

Recruitment and Selection Policy and Procedure

Version 3.0

<p>Important: This document can only be considered valid when viewed on the Trust website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p> <p>Title of Author:</p>	CEO
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Contents

	Page
Policy Statement	3
1. Purpose and Scope	3
2. Roles and Responsibilities	4
3. Equality and Diversity	5
4. Principles	5
5. Documentation	6
6. Recruitment Authorisation	7
7. Job Description and Person Specification	7
8. Advertising	8
9. Redeployment	9
10. Secondments and Expressions of Interest	9
11. Application and Shortlisting	10
12. Assessments	11
13. Decision to Appoint and Clearances	13
14. Confirmation of an Offer of Employment	18
15. Monitoring Compliance with and Effectiveness of this Policy	20
16. Review	20
Appendix 1 Approval to Recruit to a Job Vacancy	22
Appendix 2 Interview/Application Matrix	24
Appendix 3 Shortlisting Form	26
Appendix 4 Shortlisting Guidance	28
Appendix 5 Applicants form Overseas	30
Appendix 6 Letter for staff who are covered by the childcare regulations	32
Appendix 7 Single Central Record	34
Appendix 8 Appointment Checklist	35
Appendix 9 DBS Risk Assessment	38
Appendix 10 Sample Reference Request	41
Appendix 11 Disclosure of Convictions	44
Appendix 12 DBS Disclosure Risk Assessment	45

POLICY STATEMENT

The success of the Brighter Futures Learning Partnership Trust (the 'Trust') relies on recruiting and selecting the right people with appropriate skills, knowledge, qualifications, experience, abilities and competencies to meet current and future requirements. The Trust endeavours to recruit and select the right people in a fair, consistent, timely and cost-effective manner in line with current legislation and statutory requirements. Safeguarding sits at the heart of the Trust's recruitment and selection processes, ensuring our young learners' safety is central to our recruitment and selection processes, decisions and outcomes.

The final decision for all recruitment and appointments within the Trust sits with the CEO.

1. PURPOSE AND SCOPE

The Trust is committed to equality and fair treatment in recruitment and selection and all appointments will be based on merit. The Trust will ensure that recruiting managers follow this procedure, safeguarding those children for whom it has a duty of care. The purpose of the Recruitment and Selection Policy and Procedure is to provide a fair, consistent and transparent framework that adheres to employment legislation and statutory requirements, enabling managers to:

- attract the best possible applicants to vacancies
- ensure that the safeguarding and welfare of children and young people sits at the heart of recruitment and selection and is robust throughout the process
- follow a fair and consistent process in recruiting and selecting employees
- adhere to all relevant legislation and statutory requirements
- ensure the most cost-effective use is made of resources
- give applicants a clear understanding of the post and what is expected of them, measuring candidates against the criteria in a fair, transparent and reasonable way
- minimise the risk of making an unsuitable appointment

The Trust recognises the legal obligations it has as an employer under the Equality Act 2010, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, the Data Protection Act 2018 & GDPR, and the Human Rights Act 1998. The Trust also understands its statutory obligations and the CEO with support from HR will ensure policies, procedures, processes, training and associated documentation is reviewed in line with changing legal and statutory requirements. Shortlisting, assessments and selection processes will always be carried out without regard to the nine protected characteristics:

- Age
- Disability
- Sex
- Gender reassignment
- Pregnancy and maternity
- Race
- Sexual orientation
- Religion or belief
- Marriage and civil partnership

The Trust supports applications from candidates with a disability and will make reasonable adjustments where possible, at all stages of the recruitment process. The Trust will review and develop recruitment procedures in accordance with legislation, and all staff involved in the recruitment and selection process will be made aware of the Equality Act 2010. As all recruitment will be based on merit, discussions about reasonable adjustments will be separate from consideration of the applicant's suitability for the post applied for.

The Trust also recognises its legal obligations in safeguarding vulnerable groups and this procedure adheres to the requirements of the Police Act 1997, the Rehabilitation of Offenders Act 1974, the Protection of Children Act 1999, the Education Act 2002 and statutory guidance (e.g. Keeping Children Safe in Education and Disqualification under the Childcare Act 2018).

