

RECRUITMENT AND SELECTION POLICY (INCORPORATING SAFER RECRUITMENT PRACTICES)

Mission Statement

WeST holds a deep seated belief in education and lifelong learning. Effective collaboration, mutual support and professional challenge will underpin our quest to ensure that all of the children and adults we serve are given every opportunity to fulfil their potential and succeed in life.

Westcountry Schools' Trust adopted this policy in September 2017

Westcountry Schools' Trust will review this policy annually

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1. INTRODUCTION & PURPOSE

This policy provides the approach to recruitment and selection of staff and volunteers in all schools part of the Westcountry Schools' Trust.

This policy is also designed to ensure that people who are unsuitable to work with children, young people and their families are deterred and prevented from working within the school environment. This policy directly endorses and supports the mandatory guidance in the *Keeping Children Safe in Education* (September 2016) Document. Recruitment and selection in the Trust will focus on safeguarding children by reducing the risk of harm through the employment of suitable, appropriately screened, vetted and checked individuals.

- Westcountry Schools' Trust is the employer of the staff and has overall responsibility for staffing matters including recruitment.
- Westcountry School's Trust actively promotes equal opportunities, aims to eliminate discrimination, promote positive attitudes to disabled people and take account of disabilities in any staffing dealings, including recruitment.

2. POLICY STATEMENT

The Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

The Trust aims to ensure that recruitment effectively and efficiently supports the provision of high quality education. The school's objective in carrying out recruitment is to fill vacancies with people of the highest quality, drawn from the widest possible 'pool', cost effectively and without undue delay, whilst adhering to principles of fairness and equality.

No employee, potential employee or applicant will be unlawfully disadvantaged on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity, sexual orientation, religion or belief.

In adopting this policy the Trust is committed to:

- Developing and promoting the school.
- Appointing on merit.
- Being open and transparent.
- Valuing all individuals involved in the recruitment process.
- Valuing existing staff and helping them realise their potential.
- Giving appropriate and proper consideration to all applicants.
- Working towards developing a workforce that in its diversity can provide an appropriate and professional education to the children.
- Actively engaging with under-represented sectors of the community where possible.
- Using flexible working arrangements, where appropriate, to encourage a diversity of applicants.
- Ensuring that assessment techniques and tests are free from any bias that might unlawfully discriminate.
- Giving consideration to making reasonable adjustments at all stages of the recruitment process for applicants with a disability.

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3. KEY LEGISLATION, POLICY AND GUIDANCE

This Policy is underpinned by:

- Legislation specifying employment rights
- Equality Legislation
- Legislation and guidance for the protection of children
- Legislation, policy and guidance giving rights of access to information at all stages of the recruitment process.

A full list of this legislation can be found at Appendix 2.

The Equality legislation applies to everyone, including:

- employees;
- workers who are not employees but who work under a contract for services;
- applicants for jobs;
- volunteers;
- agency workers;
- contract workers;
- trainees undertaking or seeking vocational training;
- students/pupils.

In addition to the other forms of discrimination set out in the Equality Act, people with a disability, as defined in the Equality Act 2010, are protected from:

- Unfavourable treatment due to something connected with their disability – this differs from direct/indirect discrimination because there does not have to be anyone to compare the treatment of the disabled person with;
- Failure to make “reasonable adjustments” – these must be made if a disabled candidate is placed at a substantial disadvantage, i.e. anything that is not minor or trivial, by any aspect of the recruitment process. What is reasonable will depend on the effectiveness of the adjustment in overcoming the disadvantage and the ability of the employer to make the required changes. Changes may have to be made to the recruitment process, duties, working practices and terms and conditions of employment, even when that involves treating disabled people more favourably.

4. SELECTION PANEL

The Trust has overall responsibility for all staff appointments in the MAT. The Trust may delegate these responsibilities to the Principal/Headteacher, an individual governor or Director, or a group of governors or Directors. At least one member of the panel will be “Safer Recruitment” trained.

The Principal/Headteacher will normally be expected to lead in determining staff appointments outside the leadership group. Therefore, other than in exceptional circumstances the Trust will delegate the responsibility for these matters to the Principal/Headteacher.

