

Trust Recruitment & Selection Policy

| Policy Version Control | |
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| Policy type | Academy Trust |
| Policy prepared by (name and designation) | Nick Blackburn CEO |
| Last review date | May 2017 |
| Description of changes | Updated Issue following new recommendations, harmonisation of all schools and the change of name of the Trust. |
| Date of Board of Directors approval | 30 th June 2017 |
| Date released | 3 rd July 2017 |
| Next review date | Summer 2018 |

PART A RECRUITMENT AND SELECTION POLICY

1. INTRODUCTION

- 1.1 People are our principal asset and it is through their individual and collective performance that the Trust and its schools are able to achieve their aims. Good quality recruitment and selection is, therefore, essential, whether filling short-term temporary posts or the most senior key position.

- 1.2 Recruitment and selection should be approached systematically, ensuring that not only is the most suitable person selected, but that statutory requirements in relation to matters of safeguarding and equality are adhered to.

- 1.3 This policy has been updated to reflect recent changes in legislation including the latest advice from Keeping Children Safe in Education (KCSIE 2016), the English Language Requirement for Public Sector Workers (the Immigration Act 2016) and Disqualification under the Childcare Act 2006 (including Disqualification by Association).

2. SAFER RECRUITMENT

- 2.1 It is the responsibility of the Trust Board and the Local Governing Body to prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required and ensuring volunteers are appropriately supervised. A full checklist of the statutory checks which should be carried out at the various stages of recruitment is included in the separate Managers Toolkit which has been developed to support this policy.

- 2.2 Any documentation issued by the Trust and its schools relating to the recruitment and selection process will include an explicit statement about our commitment to safeguarding and promoting the welfare of children that links to the Trust and its schools' Child Protection Policies and Procedures.

3. SCOPE OF THE POLICY

- 3.1 The policy and procedures will apply to the recruitment and selection of all posts within the Trust and its schools.

- 3.2 Guidance on the recruitment of volunteers is provided at paragraph 23.

4. RECRUITMENT AND SELECTION TRAINING

- 4.1 The KCSIE guidance (2016) refers to the School Staffing Regulations (2009) which require governing bodies of maintained schools to ensure that at least one person on any appointment panel has undertaken safer recruitment training.

- 4.2 While there is no statutory requirement for Academies to have any recruitment panel members trained it would be best practice to have at least one panel member who has undertaken training.

4.3 The NSPCC has developed an online recruitment training course in line with the KCSIE guidance (2016), this training course follows the safeguarding framework for England. Details can be found at help@nspcc.org.uk.

5. EQUALITY

5.1 In applying the policy and procedure, managers will not unlawfully discriminate in respect of any of the protected characteristics as defined under the Equality Act as specified below;

- Age
- Disability
- Gender Reassignment
- Pregnancy and maternity
- Race (including ethnic or national origins, colour and nationality)
- Religion and belief
- Sex
- Sexual Orientation
- Marriage and civil partnership

5.2 All employees will be appointed, trained and promoted on the basis of ability and the requirements of the job. Any exception will be by virtue of legislation or an Occupational Requirement.

Reasonable adjustments for disabled job applicants

5.3 The Trust and its schools will ask whether an applicant needs any reasonable adjustments for any part of the recruitment process. Further, if a candidate has indicated a disability on their application form, or the Trust or any of its schools becomes aware of it, or the candidate asks for reasonable adjustments to be made, the Trust or its schools will consider making them.

5.4 In many cases, reasonable adjustments are relatively simple and inexpensive to make:

- a candidate with a hearing impairment may need to clearly see the interviewer so they can lip read
- a candidate with limited mobility may need to know the 'accessibility routes' to the interview rooms in the building
- a candidate with dyslexia may need some additional reading time to familiarise themselves with materials used for a presentation.

5.5 In addition, all applicants who consider themselves disabled and who meet the essential criteria of the person specification will be granted an interview.

5.6 It is the responsibility of all of those involved in the recruitment and selection process to ensure that equality legislation is adhered to and unlawful discrimination is avoided.

6 ENGLISH LANGUAGE REQUIREMENT FOR PUBLIC SECTOR WORKERS IN CUSTOMER FACING ROLES

- 6.1 Part 7 of the Immigration Act 2016 creates a duty to ensure that all public authority staff working in customer-facing roles speak fluent English to an appropriate standard. This includes relevant staff working in Schools/Academies.
- 6.2 The government has produced a **statutory** Code of Practice to help employers comply with this requirement (this can be viewed at www.gov.uk "Code of practice on the English language requirement for public sector workers"). Further advice and guidance on how the requirement will apply to recruitment and selection is provided at **Appendix 1**.

7 DISQUALIFICATION UNDER THE CHILDCARE ACT 2006 – DISQUALIFICATION BY ASSOCIATION

- 7.1 On 26th February 2015 the government issued new statutory guidance regarding the above which Schools/Academies must comply with. The Keeping Children Safe in Education 2016 guidance also refers to this legislation. Further information and guidance on this requirement is provided at **Appendix 2**.

PART B RECRUITMENT AND SELECTION PROCEDURE

1. The procedure outlined below should be followed for the recruitment and selection for all posts within the Trust and its schools. A separate Managers Toolkit has also been developed to assist with the recruitment process which can be used with the policy.