Where a manager wishes to use an agency worker they must refer to the preferred supplier list of approved agencies (which the HR Department/Business Managers have assessed against legal and statutory requirements to ensure agencies the Trust works with recruit, appoint, employ and deploy safely, appropriately and in line with legal and statutory guidelines). Managers must not approach agencies directly, but must contact either the Cover Officer/Headteacher/Principal/Business Manager/HR Manager, who will explore the manager's requirements and the options available to them prior to contacting an appropriate agency. Managers must be aware that under the Agency Workers Regulations 2010 and the Temporary Agency Work Directive 2008, agency workers have the right to equal treatment in relation to collective facilities and amenities and the same information about relevant vacancies as comparable workers from day one of their assignment. Following a 12-week qualifying period, agency workers are entitled to equal treatment in relation to basic working and employment conditions (including pay, working time and holiday). This means they are entitled to equal treatment (e.g. pay and conditions) to that of employees. This right doesn't include occupational sick pay, pension, family leave pay or redundancy pay.

This policy applies to all job applicants and employees of the Trust.

2. ROLES AND RESPONSIBILITIES

The **Trust Board** is responsible for ensuring this policy is applied fairly and consistently across the Trust. Members and Trustees are also responsible for the recruitment and selection of the CEO.

The **CEO** is responsible for ensuring candidates and employees are treated fairly and consistently across the Trust. The CEO approves all recruitment requests via the "Approval to Recruit to a Job Vacancy". The appointment of any member of staff must be in line with the Trust's Scheme of Delegation.

The **Local Governing Bodies and Headteachers/Principal** are responsible for monitoring the application of this policy within their respective schools, ensuring the Trust's policy, procedure and recruitment and selection processes are adhered to. They are also responsible for ensuring managers, leaders and supervisors have access to appropriate training and development to enable them to apply this policy fairly, consistently and professionally, in line with legal and statutory requirements.

The **HR Department/Business Managers** are responsible for overseeing the introduction, implementation, monitoring and review of this policy and will report to the **CEO, CFO** the Trust Board and Local Governing Bodies as required. The **HR Department/Business Managers**

will provide advice, guidance and support in the implementation of this policy and procedure, acting as a point of contact for managers.

The HR Department will ensure that this policy is implemented fairly and consistently, whilst also ensuring that relevant employment legislation and statutory guidance is adhered to.

Managers and staff must ensure they carry out recruitment and selection fairly and consistently in line with this policy and procedure, accessing support, guidance and training as and when required. Managers must also provide appropriate, constructive feedback to internal candidates at shortlisting and appointment stages. Detailed, meaningful feedback should be offered to all unsuccessful candidates following an assessment process.

3. EQUALITY AND DIVERSITY

The Trust is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines, adhering to the Equality Act 2010.
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged.

The Trust is committed to providing equality of opportunity for all and ensuring that all stages of recruitment and selection are fair. Job descriptions, person specifications, advertisements and other recruitment and selection documentation must only contain objective, justifiable, non-discriminatory information. Managers should take care not to include:

- Explicit references to age or age ranges
- Language that could be perceived as age bias (such as young, mature, energetic)
- Specifications for a particular gender, race, religion or age unless it is defined as a Genuine Occupational Qualification
- Language that could be perceived as discriminatory (e.g. 'must be fit', 'able bodied', 'generally healthy', or 'able to drive')
- Qualifications that could be age bias (e.g. GCSEs) without adding 'or equivalent'

The Equality Act 2010 allows for specifications to include a requirement for a particular gender, race, sexual orientation, religion or age as long as it is defined as a Genuine Occupational Qualification. Managers must seek advice from the CEO/CFO if they believe that a vacancy they have approval to recruit to has a genuine occupational qualification.

4. PRINCIPLES

The Trust adheres to the following principles in recruitment and selection:

- All applicants will receive fair and reasonable treatment.
- The job description/person specification is an essential tool, which is used throughout the process and applied equally to all applicants.