Prior to the selection process beginning a selection panel of at least two people and ideally three will be identified. The same people will, where possible, conduct the whole

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recruitment and selection process. The selection panel will, where possible include both women and men.

The School Staffing Regulations (England) 2009 require governing bodies of maintained schools to ensure that at least one person on any appointment panel has undertaken safer recruitment training. Although this requirement does not apply to academy schools, the Trust applies this as best practice. It will be checked that the selection committee members are not related to, or have a close personal relationship with any candidate.

5. ANALYSIS OF POST REQUIREMENT

When a post becomes vacant, an analysis will be undertaken to establish whether the vacancy needs to be filled. If it does, the requirements of the post will be reviewed. This will include the working hours of the post, aspects of the role and how they relate to the overall objectives of the school.

The Principal/Headteacher will need to consider the financial implications of creating a new post, or increasing the working hours of an existing post.

All jobs will be considered suitable for flexible working using the adopted Flexible Working Policy should this be appropriate.

6. REVIEW/PRODUCTION OF JOB DESCRIPTION

The job description for the vacant post will be reviewed to ensure it reflects the requirements of the post. If there is no job description, one will be produced.

The job description will state:

- The main duties and responsibilities of the post
- The postholder's responsibility for promoting and safeguarding the welfare of children and young persons, including the extent of the contact the person will have with children and his/her degree of responsibility for them.

7. REVIEW/PRODUCTION OF PERSON SPECIFICATION

The person specification sets out the selection criteria - specifying the essential and desirable attributes needed by the successful candidate.

These attributes will include:

- Qualifications, experience and any other requirements needed to perform the role
- Competences and qualities that the successful candidate should be able to demonstrate, including suitability to work with children.

These requirements will be justifiable and clearly defined to show that no section of the community is being unlawfully discriminated against.

Where the post is considered 'customer facing', i.e. where the post holder is required to speak with members of the public (including children) as a regular and intrinsic part of their role, the 'fluency duty' will apply and the person specification will note as an essential criteria the ability to fulfil all spoken aspects of the role with confidence and fluency in English. See Fluency Duty Policy for further details.

Applicants will be made aware that these requirements will be tested and assessed during the selection process.

8. NEW OR AMENDED POSTS

All changed/new support staff job descriptions will be evaluated under the Job Evaluation scheme used by the Trust. The HR Director will ensure that this happens.

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Any amendments to teachers' job descriptions will be made in line with the conditions of service and the framework of professional standards for teachers as set out in the School Teachers' Pay and Conditions Document.

9. ADVERTISING THE POST

Where to Advertise

For each vacancy which may arise, the Trust will consider the most appropriate way of advertising the post and the best way of reaching the most suitable target audience. A decision not to advertise will only be taken if the Trust can demonstrate there is good reason not to. In some circumstances the vacancy may only be advertised internally. All decisions will be documented fully, as the Trust will need to demonstrate that it has acted reasonably if it is challenged.

In the case of a vacancy for a Principal/Headteacher or Deputy Principal/Headteacher, the Trust will consider the most suitable way of advertising and filling this vacancy.

Writing an Advertisement

Advertisements will be appropriate, cost effective and non-discriminatory and will:

- be based on the details in the job description and the agreed selection criteria in the person specification;
- avoid any gender, age or culturally specific language or implication, e.g. for teaching posts, wording specifically targeting Newly Qualified Teachers must not be used as this may imply that a younger person is required.
- be clear and precise to attract applicants to seek more detail.
- include the statement: "We are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to share this commitment."
- for schools judged to require Special Measures, state that applications from Newly Qualified Teachers will not be considered unless Ofsted has expressly stated that NQTs may be appointed
- give reasons for the appointment being temporary if the post being advertised is for a fixed term or temporary period.
- If applicable, state that the "'fluency duty' applies to this post, and therefore the successful candidate would have the ability to fulfil all spoken aspects of the role with confidence and fluency in English".

10. SHORTLISTING

All applicants will be expected to complete an application form.

All application forms will be scrutinised to ensure that they are fully completed and that the information provided is consistent and does not contain any discrepancies. Any anomalies or gaps in employment will be noted and taken up as part of the consideration of whether to shortlist the candidate.

Shortlisting will be undertaken by all the selection panel members. The panel will agree a final shortlist of applicants to invite to the selection process.

