



## Recruitment & Selection Policy

<b>Board Approved Date</b>	March 2023
<b>Version</b>	1.3
<b>Author Initials</b>	MS/GA
<b>Review Date</b>	March 2026

*(This policy supersedes all previous Recruitment & Selection policies)*

## CONTRACTUAL POLICY

### Amendments

Policy Date	New Version Number	Summary of change	Comments
March 2022	V1.2	Current legislation update	
March 2023	V 1.3	No Changes	

### Union Consultation

Date	Action (meeting, email etc)	Comments	Attendance
10/07/17	Meeting with Union Reps		UNISON, GMB, NASUWT, ATL, NUT

# CONTRACTUAL POLICY

## Contents

1.	Introduction .....	4
2.	Scope and Purpose .....	4
3.	Safer Recruitment .....	5
4.	Advertising .....	5
5.	Job Description and application form .....	6
6.	Short-listing .....	6
7.	Interviews .....	6
8.	Other selection methods .....	6
9.	Level of language proficiency .....	7
10.	Pre- employment checks .....	7
11.	Disclosure and Barring Service – new employees and volunteers .....	8
12.	Disclosure and Barring Service - existing employees and volunteers .....	9
13.	Agency staff .....	10
14.	Breaches of the policy .....	11
15.	Record keeping and data protection .....	11
16.	Review of policy .....	11
17.	App 1: Disqualification from Childcare information for new employees .....	12

## CONTRACTUAL POLICY

### 1. Introduction

- 1.1 Recruiting the best people to our Trust is vital for our continued success in providing the highest standards of education to our pupils.
- 1.2 Not appointing the right people to our roles can have a negative impact on the performance of our Trust.
- 1.3 The Headteacher/Business Manager/Chief Executive Officer is responsible for deciding on the arrangements to recruit to any post, with the exception of the Chief Executive Officer role where the Board will be responsible.
- 1.4 In carrying out our recruitment processes we are committed to the creation of a safe environment for our pupils by operating safer recruitment practices in line with the statutory requirements and guidance.
- 1.5 We are also committed to ensuring that throughout our recruitment and selection processes no applicant is disadvantaged or discriminated against because of the protected characteristics of age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation.
- 1.6 In the very exceptional cases where we are required to discriminate due to an occupational requirement, (for example a need for a particular applicant gender for PE, or Teaching Assistant roles) this must be approved by the Head/Business Manager/Chief Executive
- 1.7 If an applicant makes the Trust aware, at any stage of the recruitment process, that they have a disability then reasonable adjustments must be considered to ensure the applicant is not disadvantaged by the process.

### 2. Scope and Purpose

- 2.1 The purpose of this policy is to set out our processes for recruiting, selection and appointing any employee to working within our Trust.
- 2.2 Sections 10 and 11 on Disclosure and Barring Service checks also applies to volunteers in the Trust.

### 3. Safer Recruitment

- 3.1 The recruitment of all employees and volunteers to our Trust must, without exception, follow the processes of safer recruitment.
- 3.2 Any person involved in recruiting to our Trust must read the “Keeping children safe in education” 2019 produced by the DfE and our Trust’s Safeguarding and Child Protection Policy. These can be obtained from the Heads PA or administrator.
- 3.3 Any person who becomes aware that this policy is not being followed during recruitment must inform the Headteacher/Business Manager/Chief Executive Officer/Designated Safeguarding Lead immediately.
- 3.5 All of the checks described in Sections 10 and 11 must be carried out and have been determined as satisfactory before an applicant can start their employment in the Trust.

### 4. Advertising and recruitment agencies

- 4.1 The Headteacher/Business Manager/Chief Executive, will with respect to the recruitment authority detailed in the Trusts scheme of delegation, at their discretion decide how a role is to be advertised, and whether or not to use the services of specialist recruitment agencies.