- Recruitment decisions will be based on the assessment of how candidates match the criteria detailed in the job description/person specification (e.g. knowledge, skills, qualifications, experience, abilities and competencies).
- Selection should be carried out by a panel of at least two people, preferably three people where possible. At least one panel member must have received recruitment and selection and safer recruitment training.
- Selection should be based on a minimum of a completed application form, shortlisting and interview.
- CEO recruitment and selection will be carried out by Members and Trustees.
- All posts will normally be advertised, unless there are specific circumstances (e.g. situations requiring ring-fencing or slotting, such as people at risk and seeking suitable alternative employment via the Trust's Redeployment Procedure).
- The Equality Act 2010 requires the Trust to make reasonable adjustments to the recruitment process if an applicant makes us aware that they have a disability. This applies to the entire recruitment process, from advertisement to appointment and the Trust is committed to meeting this requirement.

Safer recruitment and selection procedure

Safer recruitment is one of the strands of safeguarding and promoting the welfare of children, the school is committed to a process that promotes the welfare of children.

Job descriptions will include a statement to promote the safety and wellbeing of the children and young people in the school

Person specifications will state that evidence of working within a child protection culture and promotion of a safeguarding culture as essential.

Advertisements for positions will include a clear statement regarding the Trust and the School's commitment to safeguarding and the need for an enhanced DBS check, such as:

“The Trustees and Governors of the Trust are committed to safeguarding and promoting the welfare of children and applicants will undergo child protection screening appropriate to the post, including checks with past employers and the Disclosure and Barring Service.”

Questioning of candidates at interview will include robust questions about the safeguarding of children.

5. DOCUMENTATION

The recruitment process will be documented at each stage, resulting in a clear audit trail and transparency of decisions. All documentation relating to the recruitment process should be retained for 6 months from the date of the appointment decision by the HR Department. Documentation relating to the successful candidate will be transferred to their personal file. By keeping appropriate records, the Trust can demonstrate in the event of an enquiry or complaint that appropriate procedures have been followed. Information on candidates must be treated in the strictest confidence and restricted to those directly involved in the recruitment process.

The HR Department/Business Managers will use appropriate ICT to manage the recruitment process and therefore vacancy and applicant data will be stored electronically and all recruitment documentation will adhere to the requirements of the Data Protection Act 2018 and the General Data Protection Regulations 2016.

6. RECRUITMENT AUTHORISATION

All recruitment requests must be approved by the CEO/CFO/Headteacher/Principal prior to a vacancy being advertised. Before any decision is made to advertise a vacancy the CEO/CFO must be convinced that a vacancy exists that requires filling (via the recruitment authorisation process). The recruiting manager must consider fully the need to recruit and detail their requirements when completing the Recruitment Request Form.

The recruiting manager must consider:

- Whether the post needs to be filled and how best to fill it
- Any required changes to the role and responsibilities
- Any changes to the qualifications, knowledge, skills, experience and competencies required for the role alongside the potential re-evaluation requirements
- Any foreseen/expected future changes to the job or department
- Organisation changes elsewhere in the Trust alongside potential redeployees
- The need to minimising redundancy situations in line with the Trust Redundancy Policy, Organisational Change Policy and Redeployment Procedure

The recruiting manager should seek advice and support from the CEO/CFO/Headteacher/Principal prior to completing the Recruitment Request Form and throughout the ensuing recruitment and selection process. The recruiting manager must also ensure their Headteacher/Principal signs to approve the recruitment request form prior to submission to the CEO/CFO.

7. JOB DESCRIPTION/PERSON SPECIFICATION

The recruiting manager is responsible for describing the role and responsibilities clearly, concisely and accurately within the job description/person specification. The Trust must ensure that for all roles the job description has been evaluated and that the post is positioned at the correct pay point. The responsibility for this rests with the CEO/CFO who will liaise with the external HR provider. This will ensure consistency of approach across the Trust. The final decision around pay and grade will not be implemented without consultation with the Headteacher/Principal.

The recruiting manager is responsible for ensuring the job description/person specification includes all the essential and desirable qualifications, knowledge, skills, experience and competencies required for the role, ensuring that the stipulated criteria are measurable and non-discriminatory (Save for Genuine Occupational Requirement). The manager must also propose the hours, employment status (e.g. full-time, part-time, term-time, permanent, and fixed-term) and working pattern.