Late applications will not generally be considered and not once shortlisting has commenced.

Shortlisting will be made by reference to the essential, and if necessary, the desirable criteria detailed in the person specification.

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Applicants may be asked to complete an Equal Opportunities Monitoring Questionnaire as part of the application form. This will be detached from the application form prior to shortlisting and the anonymous details recorded by the Trust for monitoring purposes only. Applicants will not be eliminated from the shortlist on the grounds of:

- disability;
- gender;
- pregnancy;
- sexual orientation;
- race;
- marital status;
- religion or belief;
- age; or
- 'spent convictions' unrelated to the job

other than where an Occupational Requirement applies. These are situations when it is possible to specify the sex, racial background, religion or sexual orientation of the person that we wish to carry out a role, if there is an objective justification for doing so and where this requirement is a proportionate means of achieving a legitimate aim.

The Equality Act 2010 also limits the circumstances when an employer can ask general health-related questions **before** a job offer has been made. Prior to making an offer of employment to an applicant, health-related questions will only be asked to help the Trust to:

- decide whether there is a duty to make any reasonable adjustments for the person to undertake any part of the assessment/selection process;
- decide whether an applicant can carry out a function that is essential ("intrinsic") to the job once reasonable adjustments are in place;
- monitor diversity among those making applications for jobs;
- take positive action to assist people with disabilities;
- be assured that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

This means that applicants will not be asked, as a matter of course, to complete generic health questionnaires as part of the application process.

11. REFERENCES

The purpose of seeking references is to obtain objective and factual information to support the selection panel's decisions. References will always be sought and obtained directly from the referee, not via the candidate themselves. Open references for example addressed 'To whom it may concern' will not be relied upon.

Regardless of the type of post being applied for, references from the previous two employers covering at least the previous three years' employment history will be taken up on. This also applies to internal candidates. The references may be obtained before interviews take place on all short-listed candidates so that any issues of concern they raise can be explored further with the referee, if appropriate, and taken up with the candidate at interview. In exceptional circumstances it might not be possible to obtain references prior to interview, either because of delay on the part of the referee, or because a candidate strongly objects to their current employer being approached at that stage, but that will be the aim in all cases.

References will not request details about the candidate's sickness record or disability, in order to ensure that they comply with The Equality Act 2010. Further information regarding the candidate's sickness record will be obtained after interview and for the successful candidate only.

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On receipt, all references will be checked to ensure all the questions have been answered satisfactorily. The referee will be contacted to provide further clarification as appropriate, for example if answers are vague.

Any information about past disciplinary actions or allegations will be considered carefully when assessing the candidate's suitability for the post.

If a referee fails to provide a reference the candidate will be contacted to provide an alternative referee. If a candidate for a teaching post is not currently employed as a teacher, a check will be carried out with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.

References for candidates for posts not involving children, young people and vulnerable adults, should be obtained after interview, and for the successful candidate only. This is to comply with The Equality Act 2010, which prevents references being taken that require disability or sickness absence details to be provided prior to interview.

12. ASSESSMENT AND SELECTION

Assessment and selection methods will be used to assess the candidates' suitability to the role and whether the candidate meets the criteria for the role. The selection methods used will be relevant, non-discriminatory and cost effective.

Appointments will be based on merit and the suitability of each candidate for the job, as evidenced against the person specification, and demonstrated by the selection methods. Selection methods will not disadvantage any particular group and all applicants will be treated in a consistent and a non-discriminatory manner.

Appropriate and effective selection tools and processes will be used and a range of selection methods will be considered in order to test candidates' suitability for the role. For example, teachers will be observed teaching as well as attending an interview.

Selection will be based on a formal structured interview except where this would place a disabled candidate at a substantial disadvantage.

All candidates will be notified in advance of any test procedures.

Pre-employment health enquiries

Pre-employment health enquiries will only be made for applicants with disabilities for the specific purpose of allowing the Trust to make reasonable adjustments to an assessment that is part of the recruitment process. Applicants will be contacted by the selection panel and informed of the selection process, and checks made of what 'reasonable' adjustments might be required to meet their needs.

Interview

Each shortlisted candidate will be invited to interview in writing to ensure appropriate documentation is brought to interview for checking of identity and eligibility to work in the UK.