2. **JOB DESCRIPTION**
 - 2.1 The job description and person specification are essential pre-requisites for effective recruitment and selection. Without these statements showing what the job entails, how and where it fits into the Trust or school structure and the personal requirements for it to be performed to a satisfactory standard, no further steps such as advertising or shortlisting should be taken.

3. **PREPARING JOB DESCRIPTIONS**
 - 3.1 It is important that job descriptions are written in sufficiently wide terms to cover not only the work which an employee will undertake immediately upon appointment, but also the range of work which may be involved in the longer term. It is good practice for job descriptions to be reviewed every time a vacant post is to be filled.

 - 3.2 The format of a job description should include:
 - job title;
 - grade;
 - responsible to (i.e. the person to whom the post holder reports);
 - responsible for (i.e. staff for whom the post holder is responsible);
 - a brief statement of the main purpose or function of a job (preferably in one sentence);
 - main job duties (this should be concise and always include provision for "such other duties as may be allocated from time to time, commensurate with the grade of the post" and "the post holder may also be required to undergo training in order to undertake duties of the post in an efficient manner").

 - 3.4 The job description should also clearly set out the extent of the relationships and contact with children and the degree of responsibility for children that the person will have in the position to be filled.

 - 3.5 It should also include the following paragraphs:
 - The post holder must carry out his/her duties with full regard to the Trust and its schools' Child Protection, Equalities and other relevant policies in the terms of employment and service delivery to ensure that colleagues are treated and services delivered in a fair and consistent manner.
 - That the post holder is required to comply with health and safety policy and systems, report any incidents/accidents/hazards and take pro-active approach to health and safety matters in order to protect both yourself and others.

- Any other duties of a similar nature related to the post, which may be required from time to time.
- That the post holder will be required to comply with all Trust and school policies, including the no smoking policy.

4. PERSON SPECIFICATION

4.1 Once the duties of a job have been identified by means of a job description, then the requirements necessary to do the job can be defined in a person specification. A person specification **must** be produced for **all** posts. Any existing specification should be reviewed and amended every time a vacant post is to be filled to take into account any changes to the job.

4.2 Person specifications fulfil a number of purposes, including the following:

- Listing the essential and desirable criteria which will be considered in the selection process;
- Assisting the preparation of job advertisements;
- Enabling prospective applicants to self select by assessing themselves against the requirements for the job;
- Providing a basis for determining selection methods (e.g. professional tests, interviews etc.);
- Providing a basis for determining core interview questions;

The person specification also needs to:

- Include the qualifications, experience and any other requirements needed to perform the role in relation to working with children;
- Specify how these criteria will be assessed i.e. the application form, at interview, tests, presentations, references etc. and an Enhanced Disclosure and check of the Children's Barred list via the Disclosure and Barring Service (DBS formerly the CRB), where relevant.

4.3 The requirements of the job should be broken down to those, which are essential, and those, which are desirable. The essential criteria should be the minimum criteria, which a candidate must have to undertake the duties of the post and failure to meet all of the essential criteria will constitute a valid ground for exclusion from a shortlist. Desirable criteria are those which although not essential could enhance job performance. Care should be taken to ensure these do not become subjective. The person specification will specify how the candidate meets each criteria i.e. at interview, application form etc.

4.4 The person specification should ensure that the essential and desirable criteria do not directly or indirectly discriminate on the grounds of any of the protected characteristics contained within the Equalities Act unless an Occupational Requirement can legally justify these. Care must be taken to ensure that only criteria which genuinely affect job performance are included and unnecessary or unjustifiably high standards (particularly in

relation to qualifications and experience) are not included i.e. ones which are over and above those required for the post.

5. ADVERTISING

5.1 The prime purpose of the job advertisement is to attract a suitable number of appropriately qualified people to apply for a vacancy and to achieve this in a cost effective way. The content of adverts must be factual, non discriminatory and should include:

- Job title and location;
- Hours of work;
- Description of the job;
- The essential/desirable qualifications and skills
- The rate of pay/appropriate pay scale for the post including the pro rata salary for part time posts;
- Details of any additional payments or allowances applicable;
- Any career or training opportunities where appropriate;
- Closing date for applications and if known the date of interview;
- Contact details for queries or further information;

5.2 In **addition** to the above adverts for **Teaching** staff should also include:

- The Trust's position on matching existing salaries for Teaching staff and the salary range of the post (in accordance with the Trust's Pay Policy for Teaching Staff)

6. APPLICATION PACK

6.1 When applying for a post with the Trust or any of its schools, all candidates should receive an application pack. This should include: -

- The application form;
- Information and explanatory notes for completion – including closing date for receipt of applications;
- The job description and person specification;
- Relevant information about the Trust and its schools, the recruitment process and relevant policy statements in terms of safeguarding, equality and the recruitment of ex-offenders;
- The Child Protection Policy Statement;

A checklist of what to include in application packs is included in the Managers Toolkit.

6.2 In **addition** to the above application packs for **Teaching** posts should also include:

- The Trust's Career Stage Expectations;
- The Trust's Pay Structure and a statement of how pay progression is linked to performance and annual appraisal;
- The Trust's position on salary matching and probationary salaries. An example statement is included in the Managers Toolkit.

6.3 Recruitment documentation will clearly specify which jobs are categorised under the Exceptions Order of the Rehabilitation of Offenders Act 1974 and (NI) Exceptions Order 1975 and which posts will be subject to disclosure and vetting via the DBS. It should also be made clear that the personal information provided on application forms will be used only for the reasons stated in line with the Data Protection Act. e.g. selection process or monitoring.

