



**South East Cornwall Multi Academy Regional Trust**

# **Recruitment Policy**

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09/10/19	First draft of policy
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## Introduction

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of the children in education. SMART is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. SMART recognises that this can only be achieved through sound procedures, good inter-agency cooperation and the recruitment and retention of competent, motivated employees who are suited to, trained for and fulfilled in the roles they undertake.

For the purposes of this policy “children” includes everyone registered as a student.

SMART recognises the value of, and seeks to achieve a diverse workforce that includes people from different backgrounds with different skills, experience and abilities. SMART is committed to ensuring that the recruitment and selection of all who work here is conducted in a manner that is systematic, efficient, and effective and promotes equality of opportunity. SMART will uphold its obligations under law and national collective agreements not to discriminate against applicants for employment on the grounds of race, disability, gender, gender reassignment, age, religion or belief, sexual orientation, pregnancy and maternity, marriage and civil partnership.

This document provides a good practice framework to comply with the principles set down in SMART’s Public Sector Equality Duty.

All posts within SMART are exempt from the Rehabilitation of Offenders Act 1974 and therefore all applicants will be required to declare, initially on the SMART application form, and whilst attending interview, spent and unspent convictions, cautions and bind-overs, including those regarded as spent. SMART is committed to ensuring people who have been convicted are treated fairly and given every opportunity to establish their suitability for positions. Having a criminal record will not necessarily be a bar to obtaining a position unless the applicant is on the Barred List. A Barred List check **must** be undertaken prior to any new member of staff commencing employment in a regulated activity within SMART.

## Safer Recruitment Training

SMART will:

- ensure that appropriate staff who undertake recruitment have received safer recruitment training including governors and members of the Trust Board, where appropriate;
- ensure every appointment panel includes at least one member who has received safer recruitment training;
- implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that reasonable steps are taken not to appoint a person who is unsuitable to work with children, or who is disqualified from working with children, or does not have the suitable skills and experience for the intended role;
- ensure that the Prevent Strategy is taken into due consideration and staff all have an understanding of the implications involved through a clear induction and training process;

- keep and maintain a Single Central Record of recruitment and vetting checks in line with DfE requirements which is checked on a termly basis;
- ensure that the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this procedure. SMART will monitor the compliance with these measures, and hold a central list of contractors, who have carried out the appropriate insurance and safeguarding checks;
- require staff who are convicted or cautioned for any criminal offence during their employment with SMART to notify the Headteacher or CEO as appropriate, in writing of the offence and the penalty.

## Pre-employment checks

The following pre-employment checks will be taken:

- Any employment gaps will be addressed;
- Job application forms will be signed by the candidates;
- Receipt of two satisfactory references;
- one of which will be from the former or most recent employer;
- If the candidate has previously worked with children, young people or other vulnerable groups, but does not do so at their most recent employment, one reference will be obtained from the most recent employer where the person last worked with children, young people or other vulnerable groups;
- Verification of the candidate's identity in line with the requirements of The Immigration, Asylum and Nationality Act 2006;
- A satisfactory enhanced DBS check (including a Barred List check) for persons undertaking regulated activity with children;
- Verification of the candidate's mental and physical fitness to carry out their work responsibilities. (A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role.)\* This will involve clearance from Occupational Health where applicable;
- Verification of qualifications;
- Verification of professional registration as required by law for teachers;
- A prohibition from teaching check (for teachers and others that teach, such as Cover Supervisors whether or not they are employed in that capacity and any member of staff who is acting in the absence of a teacher (e.g. Cover Supervisor);
- A prohibition from management section 128 check for relevant post;
- Verification of successful completion of induction period (for those who obtained QTS after 7 May 1999);
- Disqualification Requirements of the Childcare Act 2006 for staff working in nursery settings with children under the age of 8.

## Roles and Responsibilities

It is the responsibility of the Trust Board to:

- Ensure the school has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DfE legal requirements and guidance from Cornwall and the Isles of Scilly Safeguarding Children Partnership guidance will be considered;

- Monitor the school's compliance with these policies and procedures.

It is the responsibility of the Headteacher and other managers involved in recruitment to:

- Ensure that the school operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school;
- To monitor contractors' and agencies' compliance with this document. A Letter of Assurance must be obtained from contractors and agencies/organisations who send their representatives on to the school site and the identity of contractors should be checked on arrival on arrival;
- Promote welfare of children and young people at every stage of the procedure.

It is the responsibility of all potential and existing employees, including volunteers to comply with this document.

It is the responsibility of all contractors and agencies to comply with safe recruitment pre-employment checks. Reference to Letters of Assurance regarding contractors will be recorded in each school.

In accordance with the School Staffing (England) Regulations 2009, SMART has delegated responsibility to the Headteacher to lead in all appointments outside of the leadership group – as above.

It is usual but not exclusive practice for the Trust to delegate the selection of staff to the Headteacher although the Trust Board will always be engaged in the appointment of members of the leadership group. The Headteacher may delegate the selection process of staff outside of the leadership group to other managers in the school, but remains responsible for the decision to appoint.

## **The Procedure**

### **Advertising**

To ensure equality of opportunity, the school will advertise all vacant permanent posts to encourage as wide a field of candidates as possible, normally this will entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates within SMART or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

### **Applications**

SMART uses a standard application form; CVs will not be accepted.

SMART requires candidates to account for any gaps or discrepancies in employment history on this application form. Where an applicant is shortlisted, these gaps will be discussed at interview and noted on the candidate's application form.

Applicants should be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has

been selected, and possible referral to the police and other professional regulatory bodies.

## **References**

SMART will apply for references for shortlisted candidates upon selection for interview and prior to interview. Candidates will be asked to give their consent before references are taken up.

References must be in writing and be specific to the job for which the candidate has applied - open references or testimonials are not acceptable. The school will not accept references from relatives or people writing solely in the capacity as a friend. Only references from a trusted authoritative source will be acceptable. References should be returned using the form sent to the referee.

References will specifically ask:

- About the referee's relationship with the candidate;
- Whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, for specific details of the concerns and the reasons why the referee believes that the person might be unsuitable;
- Whether the referee recommends the candidate to the extent they feel the candidate is suitable for the post for which they have applied.

SMART will ask referees for details of:

- The applicant's current post, salary (where appropriate). The applicant's attendance record may be requested after interview;
- Performance history and conduct (if known);
- Any disciplinary procedures in which the sanction is current;
- Any disciplinary procedures involving issues related to the safety and welfare of children, including any in which the sanction has expired and the outcome of these;
- Details of any allegations or concerns that have been raised that relate to the safety and welfare of children or behaviour towards children and the outcome of these concerns.

SMART uses a standard Reference Request Form to ensure the details outlined above are included. We will compare references to the information provided to ensure it is consistent. Any discrepancies will be taken up with the applicant at interview.

Any information about current disciplinary action or allegations will be considered in the circumstances of the individual case.

## **Self-declaration of convictions by job applicants**

SMART requires shortlisted applicants for all posts (including volunteers) to declare all criminal convictions whether "spent" or "unspent" and include any cautions and pending prosecution. Such declarations will be made on the application form or in an envelope marked confidential. The chair of the panel/Headteacher will discuss relevant, positive declarations confidentially with the applicant at interview.

The disclosure of convictions, cautions or pending cases will not necessarily prevent employment but will be considered in the same way as positive DBS disclosures, including a risk assessment.

### **Selection Process**

The selection process will include the following:

- Face to face professional interview including questions related to safeguarding and suitability to work with children
- Young people panel / activity with children where appropriate to post applied for
- A practical test of skills, where required, for example to teach a lesson.

### **Proof of Identity and Right to Work in the UK & Verification of Qualifications and/or Professional Status**

Shortlisted applicants for all posts will be required to provide proof of identity by producing documents on the day of interview in line with those set out in The Immigration, Asylum and Nationality Act 2006. Similar information is also required to undertake a Disclosure and Barring Service check on the preferred candidate.

Shortlisted candidates will also be required to provide proof of their qualifications and professional status by producing original documentation on the day of interview. The school will verify that candidates have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application by asking to see the relevant certificate, or a letter of confirmation from the awarding body/institution. If the original documents are not available, the school will require sight of a properly certified copy. Where candidates have obtained qualifications abroad, a certified comparability check by the National Recognition Information Centre (NARIC) will also be required. Proof of identity and other documentation will be verified by the appointed person in each school or CBU (Central Business Unit).

### **Additional checks for staff that have lived or worked overseas**

SMART will follow the Home Office guidance to undertake overseas criminal records checks from the relevant embassies or police forces for applicants who have lived or worked overseas, so that any relevant events that occurred outside of the UK can be considered.

The guidance can be found at: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants/guidance-on-the-application-process-for-criminal-records-checks-overseas>

We will record the outcome on the Single Central Record for the school and retain any certificate of good conduct, letter of conduct or other correspondence on the personal file.