Each candidate will be asked:

- the same core set of questions and their answers fully noted. Answers may be probed further as appropriate;
- competency questions to assess personal behaviours towards safeguarding, with outcomes being fully recorded;
- from the details on the Application form relating to their full criminal history, discuss the circumstances of their declarations either at interview or in a separate meeting;

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Questions about health will not be routinely asked until after an offer of employment has been made.

Some questions may explore the candidate's suitability to work with children as well as their suitability for the post.

Discrepancies or anomalies in the information candidates have provided will be queried and satisfactorily resolved.

Decision making, feedback and offers of employment

When assessing candidates with disabilities, it is a requirement to consider their suitability on the basis that any reasonable adjustments that may be required have been made. Similarly, if special equipment is required the candidate's suitability will be evaluated on the basis that the equipment is in place.

Each member of the selection panel will score each candidate at the end of each interview privately before the overall scores are agreed collectively and the best candidate chosen. If additional selection methods are used, these will be fed into the decision-making process at the end, and the candidate who best meets the selection criteria chosen.

The selection panel will agree feedback for each candidate and record whether or not each candidate is suitable for appointment, even if not the first choice candidate.

Offers of employment will not routinely be made at interview.

All candidates will be notified of the outcome of the interview as soon as possible. However, the selection panel will wait until the successful candidate has accepted the offer before informing unsuccessful candidates, unless they are clearly unsuitable for the post.

All candidates will be offered feedback on their performance during the selection process and an explanation of the decision, if requested.

The initial job offer to the successful candidate will normally be made verbally and followed up in writing within seven working days stipulating that appointment is subject to satisfactory employment checks of:

- References
- Medical fitness for successful candidate only
- Qualifications
- An enhanced DBS check
- Proof of identity and eligibility to work in the UK
- Membership of any appropriate professional body
- Disqualification under the Childcare Act 2006 for eligible staff see section 15.

Original documents should be produced and a copy of these will be taken and kept on the successful candidate's personal file with the exception of the DBS check.

Records of interviews

The Trust has a responsibility to maintain a central record for the complete recruitment process for a minimum of 6 months. The following will be recorded:

- assessment and selection criteria used (person specification);
- application of assessment and selection criteria (e.g. application form);
- interview and other selection method notes (e.g. question proformas, test results);

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- reasons for decisions made;
- any additional information such as copies of qualifications, etc.

All recruitment paperwork relating to the successful candidate will be retained and placed on his/her personal file.

Individuals are able to access all the paperwork relating to their recruitment process in accordance with the Freedom of Information Act.

13. ELIGIBILITY TO WORK IN THE UK

Under the Immigration, Asylum and Nationality Act 2006 it is a criminal offence to employ someone without entitlement or permission to work in the UK. Section 15 of the Act requires all employers in the UK to make basic document checks on **every** person before they start work to help ensure that they do not employ illegal workers. Employers are also required to recheck documents at least every 12 months if the employee has time-limited leave to enter or remain in the UK. Employers incur a fine of up to £20,000 if they employ an illegal employee. A new offence of knowingly employing an illegal worker can incur an unlimited fine and/or up to two years' imprisonment.

To ensure that recruitment practices are not discriminatory, **all** short-listed applicants, regardless of their colour, race, nationality, or ethnic or national origin, will be asked to produce original documents as evidence of their right to work in the UK.

14. OVERSEAS TRAINED TEACHERS (OTTs)

OTTs are allowed to work as unqualified teachers for a maximum of four years without the need to gain qualified teacher status (QTS).

Details can be found in the Guidance from the DfE on Overseas Trained Teachers <https://www.gov.uk/government/publications/employing-overseas-trained-teachers-from-outside-the-eea>

15. APPOINTMENTS

Pre-employment checks

An offer of appointment to the successful candidate will be conditional upon:

- the receipt of at least two satisfactory references (if those have not already been received – see section 11);
- verification of the candidate's identity (original documentation will be seen and a copy taken);
- where appropriate, a satisfactory Enhanced DBS Check (before working unsupervised with children) including barred list checks;
- pre-employment health screening that is targeted, necessary and relevant to the job which has been offered.
- verification of qualifications (original documents will be seen and a copy retained);
- verification of professional status where required e.g. NCTL registration, QTS status (unless properly exempted), National Professional Qualification for Headship (NPQH);
- For teaching posts - verification of successful completion of statutory induction period (applies to those who obtained QTS after 7 May 1999);
- For non-teaching posts - satisfactory completion of the probationary period;
- verification of the right to work in the UK (original documents will be seen and a copy retained – section 13)

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- Declaration by the employee that they are not disqualified under the Childcare Act 2006;
- For qualified teachers applying for support staff posts - a check against the NCTL registration list to establish whether the applicant has been deregistered from the teaching profession.
- a check that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State.