7. ACKNOWLEDGEMENT OF APPLICATIONS

7.1 For reasons of economy, applicants may be informed that acknowledging receipt of their application is only possible if they provide a pre-paid envelope or an e-mail address for this purpose. For similar reasons, it is acceptable to inform applicants they should regard their application as having been unsuccessful should they not be contacted after a certain date.

8. LATE APPLICATIONS

8.1 The advertised closing date for receiving applicants should be carefully set to allow a reasonable time in which potential applicants can respond. Applications received after the closing date has expired should, therefore, not normally be considered. However, there may be some limited cases where an exception can be considered, such as postal service disruptions, or other similar impediments.

9. SHORT LISTING

9.1 After the closing date for the receipt of applications has been reached, a preliminary assessment of all applications is necessary to establish those applicants who are to be interviewed. This should be done by comparing the applications against those elements of the person specification that have been specified as being essential. If, after doing this there are still more potential candidates than could reasonably be interviewed, applications should then be assessed against the desirable qualities of the person specification. If there are too few suitable candidates, consideration needs to be given to the person specification and the advert to establish if they were too restrictive, alternatively the method of attracting candidates may not have been adequate.

9.2 It is essential that shortlisting is an objective procedure. It may be necessary to demonstrate such objectivity at a later date should a claim be made on discrimination grounds. All applications should be kept for a minimum of at **least six months**, as should notes made giving reasons for and against shortlisting each applicant.

9.3 All candidates should be assessed equally against the criteria in the person specification without exception or variation.

9.4 All applications should be scrutinised carefully to ensure they are fully and properly completed. The information provided needs to be consistent and should not contain any discrepancies. Any gaps in employment should be identified.

9.5 Incomplete applications should not be accepted.

9.6 A shortlisting panel should consist of at least three people, with two being the minimum.

- Panel members are recommended to use a shortlisting pro-forma when undertaking shortlisting.
- The shortlisting panel should be the same individuals as the interviewing panel and all panel members will need to be involved in both the shortlisting process and the interview;
- Every application form, together with any other supporting documentation, should be seen by all those on the short listing panel;

- The short listing panel should work separately when assessing applications and establish their draft shortlist;
- The panel should then meet and agree a final shortlist of applicants to interview;
- Only applicants who, in the opinion of the panel, meet all essential criteria in the person specification should be shortlisted;
- If there are too many applicants who meet the essential criteria, the desirable criteria in the person specification should be considered. The panel can agree the desirable criteria that candidates will be matched against if they do not wish to use all desirable criteria;

9.7 Having shortlisted, a panel may decide that no applicant meets the essential requirements for the post. In this situation the job description and person specification should be reviewed before a decision is made to re-advertise.

9.8 In the event that only one applicant meets the essential requirements for the post, selection may continue as planned, or a decision may be taken to re-advertise. Whichever decision is taken, all shortlisted applicants should be appropriately informed, and advised whether they need to re-apply or not.

10. EMPLOYMENT HISTORY AND REFERENCES

10.1 The purpose of references is to obtain objective and factual information to support appointment decisions, including an applicant's suitability to work with children. It is important to obtain independent professional references that seek objective and justifiable information and not subjective opinion.

10.2 The Trust and its schools will seek two written references, one of which will be from the current or most recent employer and wherever possible at least one should be from a previous role where the applicant worked with children.

10.3 Ideally, references should be sought on all short listed candidates, including internal applicants (this may be more relevant in larger Schools/Academies or MATs), and obtained prior to interview. This allows issues to be explored with the referee in advance and with the candidate at interview. Any job offer will be subject to receipt of satisfactory references. In accordance with the Equality Act information asking about sickness absence and health should not be included on reference requests, this information will be picked up for the successful candidate at the pre-employment health screening stage.

10.4 A copy of the job description and person specification should be included with reference requests.

10.5 On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague. They should also be compared for consistency with the information provided by the candidate on their application form.

10.6 Any information about past disciplinary action or allegations should be considered carefully when assessing the applicant's suitability for the post.

- 10.7 All reference requests will ask:
- About the referee's relationship with the candidate i.e. if it is a working relationship, how long has the referee been working with the applicant and in what capacity;
 - Whether the referee is satisfied that the applicant has the ability and is suitable to undertake the job in question, specific comments about applicant's suitability for the post and how s/he has demonstrated that s/he meets the person specification;
 - Confirmation of details relating to the applicant's post and salary;
 - Specific verifiable comments about the applicant's performance history and conduct;
 - Details of any **live** disciplinary procedures/suspension to which the applicant is subject;
 - Details of any substantiated allegations or concerns that have been raised with the candidate that relate to the safety and welfare of children and young people and/or their behaviour towards children and young people. Allegations which were proven to be false, unsubstantiated or malicious should not be included in an employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.
 - In **addition** to all of the above reference requests for **Teaching** posts will also ask for details of any **non health capability procedures**, to which the applicant has been subject to within the last **two years** and the outcome;
 - A reference pro form should be used for all posts in order to ensure consistency. An example pro forma for both Teaching and non-Teaching posts is included in the Managers Toolkit.

- 10.8 Referees should be mindful that:
- They have a responsibility to ensure that the reference is accurate and does not contain any material misstatement or omission;
 - Any relevant factual content of the reference may be discussed with the applicant;
 - Under the Data Protection Act 1998, a candidate can ask to see information held about them – for example interview notes and references, or the full personal file if the candidate already works for the organisation. The Information Commissioner's Office at www.ico.org.uk has more information.