When completing or checking the job description/person specification, the recruiting manager should consider how each aspect will be measured. It is vital that care is taken when writing/reviewing the job description/person specification as this is used as a baseline for the

recruitment and selection process (i.e. applicants suitability for the post is measured against this throughout the process). Care must also be taken to avoid the inclusion of unnecessary, marginal or blanket requirements as this could lead to allegations of discrimination (e.g. ability to drive may be viewed as discriminating against disabled applicants unless justifiable).

Competencies should align to the Trust purpose, values and ethos. They should also link to safeguarding, detailing and measuring behaviours and attributes individuals must have or must acquire to perform effectively and safely at work. The CEO/CFO with support from HR can provide advice and support in reviewing, applying or developing competencies

Essential criteria enable the recruitment panel to sift out candidates that will not be able to perform satisfactorily in the role. The recruiting panel must not shortlist a candidate that does not meet the essential criteria for the post. Desirable criteria help the recruiting managers differentiate between satisfactory and outstanding candidates.

The job description/person specification must be finalised before the vacancy is advertised as prospective candidates often use the advert, job description and person specification as a means of selecting or de-selecting themselves.

8. ADVERTISING

If the recruitment request is approved, the CEO/CFO/Headteacher/Principal or Lead Manager will draft an advert that includes:

- an introduction to Trust and the specific school the role sits within, the ethos, values and benefits of working within the Trust and the school
- the role's purpose and key responsibilities
- basic details about the post e.g. job title, salary/pay point, hours, contractual status
- the essential criteria (as stipulated on the job description/person specification) and any special working arrangements or requirements
- any additional payments, allowances or benefits as appropriate (e.g. any recruitment and retention premia or relocation assistance on offer)
- where possible, the intended date for assessment/interview (if applicable)
- a named contact for informal enquiries where possible
- details of how to apply
- the closing date for applications
- a safeguarding statement

All vacancies will be advertised on the Trust and school websites, and at a physical location within each school that is easy for staff to access, providing staff with every opportunity to apply for internal vacancies. Vacancies will also be shared with staff who are absent on a long-term basis (e.g. health, maternity, shared parental or adoption leave). External advertising may not always be required and should be carefully considered. An applicant pool can help reduce recruitment costs and time scales and the CEO/CFO/Headteacher/Principal may target candidates within an applicant pool where possible and appropriate. Selection from an applicant pool must follow the normal shortlisting process. The CEO/CFO/Principal/Headteacher/Principal will review recruitment requests against the redeployment register and the School Centred/Doncaster Teacher Training student list. Where there are vacancies which are potentially suitable for Teacher Training students, the

vacancy will be ring-fenced for those students in the first instance. The vacancy will be advertised for those students and they will be required to apply using the normal application process. It is anticipated that Teacher Training students within the Trust will be shortlisted for teaching vacancies and assessment programmes will include an interview, student panel and lesson observation.

Internal candidates wishing to apply for a post advertised within the Trust will normally be offered a preferential interview, prior to external candidates, maximising opportunities for employees who wish to widen their experience and work at other schools in the Trust. However, they must demonstrate they have the relevant skills and experience to fill a post.

The CEO/CFO/HR/Business Managers will provide recruiting managers with advice and costs in relation to the most appropriate media for external advertising to ensure that adverts are within budget whilst ensuring that they reach the target audience. The CEO/CFO/Headteacher/Principal will also check that the advert is free from discrimination in terms of its content, design and language.

9. REDEPLOYMENT

The Trust is committed to retaining its workforce wherever possible. There may be occasions where staff meet the criteria for redeployment. Redeployees must apply for suitable alternative positions and will need to meet the essential criteria for the role in order to be shortlisted. The recruiting manager will be advised of any redeployees applying for their vacancies and may be required to interview a redeployee prior to other candidates. Managers should refer to the Redeployment Procedure and seek advice from the CEO/CFO when considering a redeployee for a vacancy. If there are some differences between the two roles, the employee should be offered a four week trial period.

10. SECONDMENTS AND EXPRESSIONS OF INTEREST

Secondments must be authorised by the CEO before such opportunities are advertised and recruited to. Adverts for secondment opportunities must explicitly state that the role is a secondment opportunity and the intended duration of the secondment. Applicants must seek approval from their line manager prior to applying for a secondment opportunity as there may be occasions where the manager is unable to support the release of one of their team members for a secondment (e.g. if their substantive role is a difficult to recruit to role).

