



Recruitment and Selection Policy

Date: January 2021

Review date: January 2022

Approved by Advisory Board: February 2021

Linked with other policies:

- Data Protection Policy
- Disciplinary Procedure
- Equality Statement
- Safeguarding incorporating Child Protection Policy

Signed:

A handwritten signature in blue ink, appearing to read 'S. Day'.

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Note: The Directors are members of the Advisory Board and within the following policy, where mention of the Advisory Board is made, this includes the Directors

1. Introduction

1.1 Recruitment and selection is a critical activity for the Advisory Board and Headteacher. In selecting the best person for the role, the need for compliance with employment law, especially in the area of discrimination is clear. Recruitment practices must be safe in the context of appointing people who are suitable to work with children and young people.

1.2 Poor appointments to the school can lead to unnecessary and costly staff turnover, poor performance, dissatisfaction amongst the workforce and potentially put children at risk of harm. The importance of safer recruitment and recruitment best practice are recognised and underpin the school's recruitment processes.

1.3 All Advisory Board members and employees involved in a recruitment exercise must adhere to the requirements of this policy and any related policies when conducting the recruitment process and in their decision making.

1.4 [Recruitment and Selection – guidance G108f](#) on HR InfoSpace gives more detailed information on conducting recruitment and selection exercises.

2. Safer recruitment

2.1 The purpose of this policy is to provide a sound foundation for good recruitment and selection of staff, assisting a school in ensuring the requirements of the *Safer Recruitment Guidance* produced by the Norfolk Safeguarding Children Board (NSCB) and general employment legislation are met. It will do this by supporting the principles and recommendations set out in the DfE document 'Keeping children safe in education' statutory guidance. [Read Keeping children safe in education on gov.uk.](#)

2.2 The *Safer Recruitment Guidance* states that recruitment and selection processes should embrace core principles around safeguarding children and young people and employment legislation. In addition, the document states the core standards which should be incorporated into the practice of recruitment and selection. This policy and the related guidance reflects these core principles and core standards by:

- identifying:
 - the powers and obligations of the Advisory Board and any employees involved in the recruitment process in selecting staff;
 - the main stages of the recruitment and selection process; and
 - the administrative procedures to be followed by the school.
- ensuring that fairness and equal opportunity are afforded to all applicants, and that the school adheres to current legislation and its equal opportunities policies
- assisting the school in meeting the requirements of *Keeping Children Safe in Education statutory guidance*, safer recruitment guidance produced by the Safer Recruitment Consortium and general employment law guidance. [Read Guidance for safer working practice for those working with children and young people in Education settings on saferrecruitmentconsortium.org.](#)
- setting out the legal requirements on the recruitment and selection of staff stemming from relevant employment law and sector specific statute, for example (this list includes any subsequent updates made to the legislation listed): the *Education Reform Act 1988*, the

School Standards and Framework Act 1998, the Education Act 2002, the School Staffing Regulations 2009, the Education (Independent Schools and Standards) (England) Regulations 2010 (as amended by the Education (Independent School Standards) (England) (Amendment) Regulations 2012 and the Education (Non-Maintained Special Schools) (England) Regulations 2011, Childcare Act 2006, Childcare (Disqualification) Regulations 2009 and various statutory guidance documents.

Safer Recruitment training

2.3 A statutory requirement on every school going through recruitment and selection is to make arrangements to ensure actions are taken that safeguard and promote the welfare of children. All recruitment and selection events in schools need to have the involvement of an individual who has received appropriate Safer Recruitment training. Advisors and staff members will undertake Safer Recruitment Training.

2.4 The Advisory Board recognises its responsibility for ensuring at least one member of school staff and one Advisory Board member are trained in Safer Recruitment and that at least one appropriately trained individual (member of staff or Advisory Board Member) is involved in each and every recruitment exercise.

Disclosure Barring Service (DBS) checks (formerly Criminal Records Bureau (CRB) checks,

2.5 Option 1 - The school operates in accordance with the Educator Solutions DBS policy.

Prohibition checks and the Single Central Record

2.6 In addition to any DBS and/or Barred List check, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not subject to a prohibition order¹ and therefore prohibited from teaching. This has been a statutory requirement since 1 September 2013. (retrospective checking is not required for employees who commenced their current employment prior to 1 September 2013). This check is undertaken using the Teacher Services.

2.7 The school has a responsibility to keep a Single Central Record detailing when appropriate checks on staff were made and by whom, including identity, qualification requirements, entitlement to work in the United Kingdom, DBS checks, prohibition order checks, Childcare (Disqualification) Regulations checks and section 128 direction checks. The school holds a Single Central Record of recruitment and vetting checks covering all employed staff and others identified by the school as having access to children. The Headteacher oversees the maintenance of the Single Central Record.