11. INVITATION TO INTERVIEW LETTER

- 11.1 The letter should include the relevant arrangements for the interview, i.e. the arrangements, directions to the venue and panel membership. Applicants should also be asked if they have any special requirements for the interview i.e. assistance with access etc.
- 11.2 It should also remind candidates how the interview will be conducted and the areas it will explore and should include details of the selection methods to be used i.e. children's panel, presentation and what facilities will be available on the day e.g. laptop, projector etc.
- 11.3 All candidates should be asked to bring their current driving license or passport (including a photograph), or full birth certificate, plus other documents i.e. a utility bill or financial statement showing the candidate's current name and address and any documentation relating to a change in name, where appropriate, for verification. The letter should stress that the identity of the successful candidate will be checked thoroughly and that they will

be required to complete an Enhanced Disclosure with Barred List application (where appropriate).

11.4 Candidates will also be asked to bring documents confirming any educational or professional qualifications relevant to the post and specified as essential or desirable (if used in shortlisting) on the person specification.

11.5 A copy of any documents used to verify the successful candidate's identity and qualifications will be kept on the personal file.

12. THE INTERVIEW

12.1 The interview should assess the merits of each candidate against the job requirements, and explore their suitability to work with children. The selection process for people who will work with children should always include a face-to face interview even if there is only one candidate.

12.2 The interviewing panel should consist of at least three people and in some cases, e.g. for senior or specialist posts, a larger panel might be appropriate.

12.3 The members of the panel should:

- have the necessary authority to make decisions about the appointment in accordance with the Trust's scheme of delegation. Appointment of Head Teachers, Deputy Head Teachers and Assistant Head Teachers will need to be ratified by the Trust's Board of Directors;

Panel members should meet before the interviews to:

- Agree the assessment criteria in the person specification;
- Agree the questions and key responses that are expected in advance based on the criteria in the person specification avoiding hypothetical questions where possible, from which panel members will not deviate;
- Agree the issues to be explored with each candidate at interview based on information provided (especially any gaps in employment history and any concerns/discrepancies arising from the information provided by the candidate or his/her referee);
- Agree which panel member will ask each question and that notes will be taken by all panel members to act as a record;
- Agree the scoring criteria which the candidates will be assessed against.

An example scoring matrix is included in the Managers Toolkit.

13. SCOPE OF THE INTERVIEW

13.1 In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel should also explore:

- Gaps in the candidate's employment history; and
- Concerns or discrepancies arising from the information provided by the candidate and/or a referee.

- 13.2 The panel should also ask the candidate if they wish to declare anything in light of the requirement for a DBS Disclosure.

14. TAKING NOTES DURING THE INTERVIEW

- 14.1 Panel members should record all relevant information provided by applicants, as this information will be needed to assess each applicant against the requirement of the job. Notes should be written up as soon as possible after the interview – recording relevant answers and detail, bearing in mind the provisions of the Data Protection Act 1998, which will enable the candidates to ask to see interview notes where they form part of a 'set' of information about the candidate.
- 14.2 Pupil involvement, or observing short listed candidates' interaction with pupils, is common and recognised good practice. i.e. asking candidates to teach a lesson, arranging for pupils to show candidates around the School (accompanied) or allowing pupils to meet short listed candidates.

15. DETERMINING TEACHERS' SALARIES ON APPOINTMENT

- 15.1 The Trust or Local Governing Body will determine the salary range for the vacancy prior to advertising it, with reference to the Trust's pay structure and policy. On appointment the starting salary will be determined for the successful candidate taking into account;
- The Equality Act, Equal Pay Act and other relevant employment legislation;
 - The nature of the post;
 - The Trust's Career Stage Expectations for the post;
 - The Trust's position on matching existing salaries for Teaching staff;
 - Market conditions and any recruitment/ retention or additional allowances to be attached to the post;
 - The wider school context;

Further advice is available from the Trust's HR Partner.

16. CONDITIONAL OFFER OF APPOINTMENT: PRE-EMPLOYMENT CHECKS

- 16.1 Any job offer must be conditional based on the following: -
- receipt of at least two satisfactory references (to confirm the successful applicant's previous employment history and experience);
 - verification of the successful applicant's identity;
 - verification that the successful candidate has the academic or vocational qualifications that where specified as essential or desirable criteria on the job specification. If the successful candidate cannot produce original documents or certified copies, written confirmation of his or her relevant qualifications must be obtained from the awarding body;
 - verification of the successful candidate's professional status where required e.g. QTS status, NPQH (National Professional Qualification for Headship);
 - verification of successful completion of the induction period for teaching posts (before being awarded QTS and for those gaining QTS after 7 May 99);
 - verification that the successful candidate has the health and physical capability for the job before the successful candidate takes up appointment, in line with the

Equality Act and requirement to consider reasonable adjustments for a disabled applicant;

- application to the Disclosure and Barring Service (enhanced and barred list check) where relevant;
- checks to confirm the right to work in the UK;
- a certificate of good conduct from relevant embassy for overseas staff; a prohibition check to see if a teacher has been issued with a prohibition or interim prohibition order. This can be carried out using the Teachers Services/Employer Access Online Service.
- a check that the person is not the subject of a suspension or conditional order imposed by the GTCE (prior to abolition) that is still current;
- a check that the person has not failed to successfully complete their induction or probation period;
- If working in a relevant setting confirmation that the person is not disqualified under the Child Care Act 2006, including disqualification by association.
- a check for a Section 128 direction which prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. * *More information from the DFE is provided below.*

**(The power to make such directions came into force on 8 September 2014, but a mechanism for carrying out checks was not immediately available. However, the DFE has now agreed procedures with the Disclosure and Barring Service (DBS) and the NCTL so that any s.128 directions made by the Secretary of State will show up on checks made with those bodies (the result will show only whether a direction exists for the person being checked, not information about directions made for other persons). For DBS, the existence of a s.128 direction will show only if a barred list check is made. Since DBS barred list checks can only be made if an individual is in regulated activity, the DFE have also arranged that the existence of a s.128 direction will also show if a check is made through the NCTL (which can be done whether or not the person concerned is a teacher).*

Trusts and schools should therefore use both methods of checking when making appointment from now on to any staff management position which involves regulated activity (which encompasses all teaching posts above classroom teacher, and all ancillary posts where the person is a member of the senior leadership team). For members of the proprietor body except the Chair (who continues to be checked by the Secretary of State as before), a DBS criminal record check is required, but these members will not in general be in regulated activity so a DBS barred list check is not available, and consequently only the NCTL check should be made to confirm whether a s.128 direction has been made. If a member of a proprietor body is in fact in regulated activity, then both routes should be used.)

Employers in England can now use NCTL Teacher Services/Employer Access online to check for restrictions/sanctions that have been imposed by regulators of the teaching profession in other EEA member states. This information will help employers when making recruitment decisions and should be carried out **in addition to all other safer recruitment pre-appointment checks as detailed in** KCSIE statutory guidance.

17. DBS CERTIFICATES/DISCLOSURE

- 17.1 From June 2013 the DBS will only issue a certificate to the individual and it is therefore the responsibility of the Trust or school to verify that the certificate is valid once it has been received. An Update Service has also been launched which allows individuals to subscribe to the service and re-use their DBS certificate for the same level and type of roles. Schools can also access the service for free, with the individual's permission, and check the status of the certificate on line.
- 17.2 For all posts where a DBS certificate is required the Trust and its schools **must** ensure that they see the certificate once the individual has received it and check that the certificate is valid.
- 17.3 A job offer can be withdrawn if the results of DBS checks/and or other pre-employment checks show anything that would make the individual unsuitable for the post that they have been offered.
- 17.4 All checks should be:
- Confirmed in writing;
 - Documented and retained on the personnel file in accordance with the Data Protection Act.
 - Followed up where they are unsatisfactory, or where there are discrepancies in the information provided;
- 17.5 A record must be kept to show that the above checks have been carried out for all relevant employees. The Trust and its schools will maintain a Single Central Record (SCR) on staff and others having access to children e.g. volunteers detailing the appropriate checks, when they were made and by whom, including identity, qualification requirements, entitlement to work in the UK and DBS barred list checks. All new employees should have their details entered onto the SCR.
- 17.6 Any concerns about an applicant's suitability to work with children, must be reported to the police and/or the Department for Education (DFE) and the Disclosure and Barring Service (DBS).
All pre-employment checks must be completed **before** the successful applicant starts work.

18. RISK ASSESSMENTS

- 18.1 The Trust and its schools recognises that there may be some limited and exceptional occasions when it is appropriate for an employee (or volunteer) to start in post prior to the return of the DBS certificate.
- 18.2 In cases where this is this is appropriate, the Trust and its schools must ensure that a DBS application form has been completed for the person concerned and submitted to the DBS, if required for the post they have been appointed to. The Trust and its schools should ensure that all other pre-employment checks are satisfactory and that appropriate supervision arrangements are in place for the individual until a satisfactory disclosure is received, taking into account the duration, frequency and nature of contact with children. The DBS certificate must be verified by the school once the individual has received it.

18.3 In addition the Trust and its schools should consider completing a risk assessment, which will document the above measures and any other deemed necessary for the period that the disclosure is pending.

19. REJECTION LETTERS

19.1 All the remaining shortlisted applicants should receive a courteous letter thanking them for their interest in the post and the time they made available during the appointment process. Alternatively, the unsuccessful candidates can be spoken to by a member of the Panel at the conclusion of the interview process.

20. RECORD KEEPING

20.1 The importance of accurate record keeping has been emphasised throughout this procedure and Panel members should ensure adequate notes are made at each stage and retained for reference in the event of a later enquiry. Information, which should be retained, is as follows:

- * Job Description;
- * Person Specification;
- * Job Advertisement;
- * Information Pack for Applicant;
- * Core interview questions;
- * Details of any other selection methods and criteria for assessment;
- * Application forms;
- * Shortlisting and other assessment forms;
- * Interview notes;
- * Applicants assessment forms;
- * References;
- * Any correspondence with candidates (except correspondence with the successful candidate which should be kept in their personal file).

20.2 All records and information relating to appointments should be kept for at least six months (the period in which a claim can be made in respect of discrimination). This should include all notes made at the initial interview stage, all of which should be kept secure and confidential.

21. PROBATIONARY PERIOD

Non-Teaching Staff

21.1 It is recommended that appointments of new non-Teaching staff are subject to a probationary period, normally of **six** months, although this can be extended in exceptional circumstances by mutual agreement.