The Trust may, in exceptional circumstances, utilise an internal expression of interest recruitment process. This may be justifiable for a temporary appointment, for example, where the role is of a specialist nature or where a developmental opportunity is available internally and can be ring-fenced for a particular group of staff. Organisational changes may also result in ring-fenced opportunities for affected staff. Managers must read the Redundancy and Restructuring Policy, and seek advice from the CEO/CFO.

Expressions of interest allow for a quick turnaround and remove the external element of recruitment. However, this is the only difference to the normal recruitment process as once application forms are received the normal recruitment and selection processes follow (e.g. shortlisting, interviews, assessments etc.).

11. APPLICATION AND SHORTLISTING

Once a vacancy has been advertised, applicants will be able to access the relevant information and application form online. The application pack will include as a minimum:

- Application form
- Welcome letter
- Equal opportunities monitoring form
- Job description/person specification
- Summary of basic conditions of service (e.g. salary, annual leave, allowances, benefits, term-time only)
- Additional information specific to the post (e.g. organisational structure, departmental information)
- Details of the DBS processes where appropriate

All applicants must complete an application form; however, disabled applicants may submit their application in an alternative format, in liaison and agreement with the CEO/CFO/Headteacher/Principal. Recruiting managers can shortlist online and shortlisted candidates can be notified online. Applications submitted online will require signing by the applicant if they are invited to an assessment process.

All applications must be treated in the strictest confidence and restricted to those directly involved in the recruitment process.

The CEO/CFO/Headteacher/Principal will ensure that the shortlisting process and outcomes align to the legal and statutory requirements. Shortlisting must be conducted initially against the shortlisting essential criteria detailed in the job description/person specification, ensuring that the information on the application form is used to assess each applicant. This must be fairly and consistently applied to all applicants. If there are too many applicants shortlisted against the essential criteria, the panel may then use the desirable criteria. If there remain too many applicants to interview, the panel should seek further advice and guidance from the CEO/CFO/Headteacher/Principal.

The panel must not shortlist any applicant that does not meet the essential criteria of the post, as detailed in the person specification/job description. The CEO/CFO will provide additional advice to recruiting managers regarding candidates that flag disability considerations, criminal records or disciplinary alerts.

It is entirely acceptable to shortlist only one candidate or not to appoint at all. Selecting the best candidate for the role is essential and managers should not feel compelled to appoint a less than satisfactory candidate regardless of the demands of the department/school. Appointing the wrong candidate can be extremely costly and can have an adverse effect on performance and delivery.

Once shortlisting is completed, the Business Managers or HR Department of each school will notify shortlisted applicants of the next steps, ensuring shortlisted candidates are aware of the need for them to bring appropriate identity evidence with them to their assessment day. The Business Managers/HR Department will therefore require details of the assessment process and be able to assist recruiting managers in designing an appropriate assessment process. The Business Managers/HR Department will discuss with disabled applicants any special

requirements they may have for the interview and arrange appropriate support, advising the recruiting manager as appropriate.

The Trust either:

- Contact candidates to thank them for their interest which tells candidates that if they have not been shortlisted, or
- Include a deadline date on the advert which tells candidates that if they have not been contacted by this date, they have not been shortlisted.

12. ASSESSMENTS

The Business Managers/HR Department will advise managers on the suitability and options regarding the assessment process, ensuring that it does not breach legislation, good practice or safer recruitment guidelines. As a minimum, the assessment process will include shortlisting and an interview and candidates invited to interview will be advised of the assessment process. Alongside an interview, additional assessment tools may include:

- Student or stakeholder panel
- Lesson delivery/observations
- Seen/unseen presentations
- Keyboard/Typing tests
- In-tray exercises
- Knowledge or technical tests
- Group work
- Ability tests (e.g. numeracy/literacy)
- Data analysis

This list should be used as a guide as it is not an exhaustive list.

The Business Managers/HR Department will advise on the best approach when measuring candidates against the set criteria, ensuring that the assessment tools are appropriate, justifiable and in line with legislation, best practice and statutory guidelines. The Business Managers/HR Department will ensure that appropriately qualified, trained, experienced and knowledgeable staff will assess candidates. Students or stakeholders involved in the recruitment process will have access to training, advice and guidance and they will have clear parameters for their involvement. They will provide feedback to the recruiting panel.