Disqualification under the Childcare Act 2006

Staff are covered by this legislation if they are employed and/or provide early years childcare (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare. This includes:

- Early years provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

Further information can be found in the DfE Statutory Guidance on Disqualification under the Childcare Act 2006 issued in February 2015

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

Contracts of employment

All employees will be provided with written details of the main terms and conditions of employment within two months of appointment as per the statutory stipulation. This is known as the Statement of Particulars.

The type of contract and the terms and conditions of employment will be clear and appropriate for the category of job and the needs of the service. If the contract is temporary the reason for this will be written in the contract.

Administration

All employment checks, including qualifications, DBS, identity and right to work in the UK will be placed on a central record at the school which will be subject to Ofsted inspection.

16. INDUCTION

The Appointing Officer will make appropriate induction arrangements for all newly appointed staff.

In accordance with the *Keeping Children Safe in Education* statutory guidance, new staff will, as part of induction, be given a copy of 'Part one' of that guidance. Where these policies are used, the school will also provide a copy of (or provide access to) the *Child Protection Policy*, the *Code of Conduct* and the *Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings*, with the expectation being that these are read fully and thoroughly. New staff will also be made aware of systems within the school which support safeguarding, including the role of the designated safeguarding lead. A record

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will be made and kept on personal file of these documents having been provided and/or signposted as part of the induction.

Where applicable, Principals/Headteachers will follow the statutory induction programme for Newly Qualified Teachers.

17. PROBATIONARY PERIOD

The performance of new staff will be rigorously monitored during a probationary period of six months with close attention being paid to learning needs and performance issues.

18. VOLUNTEERS

Recruitment of volunteers will be in line with this policy and all appropriate recruitment checks should be made on volunteers as would be done for substantive, fixed term and temporary staff.