Newly Qualified Teaching Staff

21.2 Newly qualified Teachers are required to undergo an induction period of supported development where performance against the Teaching Standards is assessed. The induction period is the equivalent of three school terms after which a recommendation is made on whether induction has been satisfactorily completed.

22. INDUCTION

22.1 The Trust and its schools will provide an induction programme for all newly appointed staff and volunteers, including teaching staff, regardless of previous experience. This is in addition to the statutory induction period required for newly qualified Teaching Staff. The purpose of induction is to:

- Provide training and information about the Trust and its schools' policies and procedures;
- Support individuals in a way that is appropriate for the role for which they have been engaged;
- Confirm the conduct expected of staff.
- Provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities; and
- Identify any concerns or issues about the person's ability or suitability at the outset and address them immediately.

22.2 The content and nature of the induction process will vary according to the role and previous experience of the new member of staff or volunteer, but as far as safeguarding and promoting the welfare of children is concerned the induction programme should include information about, and written statements of:

- Policies and procedures in relation to safeguarding and promoting welfare e.g. child protection, anti-bullying, antiracism, physical intervention or restraint, intimate care, internet safety and any local child protection and safeguarding procedures;
- Safe practice and the standards of conduct and behaviour expected of staff and pupils in the establishment;
- How and with whom any concerns about those issues should be raised; and other relevant personnel procedures e.g. disciplinary, capability and whistle blowing;

22.3 The programme should also include attendance at child protection/safeguarding training appropriate to the person's role. This training should be refreshed on an annual basis.

23. VOLUNTEERS

23.1 Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

23.2 Volunteers who on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in Schools/Academies, will be in regulated activity. The Trust and its schools will obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, the Trust and its schools may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

23.3 The Trust and its schools may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers. Employers are not legally permitted to request barred list information on a volunteer who, because they are supervised, is not in regulated activity.

- 23.4 The Trust and its schools will undertake a risk assessment and use their professional judgment and experience when deciding whether to seek an enhanced DBS check for any volunteer not engaging in regulated activity. In doing so we will consider:
- the nature of the work with children;
 - what the Trust and its schools knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
 - whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
 - whether the role is eligible for an enhanced DBS check.

The DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to enter, regulated activity.

24. AGENCY/SUPPLY WORKERS

Directly employed Supply workers

- 24.1 Supply staff directly employed by the Trust and its schools will be subject to the same safer recruitment practices as other staff.

Agency workers

- 24.2 Confirmation will be made with the supply agency that the relevant checks have been carried out and that they are satisfactory **before** the supply worker starts to work at the Trust and its schools.
- 24.3 The DBS check carried out on the supply worker will be checked to see if it contains any disclosed information and a copy of this will be obtained from the agency. Checks will be made to ensure the person who is supplied by the Agency is actually the person they have referred by carrying out identity checks (i.e. birth cert, driving licence, passport, evidence of address).

25. CHECKS FOR INDIVIDUALS OTHER THAN EMPLOYEES/VOLUNTEERS AND AGENCY STAFF

- 25.1 Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS. It is the responsibility of the governing body to apply for the certificate for any of their governors who does not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

Contractors

- 25.2 The Trust and its schools will ensure that contractors who provide services to them that give rise to contact with children carry out appropriate checks. The contractor is responsible for ensuring that sub contractors also follow the same procedures.
- 25.3 All contractors must provide a list of direct employees and those of any subcontractors before they start work on site.

Visitors to the Academy

- 25.4 Visitors will be required to sign in and out of the school and a member of staff or an appropriately vetted volunteer whilst on the premises will escort them.
- 25.5 DBS Disclosures are not required for visitors who will only have supervised contact with children on an ad hoc or irregular basis for short periods of time, or secondary pupils undertaking voluntary work or work experience in other schools. This also applies to: -
- Visitors who have business with the Principal or other staff, or who have brief contact with children with a member of staff present;
 - Visitors or contractors who come on site only to carry out emergency repairs or to service equipment and who would not be expected to be left unsupervised on School premises;
 - Volunteers or parents who only accompany staff and children on one-off outings or trips that do not involve overnight stays, or who only help at specific one-off events (e.g. a sports day, academy fete, open day etc.);
 - Secondary pupils on Key Stage 4 work experience in other academies etc.; secondary pupils undertaking work in another academy as part of voluntary service etc., Key Stage 5 or 6th form pupils (although the School / Academy is responsible for ensuring that each pupil is suitable for the placement in question);
 - People on site before or after school hours, or when children are not present e.g. local groups who hire premises for community or leisure activities, cleaners who only come in to the Academy after the children have gone home, or before they arrive;

26. EXTENDED SCHOOLS

- 26.1 Where services or activities are provided by the School, which are directly under the supervision or management of the School staff, the same arrangements for appointments, recruiting and vetting checks and record keeping will apply (i.e. for staff and volunteers).
- 26.2 Where a third party is responsible for running the services or is using the School site, there should be clear lines of accountability and written agreements setting out who is responsible for carrying out recruitment and vetting checks on staff and volunteers.
- 26.3 The written agreement should set out the respective responsibilities of the governing body and those of the provider or group in terms of health and safety, recruitment and vetting checks.
- 26.4 Child and user safety is paramount. Providers will need to demonstrate that they have effective procedures, training and vetting arrangements for their staff, appropriate child/adult ratios and contingency arrangements in place for emergencies or unexpected occurrences.

27. FURTHER INFORMATION

- 27.1 If there are any further queries on this policy, please contact the Trust's HR Partner.