The recruiting panel must prepare questions and assessments with the Business Managers/HR Department, advising the Business Managers/HR Department of the preferred schedule for the assessments. Templates for competency-based interview questions, presentation briefs, scoring sheets and assessment templates will be available from the CEO/CFO, alongside advice and guidance. The Business Managers/HR Department will normally support the recruitment process through booking rooms, refreshments, facilities and student/stakeholder panels as required. This will be in conjunction with the Headteacher's PAs/Principal's PA/Admin Support Team for complex assessment days. They can also conduct a variety of assessments to enable a thorough assessment of candidates against the criteria detailed in the job description/person specification. The Business Manager/HR Department will send the recruitment pack to panel members, which will include:

- Job description/person specification
- Application forms
- Interview questions
- Other assessment documentation as appropriate
- Scoring sheets
- A terms and conditions sheet which details the basic employment details
- Schedule for the assessment process
- Advice regarding safeguarding, legal and statutory requirements

On the interview day, the Business Manager/HR Department will check the candidate's identity (including the candidate's eligibility to work in the UK), qualifications and membership of a professional body (where appropriate). The Business Manager/HR Department will notify the panel of any issues arising from these checks.

The interview panel must consist of at least two people, preferably three. At least one of them should have been involved in the shortlisting process and one of the panel members should be the person whom the post reports to. At least one of the interviewers must have completed safer recruitment training within the last three years. The Business Manager/HR Department will ensure that where required, reasonable adjustments are made for disabled candidates. If the recruiting panel has any concerns regarding a disabled candidate's ability to perform the role for which they have applied, they should seek advice from the HR Department.

The Equality Act 2010 limits the circumstances in which the recruiting panel can ask applicants' health related questions before offering them a post. The panel can only ask such questions where the ability to carry out specific functions is essential and intrinsic to the job, or to determine the need for making reasonable adjustments in the selection process, for example, to mitigate the impact of any disability the candidate has.

Candidates must not be asked questions related to their protected characteristics or trade union activities, as they have no bearing on a person's suitability for the job and could be unfairly discriminatory.

All questions must relate to the job as detailed in the job description and person specification, measuring the candidate's suitability against the criteria in a fair, transparent and consistent way. The panel should remind each candidate that if they are selected as a preferred candidate, a DBS clearance will be necessary. They must also be advised that any offer is '**Conditional**' subject to the Trust receiving satisfactory clearances, including references, identity check, qualification checks and a pre-employment medical clearance. The interviewers must make notes throughout the interview. Time should be allocated at the end of each interview for scoring to take place. Each interviewer must score each question and their comments on the form should ensure that each score is justifiable and that constructive feedback can be given. The panel should complete the scoring sheet and return all documentation to the Business Manager/HR Department upon completion of the assessment process as it will be retained on the job file for 6 months.

13. DECISION TO APPOINT AND CLEARANCES

Once all assessments have been completed, each individual panel member will total their scores and usually the candidate with the highest scores in rank order will be the preferred candidate. The Chair of the panel must discuss their preferred candidate choice with the Headteacher/Principal in line with the Scheme of Delegation prior to offering a position. Only when the CEO has agreed with their preferred choice (in line with the Scheme of Delegation) can an offer (subject to satisfactory clearances) be made. Ultimately, the decision to appoint will be made by the CEO, having due regard to the views, opinions and preferences of the panel members. The Chair of the panel should discuss the offer with the preferred candidate, explaining that it is subject to satisfactory clearances.

The recruiting panel must also contact the unsuccessful candidates and provide them with access to constructive feedback that is honest and balanced, giving them examples of where they could improve in the future. The conditional offer will be confirmed, subject to satisfactory clearances, and the Business Manager/HR Department will notify the recruiting manager of the progress of satisfactory clearances. Recruiting managers must not arrange for a new starter to commence until they have received confirmation from the Business Manager/HR Department that all clearances have been received and all are satisfactory.

The Business Manager/HR Department will not contact unsuccessful candidates unless the recruiting manager specifically requests this.