### **Employment Offer**

It is SMART's policy that potential employees are offered positions "subject to the satisfactory pre-employment checks including satisfactory references, identity check and Barred List check".

## **Commencement of Employment prior to DBS check being received**

It may be possible to negotiate a provisional start date with the preferred candidate. However, with the exception of DBS disclosures, the checks detailed above must be completed BEFORE a candidate's appointment is confirmed. Under no circumstances should these employees be left to work unsupervised or allowed to work in regulated activity.

## **Volunteers**

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

Volunteers who, on an unsupervised basis teach or look after children regularly will be in regulated activity. Enhanced DBS clearance should be obtained for all volunteers who are new to working in regulated activity.

Employers are not legally permitted to request Barred List information on supervised volunteers as they are not considered to be engaged in regulated activity.

Schools should undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity.

Full guidance is set out in the DBS workforce guides at: [www.gov.uk](http://www.gov.uk).

## **Record Retention/Data Protection**

The school or CBU will retain all interview notes on all unsuccessful applicants for a 6-month period, after which time the notes will be securely destroyed (i.e. shredded). The 6-month retention period will allow the academy to deal with any data access requests, recruitment complaints or to respond to any complaints made to the Employment Tribunal.

Under the General Data Protection Regulations, applicants have a right to request access to notes written about them during the recruitment process. Applicants who wish to access their interview notes must make a subject access request in writing to the chair of the panel/Headteacher within 6 months of the interview date.

## **Personal file records**

The school or CBU will retain the following information that will make up part of the personal file, for the successful candidate:

- Advert and interview notes;
- Job description and person specification of the post;
- Signed application form;
- Two satisfactory references;
- Disclosure of convictions form;
- Proof of identification – this must include proof of eligibility to work in the UK;
- Proof of academic qualifications;
- Proof of QTS Status (for teaching staff);
- Disqualification by Association declaration- (where applicable);

- Certificate of Good Conduct, letter of conduct or other correspondence from overseas checks, or the risk assessment and rationale when an overseas check is not made (where applicable);
- Evidence of medical clearance from Occupational Health (where applicable)
- Evidence of the DBS clearance (i.e. the notification email from the Disclosure and Barring Service and the DBS certificate reference number, not the actual DBS form or certificate).

### **Single Central Record of Recruitment Vetting Checks**

In line with DfE requirements, the school will keep and maintain a Single Central Record of recruitment and vetting checks. The central list will record all staff who are employed at the school (or CBU), including casual staff, supply agency staff whether employed directly or through an agency, volunteers (including Local Governors and Trust Board members) and those who provide additional teaching or instruction for pupils but who are not staff members, e.g. specialist sports coach or artist.

The Single Central Record will indicate whether or not the following have been completed:

- Identity checks, stating which documents have been verified, by whom and the date of the check;
- Qualification checks for any qualifications legally required for the job, and date seen;
- Additionally, for those applying for teaching posts, QTS details where appropriate;
- Prohibition from teaching checks;
- Prohibition from management section 128 check, where appropriate;
- Checks of right to work in the United Kingdom, who has made them and when;
- Barred List checks;
- DBS Enhanced Disclosure number, date of issue and date seen;
- Further overseas records where appropriate. It shall also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained.

In order to record supply staff provided through an agency on the record, the school will require written confirmation from the supply agency that it has satisfactorily completed the checks described above. The school does not need to carry out checks itself except where there is information contained within the disclosure. However, identity checks must be carried out by the school to check the person arriving is the person the agency intends to refer to them.

### **Induction**

Staff will be given an induction to their working environment, including the fire evacuation procedure, and will be provided with a copy of:

- The school's Health, Safety and Wellbeing policy;
- SMART's Code of Conduct;
- SMART's Acceptable Use Policy;
- Guidance on Safer Working Practice;
- Relevant Keeping Children Safe in Education information;

- SMART's Safeguarding Policy;
- Information on how to access online training for safeguarding and the Prevent Strategy.

Staff will be asked to sign a declaration that they have been required to read the documents and will follow the guidelines required to fulfil their health and safety obligations and to maintain professional boundaries at all times. Staff should request training or further information on areas that they do not understand or require clarification.

SMART has a Whistleblowing Policy that is brought to the attention of all staff and volunteers. A copy can also be found on Smart's website: <http://www.smart-trust.net/hr/>.

SMART's Safeguarding Policy is built around a child-centred, co-ordinated approach, always acting in the best interests of the child and with the underlying concept that **it could happen here**.

SMART will follow the DfE legal requirements and guidance from Cornwall and Isles of Scilly Safeguarding Children Partnership will be considered.