Review date – Summer 2018

English Language Requirement for Public Sector Workers in Customer Facing Roles

What is the requirement?

Part 7 of the Immigration Act 2016 creates a duty to ensure that all public authority staff working in customer-facing roles speak fluent English to an appropriate standard. The Government has issued a statutory Code of Practice to help employers comply with this regulation. The code can be found at www.gov.uk "Code of practice on the English language requirement for public sector workers".

Who is covered?

Members of staff who, as a regular and intrinsic part of their role, are required to speak to members of the public in English are considered as working in a customer-facing role. This means that they must have a command of spoken English which is sufficient to enable the effective performance of their role. Either face-to-face or telephone conversations can bring a role within the scope of the act.

Reception staff, teaching staff and teaching assistants are likely to be covered. Facilities staff are unlikely to be. A higher level of competence may be required depending on the nature of the role and the profession of the employee. There is already a requirement under the Teachers Standards for Teachers to be fluent in English.

The fluency duty applies in respect of existing staff as well as to new recruits, permanent and fixed-term employees, apprentices, self-employed contractors and agency temps.

What is meant by fluency?

Employers must satisfy themselves that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether an existing or a potential new member of staff.

Fluency relates to a person's language proficiency and their ability to speak with confidence and accuracy, using accurate sentence structures and vocabulary. In the context of a customer-facing role, a person should be able to choose the right kind of vocabulary for the situation at hand without a great deal of hesitation. They should listen to their customer and understand their needs. They should tailor their approach to each conversation appropriate to their customer, responding clearly with fine shades of meaning, even in complex situations. **Fluency does not relate to regional or international accents, dialects, speech impediments or the tone of conversations.**

The Code of Practice refers to **The Common European Framework of Reference for Languages (CEFR)** as a useful descriptor of fluency levels.

Recruitment and selection - How can fluency be measured?

When recruiting for a post that has been identified as meeting the fluency requirement Schools/Academies can, but are not required to, specify a minimum spoken English qualification as long as it is above the Common European Framework of Reference for Languages, Level B1 (**more information on this is provided in the statutory Code of Practice**).

Many non-EEA migrants may have already passed a similar qualification for the purpose of their visa application and would therefore be able to provide evidence of this. Nevertheless, employers are free to satisfy the requirement through other means, such as a test or formal interview.

There are a number of ways a job applicant could demonstrate their fluency, including, but not limited to:

- competently answering interview questions in English;
- passing an English spoken language competency test or possessing a relevant spoken English qualification at CEFR Level B1 or above, taught in English by a recognised institution abroad;
- possessing a relevant qualification for the role attained as part of their education in the UK or fully taught in English by a recognised institution abroad;

Where job applicants are clearly fluent to the necessary standard for the role in question, no further action is necessary.

Job Adverts, Job Descriptions and Person Specifications

When recruiting for a role where the requirement will apply, Schools/Academies should specify this in the advert, job specification and job description. The example wording below is provided in the Code of Practice.

"The ability to converse at ease with customers and provide advice in accurate spoken English is essential for the post."

And

"An ability to fulfil all spoken aspects of the role with confidence through the medium of English."

Schools/Academies could change customers to read members of the public/pupils.

What about the Equality Act?

Schools/Academies must take into account their obligations under the Equality Act when considering their duty to ensure that each person in a customer-facing role speaks fluent English. The processes and methods used to determine whether a person has a command of spoken English for effective performance in the role must be fair and transparent.

It is unlawful to discriminate directly or indirectly against a person on grounds of race. Schools/Academies should ensure that people from particular nationalities or ethnic backgrounds, in a recruitment process or whilst at work, are treated in the same way as people from an English background.

The interview panel members will need to ensure that they understand the spoken language requirements for the role and that they evaluate candidates against clear criteria set out in the role specification.

What happens if the requirement is not met?

Members of the public can complain if they feel that a customer-facing employee has insufficient fluency in spoken English. A pupil and or their parent/carer or could complain. The complaint would then need to be investigated and responded to.

A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint about the fluency duty.

Members of staff who are the subject of a complaint should be notified of the complaint and the action being taken in relation to it. They should be given the opportunity, as soon as practicable, to give their own account of the facts leading to the complaint.

Disqualification Under the Childcare Act 2006

There are a number of reasons that a person may be disqualified from working with children, under the Childcare Act 2006. These may be grouped under the following general headings:

- Grounds relating to the care of children
- Offences against children
- Offences against adults
- Inclusion on the list held by the Disclosure and Barring Service
- Living on or working on premises where a disqualified person lives or where a disqualified person is employed (disqualification by association)
- Having registration refused or cancelled (this does not apply to a person whose registration as a childminder or childcare provider is cancelled in England for non-payment of fee after 1 September 2008)
- Offences include those committed overseas that, had the offence been committed in the UK, would disqualify that person from registration, regardless of how the offence is described in the law of the other country.

The Act and Regulations prohibit anyone who is disqualified themselves under the Regulations, or who lives in the same household as a disqualified person, from working in relevant settings, including in Schools/Academies. The latter is referred to as Disqualification by Association.

The requirements have been around for a number of years, and apply to registered childcare provision outside of Schools, but it's only since October 2014 that the DFE has made it clear that these also apply to Schools and Academies. The Statutory guidance for Schools/Academies about employing staff who have been disqualified from providing childcare can be found at www.gov.uk "Statutory guidance: Disqualification under the Childcare Act 2006".