All offers of employment must be made by the chair of the recruiting panel. A verbal offer is legally binding; therefore, all offers of appointment **must be made in writing and conditional, subject to the necessary checks** and clearances:

- References (One should be their current or most recent Headteacher, and one their previous employer, or in the case of newly qualified teachers, their training institution and one of their placements. In some circumstances it may be necessary to obtain 3 references, if a candidate has been employed for a private sector in-between public sector roles. In this instance, you **must** still refer back to any previous employer which involved the candidate working with children).
- Disclosure and Barring Service (DBS) Clearance
- Pre-Employment Medical Clearance
- Eligibility to Work in the UK
- Qualifications and Membership of Professional Bodies
- ID Check
- Childcare Disqualification Declaration (if relevant to setting).
- Prohibition Clearance

References should be sought on all short-listed candidates, including internal ones before interview so that any issues of concern can be explored further with the referee, and taken up with the candidate at interview. References form an important part of the process and should be scrutinised for any inconsistencies against the application form. If a candidate for a teaching post is not currently employed as a teacher, the school (new employer) will confirm with the school or college at which they were most recently employed details of their employment and their reasons for leaving. For the purposes of safeguarding the school will apply this to applications for all staff roles. Therefore, applicants who have previously worked in schools (despite this not being one of their last two employers) will be advised that the school will contact the last school previously worked at for a reference. Two written references are

required from the candidate's present or most recent employer (paid work). For teaching posts this would normally be the Headteacher/Principal.

References will not form part of the assessment scoring, but any concerns raised within a reference should be discussed with the HR Department, the Headteacher/Principal and the CEO. Open references will not be accepted, therefore the reference template should be used.

On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague or if insufficient information is provided. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

In the event that references are deemed unsatisfactory by the panel, the candidate must be advised of this. If the panel conclude that the references are unsatisfactory and the conditions in the offer letter have not been satisfied, the school can withdraw the offer of employment. Schools are advised to contact their Business Manager/HR Department. Where candidates request access to the references supplied to the school by the previous employer schools must pay due attention to the General Data Protection Act 2018, schedule 2.

The Business Manager/HR Department will contact the preferred candidate to arrange for them to complete the online DBS application form (unless the preferred candidate has used the update service), providing the candidate with advice and guidance in line with DBS guidance and the Trust's DBS Policy.

In the circumstance where a DBS check contains any disclosures (convictions, cautions, reprimands and warnings) and the panel decide to appoint the candidate, the recruitment panel must record the reasons for not treating the conviction information as a reason not to appoint and retain a note of the reasons, including details of any advice sought and obtained, on the successful candidate's personnel file. It is recommended that advice be sought from HR Manager regarding information contained on DBS certificates. See appendix DBS risk assessment.

Information disclosed under the Rehabilitation of Offenders Act 1974, and the amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected'. Disclosures must not be taken into consideration at shortlisting stage. Any disclosure made must be provided to the interview panel in a sealed envelope so that they may ask the candidate questions at interview. Anybody who makes disclosures must also be subject to a DBS Enhanced and Barred list check. See appendix for a Criminal Convictions self-disclosure form.

Any information about past disciplinary action or allegations that are disclosed should be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Teacher Services' checks).

The preferred candidate will complete their medical questionnaire and once assessed. If there are any health issues, these should be shared immediately with the CEO/CFO/Headteacher/Principal.

It is a criminal offence to employ someone who is subject to immigration control and who does not have current and valid permission to be in the UK. The identity check, normally undertaken on the assessment day, will include a check of the candidates' eligibility to work in the UK.

Qualifications and membership of professional bodies (where appropriate) will normally be checked on the assessment day. The Business Manager/HR Department will notify the panel of the outcome of these checks.

