

RECRUITMENT AND SELECTION POLICY AND PROCEDURE

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Reviewed and ratified by: Audit, Risk & Resources Committee

Signed by Trust/Committee Chair

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POLICY

1. Purpose

The purpose of this policy is to ensure that the Trust employs and promotes the most appropriate employee and/or job applicant in a fair and consistent manner, free from discrimination. This policy must be read and applied in line with the Trust's Equality, Diversity & Inclusion Policy, and Data Protection policies.

This policy sets out the key considerations that must be adopted into organisational practice. It aims to balance the various requirements for effective and safe recruitment. The process must be carried out economically and without any undue delay, bearing in mind the number of statutory checks required. The process aims to secure suitable, appropriately qualified candidates for any given role. The Trust does not employ anyone who is unsuitable to work with children and/or potentially poses harm to them.

2. Scope

This policy covers all current employees and applicants for employment with the Trust including those for a temporary, fixed term or permanent position. The policy will cover all internal and external recruitment and remains available to all employees.

3. Policy Statement

This policy is committed to ensuring that there is no discrimination on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation at any stage of the recruitment process or in the terms and conditions offered to new, or promoted, employees.

The Trust will monitor the composition of its workforce to identify areas that may need positive action measures to promote equal opportunity and diversity.

4. Aims

The Trust recognises that the recruitment of competent, enthusiastic, and safe employees is critical in providing the best possible education to its pupils. It is vital that the most skilled staff (both teaching and support) are attracted and retained to ensure that the focus is on the provision of excellent service to pupils and the wider community.

5. Disabled Employees

As legally required by the Equality Act 2010, additional support will be provided to disabled employees to ensure they are not subject to unlawful or less favourable treatment during the recruitment and selection process. Reasonable adjustments must be made to remove any barriers the employee faces during the process.

Where the applicant has indicated they need reasonable adjustments making to the recruitment and selection process, this must be discussed with the HR department.

6. Safer Recruitment

It is always important that the Trust practices Safer Recruitment in line with relevant legislation and guidance. It is vitally important to have systems and practices in place that minimise as far as possible any chance of recruiting those who seek to harm children in any way.

The Trust is committed to complying with all aspects of Safer Recruitment guidance as set out in:

- Keeping Children Safe in Education, (KCSIE) (Department for Education Statutory Guidance, September 2020)
- Disqualification under the Childcare Act 2006, Department for Education, June 2016

The Trust will comply with any guidance notes that are published by the Local Safeguarding Children's Board (LSCB) and /or the Local Authority Designated Officer (LADO).

As part of KCSIE, the Trust will ensure that at least one interview panel member has been trained in Safer Recruitment. This training, which must include at least the requirements of KCSIE, can be accessed from various bodies and the Trust will consult with the LSCB in sourcing appropriate training.

7. Pay

Pay is a key factor affecting relationships at work. The Trust recognises that it is vital that its pay systems are appropriate, clear, provide value for money and reward staff fairly for the work they perform.

The salary offered will normally be at the minimum entry point to the evaluated salary level, in the case of support staff. Teaching staff will be paid in line with the School Teachers Pay and Conditions Document (STPCD). Exceptions to this must be approved by the Headteacher and Governing Body or Trustees.

8. Induction and Probation

Successful candidates, who are new to the Trust, must be properly inducted and are subject to a probation period. All staff will undertake the Trust's induction programme. All Early Careers Teachers (ECTs) will also undertake an induction in line with statutory guidance.

9. Training

All relevant staff, including those on fixed term and part time contracts, will have equal access to training opportunities.

10. Promotion

All employees will be aware of the promotional and career opportunities available to them from details circulated through the notice boards. Training and job experience needed for promotional opportunities will be available to all employees. Promotion will be determined by merit and performance against objective criteria.

Unsuccessful internal candidates will be given feedback to facilitate improvement. Training in giving feedback will be provided to managers charged with this task.

No employee will be overlooked in relation to a promotion or an experience-broadening opportunity because of their reluctance to apply or accept on a previous occasion. The process surrounding promotion will be free from discrimination.

PROCEDURE

1. Introduction

This procedure supports the Recruitment and Selection Policy in its key aims of securing appropriate talent for the good running of each School within the Trust and ensuring the safety of the pupils we educate by both deterring and screening out applicants who are not appropriate to be employed in a children's educational environment. The procedure sets out good general recruitment and selection practice, equal opportunities considerations and safer recruitment, taking into account relevant legislation and local and national statutory guidance.

2. Defining the role

The recruiting manager is responsible for ensuring a job is accurately defined before it is advertised. This attracts candidates with a correct understanding of the role and assists in ensuring it is properly graded. The actual requirements of a role can change over time, as indeed can the requirement for such role. Therefore, it is important that the manager carefully assesses the requirements for the role.

The outcome of this analysis will be the revised job description and person specification. The person specification will set out the profile of the ideal candidate for the role, including, where applicable, the English Language requirements for Public Sector Workers. This will only apply to customer facing roles and can be measured in the usual way that communication skills can be measured in an interview.