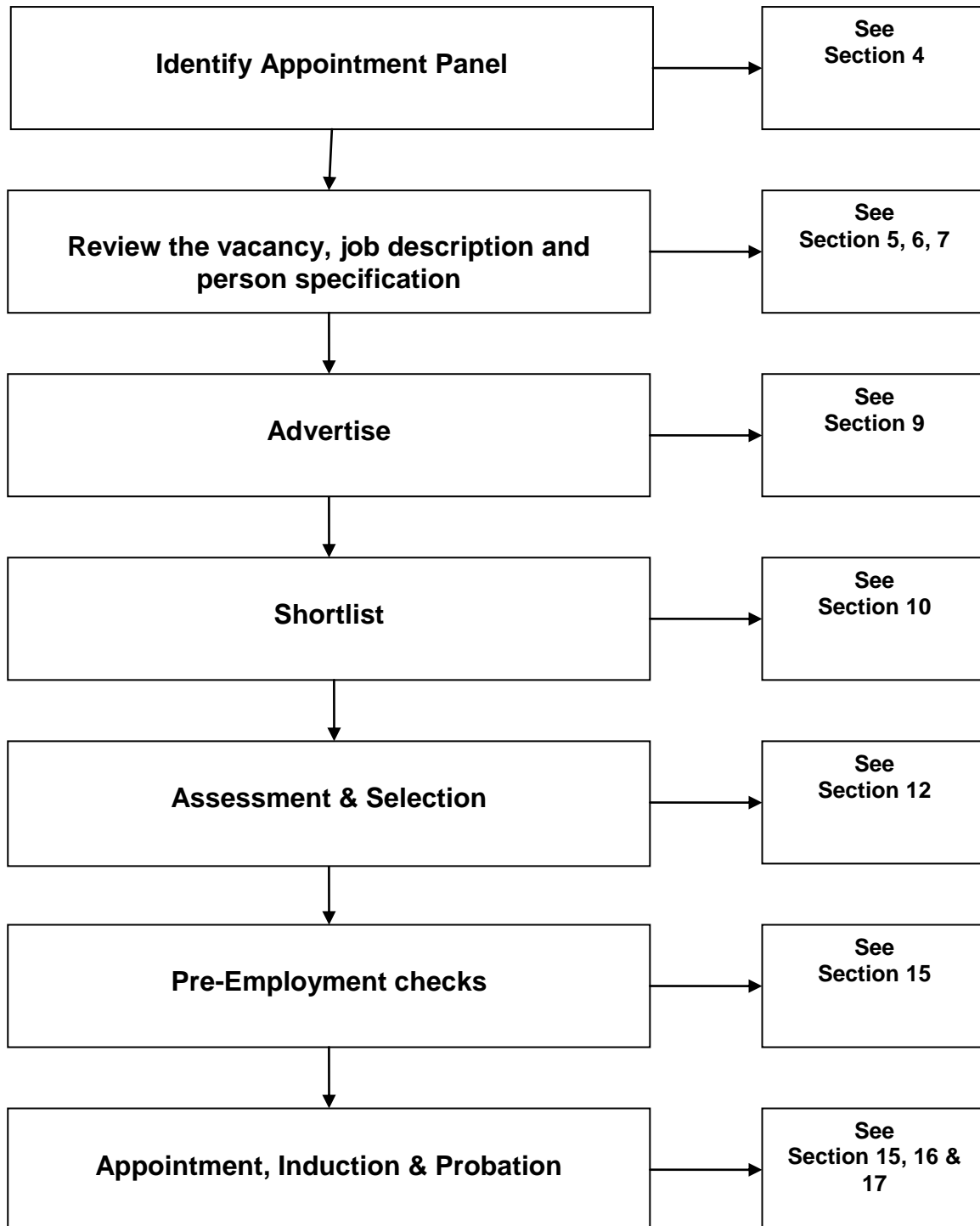
19. REMUNERATION

It is normal policy for support staff to be appointed to the minimum of the grade. However, it is recognised that starting salaries may need to be offered above the minimum in certain circumstances, e.g. to take account of current salary levels, experience or qualifications.

Teachers' remuneration will be in line with the school's adopted pay policy.

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APPENDIX 1 - RECRUITMENT AND SELECTION FLOWCHART



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APPENDIX 2 - KEY LEGISLATION, POLICY AND GUIDANCE

Legislation specifying employment rights:

- Employment Rights Act 1996
- Employment Act 2002
- Fixed Term Employee Regulations 2002
- Part-time Workers Regulations 2000 (Amendment) 2002
- Education Act 2002
- Equality Act 2010
- Immigration Act 2016, Part 7 – Fluency Duty

Equality legislation:

Equality legislation covers all aspects of the recruitment and employment process and protects applicants with “protected characteristics” against discrimination. “Protected characteristics” are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion of belief
- sex
- sexual orientation

Legislation and guidance for the protection of children:

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Rehabilitation of Offenders Act 1974
- Working together to safeguard children March 2015
- Keeping children safe in education DfE September 2016

Legislation, policy and guidance giving rights of access to information at all stages of the recruitment process:

- Data Protection Act 1998
- Freedom of Information Act 2004
- Equality Standard for Local Government
- Best Recruitment Practice
- Conditions of Service

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POLICY HISTORY

| Policy Version / Date | Summary of change | Contact | Implementation Date | Review Date |
|-----------------------|--|---------|---------------------|------------------------------|
| January 2016 | Recruitment and Selection Policy updated in line with Keeping children safe in education guidance. This version replaces the Schools Recruitment Policy 2011 | HR One | January 2016 | As necessary and appropriate |
| February 2017 | Recruitment and Selection Policy updated in line with Keeping children safe in education statutory guidance September 2016 version and to take account of public sector fluency duty | HR One | February 2017 | As necessary and appropriate |
| May 2017 | Updated in line with MAT details and link to Fluency Duty Policy for further guidance and change the MAT name | WeST | May 2017 | As necessary and appropriate |
| September 2017 | Publication date | WeST HR | September 2017 | As necessary and appropriate |