### 5. Job Description and Application form

- 5.1 A job description will be required for all posts and will include a person specification.
- 5.2 All applicants are required to fill out our standard application form. CVs will not be

## CONTRACTUAL POLICY

accepted as substitutes for the standard application form but may be used in conjunction with it.

- 5.3 All offers of employment will be conditional upon receipt of at least two satisfactory written references. References will:
- (a) include the applicant's current or most recent employer and where an applicant for a teaching post is not currently employed as a teacher, will include the applicant's most recent employer as a teacher.
  - (b) ask the current employer for details of any capability proceedings in the previous two years, and the reasons for this. It is accepted that the Data Protection Act 2018 allows employers to refuse to disclose confidential information about an existing or former employer, and therefore this information may not be available
  - (c) be directly from the referee;
  - (d) not be accepted if they are 'to whom it may concern' letters;
  - (e) request information on the applicants' suitability to work with children and young people;
  - (f) be explored further with the referee and with the applicant during the interview if necessary.
  - (g) In order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after a conditional offer of employment has been made. It is accepted that the Data Protection Act 2018 allows employers to refuse to disclose confidential information about an existing or former employer, and therefore this information may not be available

### 6. Short-listing

- 6.1 Applicants will be short-listed against the requirements of the person specification. The outcome of the short-listing process will be recorded and retained.
- 6.2 The recruiting manager is responsible for scrutinizing the application forms and identifying any gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. A satisfactory explanation for any concerns must be obtained from the applicant during the interview process.

### 7. Interviews

- 7.1 A face to face interview must take place for all applicants to all posts. The use of video conferencing, Skype, Facetime or other similar technologies is acceptable for this purpose.
- 7.2 At least one person involved in the interview process must have passed the appropriate safer recruitment training.
- 7.3 Interviews should be conducted with a minimum of two interviewers, although these interviews can be conducted separately.
- 7.4 Any gaps in employment history or declaration of a criminal record must be explored further during the interview process.

### 8. Other selection methods

- 8.1 In addition to a face to face interview with the interview panel a variety of other selection methods may be used, such as:
- (a) Observation of teaching practice in our trust or in the applicant's current school or academy;
  - (b) One or more additional panel interviews (for example, a panel made up of pupils);
  - (c) A presentation;
  - (d) In tray exercises.

## CONTRACTUAL POLICY

### 9. Level of language proficiency

- 9.1 In accordance with Section 7 of the Immigration Act 2016, there is now a Public Sector fluency duty to ensure candidates have the necessary standard of spoken English (or English or Welsh in Wales) to be met by their public-facing staff. (For example, a teaching assistant required to communicate with pupils to support their learning, would be viewed as operating in a public-facing role).
- 9.2 The Trust will accept a range of evidence of spoken English language ability as follows:
- (a) competently answering interview questions in English
  - (b) possessing a relevant qualification for the role attained as part of education in the UK or fully taught in English by a recognised institution abroad
  - (c) passing an English spoken language competency test or possessing a relevant spoken English qualification taught in English by a recognised institution abroad (and from September 2017 GCSE)

### 10. Pre-employment checks

- 10.1 An offer of appointment to the successful applicant will be conditional upon the following:
- (a) receipt of at least two satisfactory written references (one of which must be their current or most recent employer);
  - (b) verification of the applicant's identity, preferably from current photographic ID and proof of address;
  - (c) verification of the applicant's medical fitness;
  - (d) verification of qualifications where relevant;
  - (e) verification of professional status where applicable. For teachers, this will include checking that the individual has the required teaching qualification and has successfully completed any statutory induction, if required, through the Teacher Services System;
  - (f) satisfactory enhanced DBS check (see Section 11);
  - (g) for management positions (including Governors/Trustees if they are involved in management), verification that they are not subject to a section 128 direction by checking the Teacher Services System.
  - (h) for teachers and other employees who hold QTS who are working in non-teaching roles, verification that they are not subject to a prohibition order by checking the Teacher Services System;
  - (i) for teachers, satisfactory check of the 'Teachers sanctioned in other EEA member states' list to determine any restrictions/sanctions that have been imposed in other EEA member states, through the Teacher Services System.
  - (j) a clear children's barred list check (except supervised volunteers);
  - (k) verification of right to work in the United Kingdom;
  - (l) any further checks where the applicant has lived or work outside of the UK including receipt of criminal record information from overseas;
  - (m) confirmation that the applicant is not disqualified or disqualified by association from providing childcare
- 10.2 All checks must be confirmed in writing, retained on the personnel file and

## CONTRACTUAL POLICY

recorded in the single central record (SCR).

### 11. Disclosure and Barring Service (DBS) checks – new employees and volunteers

11.1 The Trust will carry out DBS checks as follows for new appointments, before the employee or volunteer starts work:

Who?	Definition	Type of check
Employees who will be engaging in regulated activity	<p>As an educational institution which is exclusively or mainly for the provision of full- time education to children, Education South West is an establishment specified in the relevant legislation. Activity carried out in this establishment will therefore be regulated activity relating to children if it meets the definition in the relevant legislation, including that it is carried out:</p> <p>(a) Frequently (for example once a week or more); or</p> <p>(b) On more than three days in any period of 30 days.</p> <p>(c) Overnight</p> <p>Note – personal care of a child because of age, illness or disability including physical help with eating, toileting, washing, bathing or dressing is always regulated activity regardless of how frequently it is carried out.</p>	An enhanced DBS check with children’s barred list check will always be obtained
Unsupervised volunteers	As above	An enhanced DBS check with children’s barred list check will always be obtained
Supervised volunteers	Where an individual is a volunteer (e.g. carrying out activity that is unpaid) they will not be engaging in regulated activity if: They are being supervised by someone that is in regulated activity; and the supervision is regular and day to day (e.g. it is ongoing); and the supervision is reasonable in all the circumstances to ensure the protection of children (this may take into account for example, the age, number and vulnerability of children the individual is working with and whether other individuals are helping to look after them.	We will obtain an enhanced DBS for supervised volunteers. Enhanced DBS checks automatically include a barred list check when they are working with children

11.2 Under no circumstances may a new employee or unsupervised volunteer may be able to start before the enhanced DBS check has been received.

11.3 DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR). With the applicants consent we will photocopy their certificate which will be held for no longer than necessary and processed in line with the Data Protection Act 2018.

## CONTRACTUAL POLICY

11.4 Information relating to an individual's criminal record will only be shared with the relevant people to enable the Trust to make a decision about their suitability to work with children and young people. It will be held for no longer than is necessary and will be processed in line with the Data Protection Act 2018.

### **12. Disclosure and Barring Service (DBS) checks - existing employees and volunteers**

12.1 An enhanced DBS check may be carried out on any employee unsupervised or supervised volunteer where the Trust has concerns about an individual's suitability to work with children and young people.

12.2 DBS certificates will only be issued to the applicant. The Trust expects all applicants to produce the disclosure when requested to do so. Any existing employee who does not produce their DBS disclosure will be managed through the disciplinary procedure.

12.3 All existing employees are required to inform the Trust of any change in their criminal record. This includes convictions, cautions, arrests and police investigations. Action may be taken as a result of any change or any failure to inform the Trust of any change.

### **13. Agency staff**

13.1 In the case of agency staff, the Trust must ensure that the arrangement with the agency imposes an obligation on the agency to carry out all recruitment checks as set out in section 10, including DBS and children's barred list checks that the Trust would otherwise complete for its staff. The Trust must obtain written confirmation from the agency that these checks have been carried out and are satisfactory. This must be recorded in the single central record (SCR).

### **14. Breaches of the policy**

14.1 Any instances of this policy not being adhered to will be taken very seriously may lead to disciplinary action, including dismissal, being taken.

14.2 Any complaint in relation to this policy, including its application will be managed through the Trust's complaints policy or grievance policy (for existing employees).

### **15. Record keeping and data protection**

15.1 All written records of interviews, application forms and reasons for appointment for successful candidates will be held in line with the ESW Records Retention Schedule. All record in association with the non-appointment of candidates will be kept by the Trust for six months, unless a longer period can be justified by the Headteacher/Business Manager. All records will be treated as confidential and kept for no longer than necessary in accordance with the Data Protection Act 2018

### **16. Review of policy**

16.1 This policy is reviewed every three years or upon change of relevant legislation. We will monitor the application and outcomes of this policy to ensure it is working effectively.

### **17. Keeping Children Safe in Education – Disqualification Under the Childcare Act 2006 (updated 2018)**

When the new version of Keeping Children Safe in Education 2018 was issued during the summer, it was widely reported that Disqualification by Association was abolished and there was no longer a requirement to ask this question. This is true to a certain extent, but the only significant change in the requirements under this legislation, is that, schools can no longer ask if a person living with the applicant or member of staff is disqualified (unless the provision is on domestic residential premises).



## CONTRACTUAL POLICY

For staff who work in childcare provision or who are directly concerned with the management of such provision, the school needs to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009.

It is still a requirement to ask all staff who are covered by this legislation, to self-declare that they are not disqualified. **This is achieved by the applicant signing a self-declaration form, which must be kept in their personnel file**. Any reference to asking the applicant or member of staff to declare information about a person living in their household, has been removed from the self-declaration form.

This change applies to staff starting at the school or setting from September 1st 2018, and is not required to be done again on an annual basis but is required for any staff joining after this time.

The Childcare Act 2018 draws a distinction between a person caring for a child and a person supervising a child. Only those who are caring for children should be asked to sign the self-declaration. It is not appropriate to simply ask all staff to complete a self-declaration form.

### **Examples of supervising or caring:**

A teacher in the school sometimes covers at the after school club. They are providing care, so are covered by the legislation and would need to sign a self-declaration form.

The site manager goes around the school maintaining lights, fixtures and fittings. Whilst he comes into contact with children he/she is neither providing supervision nor care so is not covered by the legislation, therefore does not need to sign a self-declaration form.

The school administrator occasionally pops down with messages to the staff member running the after school club. Whilst there she is asked if she could stay for a few minutes whilst the club leader leaves the room. There is another member of staff present to care for the children. The administrator is supervising the children, not caring for them (unless she is asked to provide personal care), so is not within the scope of the legislation and would not need to sign a self-declaration.

**CONTRACTUAL POLICY**

**Keeping Children Safe in Education – Disqualification Requirements**

**Self-Declaration**

Under the Childcare Act 2006 and The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (“the 2018 Regulations”). Schools are responsible for ensuring that all the staff they employ are subject to the appropriate checks. Therefore, as part of our employment checks, we need to ask those who are applying for a role within our school to provide relevant information, by way of self-declaration.

**Name**

.....

**Post**

.....

**School**

.....

The following are grounds for disqualification from working with early years children or later years children under the age of eight years; or being directly concerned in the management of that childcare:

- The person is included on the Children’s Barred List;
- The person has been cautioned for or convicted of certain violent and/or sexual criminal offences against children and/or adults;
- Certain grounds relating to the care of children, including where an order is made in respect of a child under the person’s care, for example where the person is the subject of an Order, direction or similar in respect of childcare, including orders made in respect of their own children’
- The person has had their registration refused or cancelled in relation to childcare or children’s homes or is disqualified from private fostering;

**I have read and understood the above grounds and declare that (please tick):**

I am not disqualified from working with children, none of the above criteria apply to me

**OR**

I have been disqualified from working with children, one or more of the above criteria apply to me\*.  
*\*I understand that if I tick this box that I will be asked to provide further details*

**AND**

I understand that should any of the grounds listed above become applicable and/or change during the course of my work with the school that I must declare this to the school as soon as I become aware.

**Signed** .....

**Date** .....

Any information given will be completely confidential and will be considered only in relation to a post to which the Disqualification Regulations apply. <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006>