It is important that any requirements set out are genuinely and objectively related to the job, and that steps are taken to avoid any form of discrimination. Some examples include an unjustified requirement for a full driving licence, or an unjustified requirement for a certain number of years' experience.

3. Advertising the vacancy

The role will be advertised through the Trust's recruitment service/agency. It is only strictly necessary to externally advertise Headteacher and Deputy Headteacher roles, other than in exceptional circumstances where this requirement may be waived. However, it is desirable for several reasons to advertise externally; it will be more likely to increase diversity within the Trust, which is paramount in reaching organisational success. It is also possible that a wider range of candidates will bring in new people, with different ideas, which can also benefit the organisation.

All employees (including fixed-term employees) will be notified of any positions that arise during their employment by way of these being posted on the staff notice board.

Advertisements will make clear, in both wording and illustration, that the positions are open to all suitably qualified candidates, regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation.

Details of positions will be fully circulated so as to ensure access to all applicants. This includes forwarding internal advertisements to employees on long-term leave including maternity leave, paternity and parental leave.

All advertisements will carry the statement "We are an equal opportunities employer".

4. Application Forms

Application forms require full disclosure of employment history and are a better platform for rigorous and consistent assessment. Therefore, application forms must be used in preference to CVs.

Application packs should be issued with clear instructions that only fully completed application forms will be accepted, although an applicant may supply a CV in addition to the form.

A Recruitment Monitoring Form should be sent to all applicants, along with an Application Form, which will be retained separately.

Application forms outline that references will be requested prior to interview and seek the authority of the applicant to do so if they are short-listed. If the applicant does not give permission, they may be required to withdraw from the process. References will not request details of sickness absence or other medical information as this poses a risk of discrimination on the grounds of disability.

The application pack will advise candidates of the requirement to undergo an Enhanced DBS check and contain a Rehabilitation of Offenders Act 1974 (as amended) statement. The amendments to the Exceptions Order 1975 (2013) is also included, which states that certain spent convictions and cautions are “protected” and are not subject to disclosure to employers and cannot be taken into account.” For further information about protected cautions or convictions please refer to the DBS filtering guide available on the gov.uk website.

5. Selection process

5.1 Shortlisting

Shortlisting will be carried out by matching details of applicants to the requirements of the job. The shortlisting criteria will be applied consistently to all applicants. This process should be completed by the same people who will sit on the interview panel. If this is not possible, shortlisting should be completed by two people from the panel, including the line manager.

Should an applicant be successful in this process, the application form should be scrutinised, checking for employment gaps, anomalies or inconsistencies which will need to be explored at interview.

Records of the shortlisting process will be retained for a period of six months by the HR department.

5.2 The interview

Candidates should be asked to bring the following to interview:

- proof of right to work in the United Kingdom
- documents required for a DBS check
- original certificates/ qualifications that are relevant and/or required for the role.

Similarly, if professional membership and/or registration are needed, candidates should be asked to bring them to the interview.

All ID documents and copies of certificates and/ or qualifications will be destroyed immediately for unsuccessful candidates.

The interviewing process will be carried out in the following way:

- no assumptions will be made on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation
- assessments and/or interview questions will relate to the requirements of the job as set out in the job description and person specification
- interviews will be carried out by more than one person and the interview panel will preferably be diverse, wherever possible
- applicants will be assessed at the end of interviewing against pre-defined criteria
- interviewers will complete an interview assessment form for each candidate
- records of the interview process will be retained for a period of six months by the HR department, including questions asked, answers given, any interview notes and interview assessment forms for all candidates.

If no candidate meets the minimum standard, then an appointment should not be made at this point.

Consideration needs to be given to any candidate that is unable to attend. It is not essential that their interview is rescheduled to allow attendance, but careful consideration needs to be given as to the reason given.

6. Offer of Appointment

This can be made verbally but must also be confirmed in writing. The offer must make clear that it is subject to all pre-employment checks, including two satisfactory references and an Enhanced DBS check. If any of the checks are not satisfactory, the offer may be withdrawn.

If concerns are raised during the process in respect of safeguarding, these must be discussed with/reported to the LADO.

7. Records

The Trust will retain all records arising through the recruitment process for a period of six months.

8. Pre-employment Checks

Several pre-employment checks must be completed before the successful candidate can be given an unconditional offer of employment and commence work. These are described below.

All the checks referred to are as stipulated by “Keeping Children Safe in Education”.

8.1 References

References must not be contacted without the permission of the candidate to whom they relate. If they are not obtained prior to interview, then references must be chased. At least two references for the successful candidate should be kept on file, one from the most recent employer. Where the prospective employee has a limited career history, it may be possible to seek a character reference.

References should be viewed and used as factual information to support the appointment decision, not as the basis of it.

Should a candidate not be in a position to provide two references, this should be discussed with the HR department.

8.2 Right to work in the UK

The Trust will only employ workers who are legally entitled to work in the United Kingdom. All applicants will be required to provide the Trust with appropriate documentation or an online right to work check share code, wherever possible, to prove their eligibility to work in the UK. A list of such documents is available on the gov.uk website.

