

# RECRUITMENT AND SELECTION POLICY FOR EMPLOYEES AND VOLUNTEERS

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Reviewed by the SLT MAT Board

“The Trustees of the Southport Learning Trust are committed to safeguarding and promoting the welfare of children and young people at every opportunity and expect all staff and volunteers to share this commitment”

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## 1. Introduction

- 1.1 Recruiting the best people to our Trust schools is vital for our continued success in providing the highest standards of education to our pupils.
- 1.2 Not appointing the right people to our roles can have a negative impact on the performance of our Trust.
- 1.3 The Headteacher is responsible for deciding on the arrangements to recruit to any post, with the exception of the Headteacher role where the Local Governing Body supported by the Chief Executive Officer and Trustees will be responsible.
- 1.4 In carrying out our recruitment processes we:
  - (a) are committed to the creation of a safe environment for our pupils by operating safer recruitment practices in line with the statutory requirements and guidance.
  - (b) will comply with the requirements of **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018).
  - (c) our Data Protection Policy sets out how we will comply with Data Protection Legislation.
  - (d) will comply with the requirements of the Equality Act (2010) and are committed to ensuring that throughout our recruitment and selection processes no applicant is disadvantaged or discriminated against because of the protected characteristics of age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation.
- 1.5 In the very exceptional cases where we are required to discriminate due to an occupational requirement this must be approved by the Trust Board who will provide reasons for this requirement.
- 1.6 Recruitment will be solely on the basis of the applicant's abilities and individual merit as measured against the criteria for the job. Qualifications, knowledge, experience and skills will be assessed at the level that is relevant to the job.
- 1.7 If an applicant makes the School aware, at any stage of the recruitment process, that they have a disability then reasonable adjustments must be considered to ensure the applicant is not disadvantaged by the process.

## 2. Scope and Purpose

- 2.1 The purpose of this policy is to set out our processes for recruiting, selecting and appointing any employee to work within our Trust.
- 2.2 Sections 13 and 14 on Disclosure and Barring Service checks also applies to volunteers in our Trust schools.

## 3. Safer Recruitment

- 3.1 All recruitment must be in line with this policy to ensure that we identify, deter and prevent people who pose a risk of harm from working with our pupils.
- 3.2 The recruitment of all applicants and volunteers to our Trust must, without exception, follow the processes of safer recruitment. All offers of employment will be subject to us being satisfied that the applicant or volunteer is a suitable person to work with children and young people.
- 3.3 Any person involved in recruiting to our Trust schools must read the "Keeping children safe in education" guidance for 2021 produced by the DfE and our Trust school's Child Protection and Safeguarding Policy. These can be obtained from the school office or website.
- 3.4 All recruitment must be planned to ensure that there is adequate time available to recruit safely.
- 3.5 Any person who becomes aware that this policy is not being followed during recruitment must inform the Headteacher or Designated Safeguarding Lead immediately.
- 3.6 All of the checks described in Sections 12 and 13 must be carried out and have been determined as satisfactory before an applicant can start their employment in the Trust.

#### 4. Advertising

4.1 Any vacant position will normally be advertised via the appropriate channels to ensure the most appropriate field of applicants is obtained. Any variation to the advertisement process will be at the discretion of the Chief Executive Officer.

4.2 All advertisements will have the following statement about safeguarding children and young people and the requirement to have a DBS check:

**'Southport Learning Trust is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment. All offers of employment are subject to an Enhanced DBS check, and where applicable, a prohibition from teaching check will be completed for all applicants.'**

4.3 Under Part 7 of the Immigration Act 2016, the Public Sector fluency duty requires state funded schools to ensure candidates for their customer facing roles have the necessary standard of spoken English. For example, a teaching assistant required to communicate with pupils to support their learning, would be viewed as operating in a public-facing role. Adverts and Job Descriptions should make clear the necessary standard of spoken English is required for the role.

4.4 All applicants will be provided with a copy of our Workforce Privacy Notice which sets out how we will gather, process and hold personal data of individuals during and after the recruitment process.

#### 5. Job Description

5.1 A job description will be required for all posts which describes the duties and responsibilities of the post. It must be up to date, accurate and specific to the role. The job description must also include a person specification which outlines all of the necessary skills, experience, qualifications and knowledge requirements for the post.

5.2 All job descriptions and person specifications must make reference to the responsibility for safeguarding and promoting the welfare of children.

#### 6. Application form

6.1 All applicants are required to fill out our standard application form. CVs will be accepted but will not replace the application form.

#### 7. References

7.1 All offers of employment will be conditional upon receipt of at least two satisfactory written references. References allow Trust schools to obtain factual information to support appointment decisions. References should be obtained before interview as this allows any concerns raised to be explored with the referee and taken up with the candidate at interview. References will:

- (a) be requested for all shortlisted applicants, including internal applicants;
- (b) include the applicant's current or most recent employer and where an applicant for a teaching post is not currently employed as a teacher, will include the applicant's most recent employer as a teacher. The reference must have been completed by a senior person with appropriate authority( if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations);
- (c) ask the current employer for details of any capability history in the previous two years, and the reasons for this;
- (d) be directly from the referee and verified with the person who provided it;
- (e) not be accepted if they are 'to whom it may concern' letters;
- (f) request information on the applicants suitability to work with children and young people;
- (g) be requested before the interview; and
- (h) be explored further with the referee and with the applicant during the interview if necessary.

7.2 Where it has not been possible to obtain references before the interview any concerns that are subsequently raised will need to be resolved before the appointment is confirmed.

7.3 In order to comply with the Equality Act 2010, information relating to sickness absence can only be requested after a conditional offer of employment has been made.

## **8. Short-listing**

8.1 Applicants will be short-listed against the requirements of the person specification. At least two of the same people should carry out the short-listing and the interviews and at least one person must have passed Safer Recruitment training. The outcome of the short-listing process will be recorded and retained.

The equal opportunities monitoring form must be removed from the application and not provided to the short-listing panel.

8.2 The short listing panel are responsible for scrutinising the application forms and identifying any gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. A satisfactory explanation for any concerns must be obtained from the applicant during the interview process.

## **8.3 Online searches**

KCSIE 2023 says "In addition, as part of the shortlisting process 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." Where schools undertake online searches, these should be limited to websites where information is intended to be publicly available. Social media platforms are intended for individuals to share personal information. Searching an applicant's social media presence can introduce discrimination and bias and could potentially be a breach of data protection legislation, particularly if the search is done covertly. Online searches should be undertaken by someone not on the appointment panel and only information that is of concern and is relevant to the applicant's suitability to work with children should be shared. Any information recorded as a result of an online search would be disclosable under a Subject Access Request and therefore schools must ensure that the information is fair, factual and does not introduce personal bias. Any information found as a result of online searches should be compared with the candidate's application form, employment history and criminal / suitability self-disclosure and then discussed with the applicant at interview – the questions asked and responses provided by the applicant should be recorded on the interview notes.

## **9. Interviews**

9.1 A face to face interview must take place for all applicants to all posts. This can include the use of video conferencing.

9.2 All those involved in interviewing must be properly prepared to undertake the role, which may involve appropriate interview training. At least one person on the interview panel must have passed the appropriate safer recruitment training.

9.3 The purpose of the interview is to assess the merits of each applicant against the job description and person specification to establish their suitability for the post and to work with children and young people.

9.4 Interviews should be conducted with a minimum of two interviewers on the panel ideally with an equal gender balance to enable one interviewer to assess the applicant, observe and make notes whilst the applicant talks to the other interviewer. As a Trust we recommend a governor panel member is involved for all interviews and this is mandatory for internal appointments

9.5 Before the interview commences the interview panel should have:

- (a) prepared appropriate questions for the role;
- (b) prepared appropriate questions to test the applicant's suitability to work with children and young people;
- (c) identified any areas for further probing, e.g. if a criminal record has been declared or if there are gaps in employment etc;
- (d) agreed assessment criteria which reflects the person specification; and
- (e) decided a structure to the interview and established which member of the panel will ask which questions.

9.6 A set of common questions relating to the requirements of the post will be asked of each applicant. Their response will determine whether that is followed up through further questioning.

9.7 Any gaps in employment history must be explored during the interview process.

9.8 Candidates shortlisted for interview will be asked about their suitability to work with children. They will also be required to disclose and then discuss criminal convictions and/or cautions that may deem them unsuitable.

## 10. Other selection methods

10.1 In addition to a face to face interview with the interview panel a variety of other selection methods may be used, such as:

- (a) Observation of teaching practice in our Trust or in the applicant's current school;
- (b) One or more additional panel interviews (for example, a panel made up of pupils from our schools);
- (c) A presentation and
- (d) In tray exercises.

10.2 Those responsible for deciding the arrangements for recruitment to a specific post will determine the selection method(s). They will be relevant and appropriate to the role and will be based on the requirements for the particular post as set out in the job description and person specification.

10.3 Candidates will be informed in advance if any selection methods are to be used in addition to a face to face interview and what these are.

## 11. Level of language proficiency

11.1 Under the "fluency duty" (Part 7 of the Immigration Act 2016), public authorities are required to ensure that workers in public facing roles are fluent in English. Public facing roles are those members of teaching and support staff who, as a regular and intrinsic part of their role, are required to speak to members of the public (including students in schools).

11.2 The Trust will accept a range of evidence of spoken English ability as follows:

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

## 12. Pre- employment checks

12.1 An offer of appointment to the successful applicant will be conditional upon the following:

- (a) receipt of at least two satisfactory written references (one of which must be their current or most recent employer);
- (b) verification of the applicant's identity, preferably from current photographic ID and proof of address;
- (c) verification of the applicant's medical fitness;
- (d) verification of qualifications where relevant;
- (e) verification of professional status where applicable. For teachers, this will include checking that the individual has the required teaching qualification and has successfully completed any statutory induction, if required, through the Teacher Services System;
- (f) satisfactory enhanced DBS check (see Section 13);
- (g) for management positions (Applicable to governors/trustees, Headteachers, members of the Senior Leadership Team and departmental heads only) , verification that they are not subject to a section 128 direction by checking the Teacher Services System.
- (h) for teachers and other employees who hold QTS who are working in non-teaching roles, verification that they are not subject to a prohibition order by checking the Teacher Services System;

- (i) for teachers, satisfactory check of the ‘Teachers sanctioned in other EEA member states’ list to determine any restrictions/sanctions that have been imposed in other EEA member states, through the Teacher Services System.<sup>1</sup>
- (j) a clear children’s barred list check (except supervised volunteers);
- (k) verification of right to work in the United Kingdom;
- (l) any further checks where the applicant has lived or work outside of the UK including receipt of criminal record information from overseas;
- (m) confirmation that the applicant is not disqualified from providing childcare
- (n) a social media/online check

12.2 All checks must be confirmed in writing, retained on the personnel file and recorded in the single central record (SCR).

**13. Disclosure and Barring Service (DBS) checks – new employees and volunteers**

13.1 The Trust will carry out a risk assessment to determine if a DBS check is required for each volunteer in accordance with Annexe F of Keeping Children Safe in Education. If a volunteer is assessed as requiring a DBS check, the following DBS checks will be undertaken for new appointments, before the employee or volunteer starts work:

Who?	Definition	Type of check
Employees who will be engaging in regulated activity	<p>As an educational institution which is exclusively or mainly for the provision of full-time education to children, Southport Learning Trust is an establishment specified in the relevant legislation. Activity carried out in this establishment will therefore be regulated activity relating to children if it meets the definition in the relevant legislation, including that it is carried out:</p> <ul style="list-style-type: none"> <li>(a) Frequently by the same person (for example once a week or more); or</li> <li>(b) On more than three days in any period of 30 days.</li> </ul> <p>Note – personal care of a child because of age, illness or disability including physical help with eating, toileting, washing, bathing or dressing is always regulated activity regardless of how frequently it is carried out.</p>	An enhanced DBS check with children’s barred list check will be obtained
Unsupervised volunteers	As above	<p>An enhanced DBS check with children’s barred list check will be obtained. Those applying for Chair of Trustee posts must also have their identity verified for a stipulated professional as part of their DBS check as per the below link:</p> <p><a href="https://www.gov.uk/government/publications/identity-verification-for-new-chairs-of-trustees">https://www.gov.uk/government/publications/identity-verification-for-new-chairs-of-trustees</a></p>

<sup>1</sup> EEA regulator restrictions do not prevent an individual from taking up teaching positions in England, however, employers should consider the circumstances leading to the restriction when assessing a candidate’s suitability to be employed. Please note, only EEA restrictions that are determined after 18 January 2016 will be displayed on the Teacher Services System

Supervised volunteers	<p>Where an individual is a volunteer (e.g. carrying out activity that is unpaid) they will not be engaging in regulated activity if:</p> <p>They are being supervised by someone that is in regulated activity; and</p> <p>The supervision is regular and day to day (e.g. it is ongoing); and</p> <p>The supervision is reasonable in all the circumstances to ensure the protection of children (this may take into account for example, the age (including the variation in ages), number and vulnerability of children the individual is working with, the nature of the work and opportunity for contact with children, whether other individuals are helping to look after them and how many workers a supervisor is supervising).</p>	We are unable by law to obtain a barred list check on a supervised volunteer. We will however obtain an enhanced DBS check (with no barred list check) for supervised volunteers.
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13.2 In exceptional circumstances a new employee or unsupervised volunteer may be able to start before the enhanced DBS check has been received, but not before the children’s barred list check has been completed. The Trust school must ensure that appropriate supervision is in place until the DBS check has been received.