Overseas teachers

2.8 Through the Headteacher, the School will ensure that prescribed checks, including additional checks as appropriate, are carried out in respect of staff members who have lived outside the United Kingdom.

¹ Secretary of state Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher. These checks will also identify any existing prohibitions and sanctions made by the General Teaching Council (GTCE) and NCTL before their abolition. The Teacher Regulation Agency now undertakes the prohibition work.

2.9 Other essential pre-employment checks required and summarised in 'Keeping Children Safe in Education' statutory guidance is to verify the candidate's:

- identity
- right to work in the UK
- professional qualifications
- mental and physical fitness to carry out their work responsibilities including whether any reasonable adjustments are required to provide effective and efficient teaching – **NB** the Equality Act 2010 makes it generally unlawful to ask questions about disability and health **before** a job offer is made. Further information regarding this is outlined in section 60 of the Equality Act 2010. See '[EHRC Guidance for employers on Section 60 of the Equality Act 2010](#)'
- suitability to work with children (where the applicant has lived or worked outside the UK and further checks are required because of that background)
- suitability to work with children aged under 8 the Childcare (Disqualification) Regulations².
- A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. It also prohibits a person from being a governor if they are subject to a section 128 direction. This check should be undertaken for any successful candidate offered a management position within an academy or free school or any Governor who a school proposes will be recruited as a governor. This check can be done via the Teaching Regulation Agency. **NB.** Where the person will be engaged in a regulated activity, a DBS barred list check will also identify any section 128 direction*.

Amendments to School Staffing (England) Regulations 2009 (applicable from 1 September 2012)

2.10 Following amendments made to the School Staffing Regulations (England) 2009 (applicable from 1 September 2012), schools are required to pass on information to prospective employers about teachers and headteachers, who have been subject to capability procedures. Therefore, when requesting a reference the school should ask the referee whether that teacher has been subject, in the last two years, to their school's capability procedure. Schools and Trusts (formed after April 2013) must respond to these reference requests. They should also ask the interviewee at interview if they have been subject, in the last two years, to their school's capability procedure.

Code of Practice on the English language requirements for public sector workers (applicable from 21 November 2016)

2.11 Schools and academies are required to comply with the fluency duty as laid out in the Code of Practice on the English language requirements for public sector workers (Part 7 of the Immigration Act 2016). The code imposes a duty on public authorities to ensure that public facing workers have the necessary level of fluency in English to perform their role effectively. For further information [see the Code of practice on the English language requirement for public sector workers on gov.uk](#)

² Childcare (Disqualification) Regulations 2009 stipulate that relevant staff in relevant settings must be checked to ensure they are not disqualified from being employed in the setting. Please see HR InfoSpace for further information.

3. Equal opportunities

3.1 The Advisory Board and Headteacher recognise their responsibilities under equality legislation, specifically the Equality Act 2010 which consolidated previous equality legislation and in some cases extended equality law.

3.2 The 'protected characteristics' identified in the Equality Act 2010 of age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour and nationality), religion and belief, sex, sexual orientation, marriage and civil partnership will not be used as the basis of selection for appointment or promotion within the school. All employees will be selected, trained and promoted on the basis of ability, the requirements of the job and other similar criteria that are as objective as possible. The only exception will be by virtue of legislation or an Occupational Requirement.

3.3 The Equality Act extends, beyond *direct* and *indirect* discrimination, the circumstances in which unlawful discrimination can take place. In respect of some 'protected characteristics', *associative* discrimination (i.e. direct discrimination against someone because they associate with another person who possesses a protected characteristic) and discrimination by *perception* (i.e. direct discrimination against someone because others think they have a protected characteristic). In any recruitment and selection exercise at the school, those involved will be alert to any potential unlawful discrimination.

3.4 Reasonable adjustments and/or supportive measures will be considered where a known disability exists to allow equality of access and opportunity.

3.5 The applicant's date of birth should not be included within the application form due to the risk of age discrimination. The Educator Solutions model application form on InfoSpace and the application form we use on Education Job Finder does not request the applicant's date of birth. The applicant's date of birth will be provided later on in the recruitment process to enable ID checking and payment of salary (where the applicant is successful) so it can be used then to check any gaps in employment history.

3.6 All those taking part in the recruitment and selection process have responsibility for applying the policy on equal opportunities to avoid unlawful discrimination.

3.7 The Advisory Board recognise that all public sector organisations (including schools and academies) are under a single equality duty (from the Equality Act 2010) to demonstrate that they are achieving equality in their workforce across all the 'protected characteristics'.