8.3 Certificates of Sponsorship

If the person to be appointed is a non-UK worker, the Trust may be required to provide the person with a Certificate of Sponsorship.

The criteria for issuing a Certificate of Sponsorship is that:

- The job is in a 'designated shortage' occupation, or
- Passes the "Resident Labour Market test"
- The job is at National Qualification Framework, (NQF) level 6 or above, and
- Minimum salary levels are met.

Advice should be sought from the HR service provider before offering a post in this situation. Further guidance can also be obtained from the gov.uk website.

8.4 Certificate of Good Conduct

If any person to be appointed has lived outside of the United Kingdom for more than three months in the past 5 years, a Certificate of Good Conduct will be required from each country. It is for the individual to gather this information and provide it to the employer.

Such checks do not need to be made if in the three months prior to appointment the applicant has worked:

- In a school in England in a post which brought them into regular contact with children or young persons in any post in a school, or
- In an institution within the further education sector in England or in a 16-19 School, in a post involving provision of education which brought the person regularly into contact with children or young persons.

8.5 Identity Checking

Checks must be made to assure the Trust that the successful candidates are who they claim to be before they can take up post. In practice, this will be done as part of the DBS checking process and the DBS guidance specifies a list of acceptable documents.

8.6 DBS Check

The Trust will require all employers to undergo an Enhanced DBS check. No employee will usually be allowed to start without a satisfactory DBS check, but in exceptional cases the Trust may decide to commence employment providing a risk assessment is undertaken in line with the DBS Check and Rehabilitation of Offenders Act. A barred list check must be obtained before commencement, in line with KCSIE.

8.7 Safeguarding Children and Rehabilitation of Offenders

The Rehabilitation of Offenders Act 1974, as amended allows the Trust to ask applicants to disclose both spent and unspent convictions and/or cautions, bar those which would be filtered from the Police National Computer when it is processed by the Disclosure and Barring Service. The Trust will not discriminate unfairly against an employee with a record of convictions and/or cautions but reserves the right to refuse employment to any applicant whose criminal history makes them unsuitable to work with children, for example people with a conviction for a crime of sexual abuse.

8.8 Section 128 check

For certain positions, a section 128 direction check will need to be carried out. A Section 128 Direction prohibits or restricts a person from taking part in any form of management such as: management of an independent school, academy, or free school as an employee; a trustee of an academy or free school trust; or a governor/academy committee member on any governing body in an independent school, academy, or free school.

8.9 Prohibition from Teaching Check

Individuals employed to do teaching work will be subject to a Prohibition from Teaching check. The check can be run through the National Council for Teaching and Leadership (NCTL) Teacher Services system.

A check must also be made that the teacher has Qualified Teacher Status (QTS).

8.10 Disqualification under the Childcare Act 2006

Under this act, individuals may be disqualified from registration on the early years register or the general childcare register from provisions in a nursery, primary or secondary setting.

It is a criminal offence to employ a person who is disqualified under the Act. For the purpose of this legislation, an employed person may be a volunteer, casual worker or self-employed contractor who is directly concerned with the provision of childcare. An employer may have a legal excuse if they can prove that they did not know and had no reasonable grounds for knowing that a person it employed was disqualified.

In order to obtain sufficient information from a prospective employee as to whether they are, or may be disqualified by Ofsted under this Act, The Trust should issue the self-declaration form (Appendix 1) to a prospective employee. If the employee is or is likely to be disqualified, then reference can be made to the Ofsted guidance on the gov.uk website on how to proceed to apply for a waiver.

8.11 Verification of Professional Qualifications

If not already verified at the interview the original qualifications certificates should be obtained and a copy kept.

8.12 Medical Check

Upon commencement of employment an employee will be required to complete a medical assessment by the Trust's nominated Occupational Health specialist.

8.13 Online Check

Keeping Children Safe in Education 2022 states; 'schools and colleges **should** consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview'.

The Trust will conduct online checks on publicly available information about a candidate before interview if they are shortlisted. If necessary a candidate maybe questioned at interview about any findings and/or withdraw a candidate from the process if the information found is not satisfactory.

9. English Language requirement for Public Sector workers

In line with legislation introduced into the UK in 2017, The Trust is obliged to ensure that employees in customer facing roles are fluent in the English Language. Standards of fluency can be assessed as part of the interview process, and its requirement should be built into the Job Description and Person Specification.

"Customer facing" refers to employees who work and/ or interact with students in any capacity, including teaching, classroom support and midday staff. Office staff who interact with students and/ or parents/ carers of students will also be included. Catering staff may be included, but it is less likely that site staff or cleaners would be.

11. Concerns with the recruitment process

Any employee who is concerned with this recruitment and selection policy or with its operation within the Trust should follow the normal grievance policy and procedure.

12. Single Central Record

Each School within the Trust must keep a Single Central Record (SCR,) or register, covering all staff. This includes supply staff and teacher trainees on salaried routes, who work at the relevant school. For independent schools, including academies and free schools, the record must include all members of the proprietor body, including academy committees or trustees. The information that must be recorded is whether the checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained.