:

This list is only indicative of the types of posts subject to disclosure. This list is not exhaustive and may be amended from time to time. N.B. it is mandatory for all new employees (i.e. new to the Local Authority or to working with children) to have an Enhanced DBS Check. If someone has had a break in service for 3 months or more, they will need to be re-checked.

21. EDUCATION		
Enhanced	Standard	
√		TRAINERS
√		DIRECTORS
√		MANAGERS
√		ASSISTANT MANAGERS
√		CHILD CARE ASSISTANTS
√		NURSERY NURSES
√		CRECHE WORKERS
√		SCHOOL COMMUNITY LINK WORKERS
√		YOUTH WORKERS
√		FAMILY SUPPORT DEVELOPMENT WORKERS
√		INSTRUCTORS
√		CARETAKERS
√		TECHNICIANS

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√	LEARNING MENTORS
√	AFTER SCHOOL TUTORS
√	SUPPORT ASSISTANTS
√	ESCORTS (SCHOOL TRIPS)
√	READING ASSISTANT
√	OUTREACH WORKER
√	CLASSROOM ASSISTANT
√	CHAPERONE
√	DETACHED WORKER – YOUTH SERVICE
√	TUTORS (READING)
√	RESIDENTIAL SOCIAL WORKER
√	VISITOR LIAISON OFFICER
√	TEACHING ASSISTANT
√	YOUTH SERVICE VOLUNTEERS
√	STEPS ASSISTANT
√	NURSERY OFFICER
√	TRAINERS
√	EDUCATION WELFARE OFFICER
√	RESIDENTIAL CHILD CARE OFFICER

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√		EDUCATION PSYCHOLOGIST
√		LIBRARIANS
√		LUNCHTIME SUPERVISORS
√		SCHOOL CROSSING WARDENS
√		EARLY YEARS ASSISTANT
√		PRIMARY/SECONDARY SCHOOL ASSISTANT
√		PRIMARY/SECONDARY SPECIAL ASSISTANT
√		LEARNING SUPPORT ASSISTANT
√		CARE ASSISTANT
√		BI-LINGUAL NURSERY WORKER
√		LEARNING SUPPORT ASSISTANT
√		CLASSROOM MENTOR
√		COMMUNITY YOUNG CHILDRENS SERVICE
√		ADVISERS
√		LITERACY/NUMERACY CONSULTANTS
√		WORK-START TUTORS
√		ATTENDANCE OFFICER
√		BUILDINGS AND SITE MANAGER
√		BUILDINGS OFFICER

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√	BUILDING SUPERVISORS
√	ASSISTANT CARETAKER
√	CLEANER
√	SUPERVISORY ASSISTANT
√	WELFARE ASSISTANT
√	WELFARE - PLAY SUPERVISOR
√	TRAINEE TECHNICIAN
√	WHOLE SCHOOL ASSISTANT
√	COVER SUPERVISOR
√	EXAM INVIGILATOR
√	VOLUNTEERS (in an educational setting)
√	HIGHER LEVEL TEACHING ASSISTANT
√	SCHOOL GOVERNORS
√	ALL OTHER POSTS INVOLVING WORKING WITH CHILDREN AND YOUNG PEOPLE