4. Scope of this policy

4.1 This policy applies to all teaching and support staff posts in the school. As well as students, contractors, agency staff, carers or volunteers who work in the school or its extended environment. Specific information regarding students, contractors, agency staff and volunteer checks can be found below:

Students (Work experience)

Where individuals undertake work experience placements with the school, those aged 16 and over may require a DBS check dependent upon whether they will be left unsupervised with the children

at any point as well as the length of their placement. If the length of their placement is short e.g. one week and they are not to be left with the children unsupervised, a risk assessment may suffice as opposed to a DBS check. However, identification checks are required for all volunteers. The Childcare Regulations (including disqualification from childcare) apply to all volunteers providing early years or later years childcare.

Contractors and agency staff

Where the school uses contractors and/or agency staff, it is the school's responsibility to ensure that any necessary pre-employment checks, such as DBS checks, have been completed. Where the checks have been undertaken by an agency, it is the School's responsibility to ensure that they have had sight of the completed pre-employment checks and that they have been recorded on their Single Central Record.

Where schools use contractors and agency staff, they should ensure that the terms of the contract require them to adopt and implement measures in accordance with both Safer Recruitment Consortium and DfE guidance. Schools should monitor agencies and contractors' compliance with this requirement.

Volunteers

For some types of voluntary work, the recruitment process can be very informal. However, because the volunteer role in a school/academy, in most cases, has some degree of responsibility (e.g. working with pupils), selection processes need to be robust to ensure only the right volunteers are recruited. Therefore, a similar process to paid staff should be followed when securing volunteers. The recruitment process and checks may need to be adapted dependent upon the particular role, but the principal safeguards and features of the recruitment and selection process should be the same. Please see *Recruiting and Managing Volunteers G120* for guidance on the specific types of checks.

Barred list checks cannot be undertaken for volunteers except in very specific circumstances (such as unsupervised volunteers). Schools should undertake a risk assessment and use their professional judgement when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity.

Where volunteers are recruited from another organisation, the school to which they have been assigned to work should obtain assurance from the organisation that the person has been subject to a proper recruitment process that includes the necessary safeguards.

4.2 Although the general principles of this policy will apply to the recruitment of a Headteacher, different processes may be applied (see 6 below).

5. Application

5.1 The Advisory Board will follow the procedures outlined in this policy for all vacancies, although the complexity of each stage will vary depending on the type of post.

5.2 This policy requires that the following stages are incorporated into every recruitment and selection event;

- workforce planning and identification of vacancy

- post specification
- advertising
- applications and shortlisting
- interview
- appointment

5.3 In advance of any recruitment exercise, the Advisory Board and Headteacher will consider relevant aspects of workforce planning in advance of advertising a vacancy.

5.4 It is imperative that the Directors with the support of the Advisory Board consider whether or not recruitment to the post needs to happen, whether a review of the post (and perhaps wider staffing structure) should occur before proceeding. This may be particularly relevant where the school is experiencing or anticipates financial 'tightening' perhaps through reducing pupil/student numbers. A decision not to recruit or to recruit to a different post (e.g. part-time instead of full-time, for a fixed term, or at a lower scale) may help avoid problems further down the line. A vacant post may well prove to be an opportunity to avoid a redundancy problem in the foreseeable future. The Directors with the Advisory Board recognises this and is committed to appropriate workforce planning considerations whenever a vacancy arises.

5.5 If any significant change in staffing structure arises from such workforce planning considerations, the Advisory Board will need to carry out appropriate consultation with staff. This is most likely to be appropriate where the Advisory Board is considering a change to the leadership and/or teaching and learning responsibility payments (TLRPs) structures of the school.

5.6 In reviewing or creating a job description, person specification and other documents linked to a post which is to be advertised, the Advisory Board will have regard to any statutory or local agreement requirements applicable to the group in which the post falls.

6. Appointment of Headteacher

6.1 Separate processes exist for the appointment of Headteachers to schools. The Advisory Board will seek advice from the school HR Provider to follow established processes for the recruitment of a Headteacher should that post become vacant.

7. Advisory Board and Headteacher Responsibilities

7.1 One significant area covered by the 2009 regulations is that of delegation of authority for appointment of staff. Before embarking on any recruitment exercise, the Advisory Board and Headteacher need to be clear about where responsibility lies. Decisions taken by the Advisory Board in relation to the discretion to delegate aspects of the appointments process will be reviewed annually and recorded in full Advisory Board minutes.

7.2 All decisions made by the Advisory Board should be documented fully.

8 Nature of contracts

8.1 Contracts should be permanent unless there is good reason for them not to be, and Advisors should be mindful of the Fixed-term (Prevention of Less Favourable Treatment) Regulations 2002 when considering the use of fixed-term contracts.

9. Data Protection

The school processes any personal data collected during the recruitment and selection process in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of operating recruitment and selection. Inappropriate access or disclosure of personal data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure (See *Disciplinary Procedure*). Records will not be kept for longer than necessary in compliance with the Data Protection Act 2018.