The requirements apply on top of what schools do in relation to enhanced DBS checks and checks against the barred lists.

The DFE have advised that Schools/Academies should use their judgment when deciding which school staff are covered by the regulations. However, a summary is provided below.

Early years provision* – staff who provide care for a child up to and including reception age, both during and outside of school hours.

Later years provision (for children up to 8) – staff who are employed to work in childcare provided by the school **outside of school hours**, including breakfast clubs and after school provision.

Staff who are directly concerned in the **management of early or later years provision** – Schools/Academies will need to use their judgment to determine who is covered, this will include the head teacher, and may also include other members of the senior leadership team, any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision.

Volunteers and casual workers concerned in any of the above.

*Early Years means from birth until 1st September following a child’s fifth birthday i.e. up to and including reception age. Later Years means children under the age of 8.

| | DURING SCHOOL HOURS | OUTSIDE SCHOOL HOURS* |
|--------------------------------------|----------------------------|------------------------------|
| Reception age or younger | Covered | Covered |
| Older than Reception age until age 8 | Not Covered | Covered |
| 8 years or older | Not Covered | Not Covered |

What roles are not covered by the regulations?

- Staff who only provide education, childcare or supervised activity during school hours to children above reception age (including extended school hours for activities such as school choir or sports teams)
- Staff who only provide childcare or supervised activities out of school hours for childcare who are aged 8 or over
- Staff such as caretakers, cleaners, drivers, transport escorts, catering and office staff, who are not employed to directly provide childcare
- Most staff who are only occasionally deployed and are not regularly required to work in relevant childcare
- Anybody involved in any form of health care provision for a child, including school nurses, and local authority staff, such as speech and language therapists and education psychologists
- School governors and proprietors are not covered as an outright role

It is an offence for an employer to knowingly employ someone when they should be disqualified. Ofsted have the power to enforce the prohibition on employing a disqualified person and if necessary to initiate a prosecution against the School/Academy.

Although there is no duty on a School/Academy to monitor the ‘suitability’ of persons living in staff households, Schools/Academies do need to check with staff that they are not living with a person that is disqualified from working with children.

If a member of staff is living in a household with someone who is disqualified, then they too are disqualified from working with children by association. This applies to household members including partners, children including foster children, house share colleagues and

lodgers.

However, there are two points to bear in mind:

First the person is not guilty of an offence if they do not know a person they are living with is disqualified. For example, a member of staff may live in shared housing and may not have any knowledge about the people they live with including whether those people are disqualified. Neither the member of staff nor the employer has any legal requirement to seek this type of information.

Second the law is clear that this is about **“knowingly”** employing someone who is disqualified. Schools/Academies who regularly ask staff to confirm there are no changes in their circumstances and act on any information received that brings into doubt a staff member’s suitability are taking appropriate steps to make sure they do not knowingly employ someone who is disqualified.

With this in mind Schools/Academies may wish to consider undertaking the disqualification check on an annual basis for existing staff that the regulations apply to.

What should Schools do?

The DFE has said that Schools are responsible for putting in place arrangements to obtain the necessary information to ensure the suitability of staff to work in early years and childcare. **This applies to both existing staff/volunteers and any newly appointed staff/volunteers.** In the DoE **statutory guidance**, there are a number of key points about what schools should do:

- Make staff covered by the regulations aware of what information will be required and how it will be used to make decisions about disqualification.
- Take steps to gather sufficient and accurate information (although a self-disclosure form isn’t mandatory). Any questions must be relevant and limited to the requirements of the legislation.
- Ask relevant questions which are limited to the requirements of the legislation. In particular, this includes any cautions or convictions that they have for a relevant offence (that are not yet filtered), and whether they or anyone living or employed in their household is named on the DBS Children’s Barred List. It can also include asking about cautions or convictions for offences covered by the regulations which are not yet spent under the Rehabilitation of Offenders Act 1974.
- Inform staff that they are not required to disclose the spent cautions or convictions of a person who lives or is employed in their household.
- Keep a record of those staff covered by the regulations, and the date disqualification checks were completed.
- Retain personal information that is relevant to disqualification on the personnel file.
- To identify cases where a staff member covered by regulations may be disqualified ‘by association’, schools must ask those staff to provide, to the best of their knowledge, information about someone who lives or is employed in their household.

- Schools must be certain that any information provided is adequate, accurate and relevant, and where information is provided in error, or is not relevant, it should be destroyed. This would include an unspent conviction of a partner for an offence which is not listed as a relevant offence, or a spent conviction of a partner (regardless of the offence).
- Explain to any individual falling within one of the disqualification criteria how to make an application for a waiver.

What Schools cannot do

The statutory guidance also includes key points about what schools cannot do:

- Schools/Academies must not knowingly employ a person who is disqualified under the regulations in relevant childcare provision.
- Schools/Academies should avoid asking for medical records, details about unrelated or spent convictions of household members, DBS certificates from third parties, or copies of a person's criminal record.
- Schools/Academies should not ask staff or third parties to make requests for their criminal records, as this will amount to an enforced subject access request which will be an offence under section 56 of the Data Protection Act from 10th March 2015.
- Substantive details of criminal record checks should not be retained and information that is not relevant should be destroyed.

A self-disclosure form is not mandatory. A sample form is included in the Manager's Toolkit. This form can be used for new starters, existing staff and volunteers. For existing staff/volunteers it is recommended that it is updated on a regular basis e.g. annually.