13.3 DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR). We are not required to take a copy of your DBS certificate, however we may choose to do so for decision making purposes. Any copy and will be held for no longer than necessary, and up to a period of six months and be processed in line with Data Protection Legislation.

13.4 Any applicant who refuses to produce their DBS disclosure will not be able to start work at the Trust school and the conditional offer will be withdrawn as satisfactory checks are not in place. Any volunteer who refuses to produce their disclosure will not be able to volunteer in the Trust.

13.5 Applicants (free for volunteers) can have their DBS certificate kept up to date and take it with them from role to role where the same type and level of check is required. Applicants or volunteers should be asked if they have subscribed to this service. The expectation is that individuals personally fund this if they wish. Where the applicant or volunteer has subscribed they should provide the Trust school with the original disclosure document to be verified and the Trust school will check the online update for any changes.

13.6 Information relating to an individual’s criminal record will only be shared with the relevant people to enable the Trust school to make a decision about their suitability to work with children and young people.

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

14.1 An enhanced DBS check and a children’s barred list check will be carried out for all existing staff and unsupervised volunteers (subject to risk assessment) where their contact with children or young people has increased from that at their time of appointment.

14.2 An enhanced DBS and children’s barred list check may be carried out on any employee or unsupervised volunteer (subject to risk assessment) where the Trust school has concerns about an individual’s suitability to work with children and young people. An enhanced DBS (no barred list check) may be carried out on any supervised volunteer (subject to risk assessment) where the Trust school has concerns about their suitability to work with children and young people.

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

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

## **15. Agency staff**

15.1 In the case of agency staff, Trust schools must ensure that the arrangement with the agency imposes an obligation on the agency to carry out all recruitment checks as set out in section 12, including DBS and children's barred list checks that the Trust school would otherwise complete for its staff. The Trust school must obtain written confirmation from the agency that these checks have been carried out and are satisfactory. This must be recorded in the single central record (SCR).

## **16. Breaches of the policy**

16.1 Any instances of this policy not being adhered to will be taken very seriously and appropriate disciplinary action will be taken.

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

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

17.1 All written records of interviews, application forms and reasons for appointment or non-appointment will be kept by the Trust school in line with our Workforce Privacy Notice, our Records Management Policy and in line with the requirements of Data Protection Legislation.

## **18. Review of policy**

18.1 This policy is reviewed bi-annually by the Trust Board in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## Appendix 1: Disqualification from Childcare information for new employees

This information is to make you aware of your obligations relating to disqualification under the Childcare Act 2006 which came into force in schools and academies in late 2014.

Your role within our school has been identified as one which the disqualification declaration applies to.

### So what does this mean in practice?

We need to make you aware that there are certain things that may mean that you are automatically disqualified from providing childcare (affecting your role within this school) by you having committed a disqualifiable offence or a disqualifying event. These broadly fall into the four below categories:

1. That you have a caution/conviction for certain violent/sexual offences
2. Grounds relating to the care of children
3. That you have had registration refused/cancelled in relation to childcare
4. That you have committed an offence overseas which would constitute an offence regarding disqualification under the 2009 Regulations if it had been done in any part of the United Kingdom.

Ofsted have provided a list of disqualifiable offences/events in tables A & B of the below guidance

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

You need to read through this and report to the Head without delay if there is anything to declare under the disqualification guidance. It is only the offences/events on this list that we require you to declare. If you are unsure of a specific offence/event is applicable after reading the Ofsted lists, then please let us know so that we can advise you appropriately.

You should also be aware that from this point forward if your circumstances change relating to the disqualification guidance, you are obligated to inform us of this without delay.

You will be required to sign to confirm that you are clear relating to your obligations regarding disclosure pertaining to Disqualification under the Child Care Act 2016, so please do make sure that you ask any questions that you are unclear on. If you wish to do this, please speak with the Headteacher in person.

If you require additional information or help with any aspect of this, then please let the Headteacher know so that we can take advice from our HR provider on your behalf.

I have read and understood the information in this document.

Signed:

Print name

Date