Pre-employment Checks

These are checks which are required by law before employment commences;

- a. **Identity:** importance of verifying the successful applicant's identity by reference to original documents. Candidates invited to interview should be asked to bring with them the necessary documents to verify their identity that will satisfy the requirements of the DBS in respect of the application for a disclosure.
- b. **Eligibility to work in the UK:** it is an offence to employ someone who is not eligible to work in the UK so proof of eligibility must be checked before the offer of employment is confirmed. Guidance about this is in appendix eight of Safeguarding Children and Safer Recruitment in Education. More detailed information is available on the UK Border Agency website www.ukba.homeoffice.gov.uk
- c. **DBS barred list:** under the Protection of Freedoms Act 2012 schools have a legal duty to check that any person being appointed to work in **regulated activity** is **NOT** barred from working with children or – where applicable – working with vulnerable adults. This check must be done before the person commences in post even if they start pending a DBS certificate.
- d. **DBS certificate:** the successful applicant should be asked to complete an application for an enhanced DBS certificate and produce the required supporting documentation straight away. Everybody employed to work in a school is required by law to undertake an enhanced disclosure. Since 2016, all newly appointed governors (of maintained / VC schools) must undertake an enhanced DBS certificate. Existing governors without enhanced DBS were required to undertake a new check by September 2016. Governors are not in regulated activity and should not be checked against the barred list.
- e. **Qualifications:** the successful applicant should be required to provide original certificates or diplomas for all the academic or vocational qualifications required for the post, plus any that are relevant to the post. The documents should be checked to ensure that they refer to the applicant and it is also important to verify them with the awarding body.
- f. **Status:** it is a requirement for some posts that the applicant is licensed or registered with a professional body. For example, in order to be employed as a teacher in a maintained school, a person must usually have been awarded qualified teacher status and be registered with the relevant general teaching council.
- g. **Prohibition** All those appointed to undertake 'teaching work' must be checked against the prohibition list and interim prohibition list before commencing in post. Schools can check these lists via the Teachers Services website. 'Teaching work' includes qualified

/ unqualified teachers and HLTAs but not teaching assistants – see *Keeping children safe in education* for more information. When recruiting teachers, it is important to also check for any past General Teaching Council for England (GTCE) sanction.

- h. Prohibition from participation in management** – anyone appointed to a management position in an independent school, academy or free school as an employee, trustee or proprietor must now be checked to ensure they have not been barred from management of an independent school by the Secretary of State. This check will usually be done as part of their enhanced DBS (state that the person is in ‘management of an independent school’ on the DBS application) or – if the person is not in regulated activity – via Teachers Services. This should be included as a column on the SCR in relevant schools.
- i. Disqualification under the Childcare Act 2006** – the DfE has updated guidance for schools (31/08/18) which recruiters should ensure they have read and understood.

Schools are prohibited from employing a disqualified person in connection with the relevant childcare provision. New recruits should be advised of the Regs and asked to confirm that they are not disqualified from childcare. Schools are not required to keep information about disqualification from childcare checks on the SCR but may do so if they wish, bearing in mind that the law prevents employers from keeping records or details of someone’s criminal history.

Schools should not apply this to every employee they must assess which staff are covered by the Act. See Appendix Disqualification from Childcare Regulations letter for staff. The criteria for disqualification relevant to a school setting include the following:

- Inclusion on the DBS Children’s Barred List
- Being found to have committed certain violent and sexual criminal offences against children and adults, which are referred to in regulation 4 and Schedules 2 and 3 of the 2018 Regulations
- Certain orders made in relation to the care of children, which are referred to in regulation 4 and listed at Schedule 1 of the 2018 Regulations
- Refusal or cancellation of registration relating to childcare, or children’s homes, or being prohibited from private fostering, as specified in Schedule 1 of the 2018 Regulations
- Being found to have committed an offence overseas, which would constitute an offence regarding disqualification under the 2018 Regulations if it had been done in any part of the UK

Staff covered by this legislation include the following:

- Early year’s provision – staff providing care for a child up to and including reception age (including education in nursery and reception classes and/or any supervised activity such as breakfast clubs, lunchtime supervision and after school care)
- Later years provision – staff employed to work in childcare provided by the school outside school hours for children above reception age, but younger than 8 (this doesn’t include education or supervised activity above reception age during school hours, but it does include before school settings (e.g. breakfast clubs) and after school provision)

- Staff employed by childcare providers (not employed by the school) who hire or rent school facilities or premises (the Trust will ensure the provider has appropriate policies and procedures in place regarding safeguarding children and the 2018 Regulations)
- The Trust will ensure agencies and other providers undertake appropriate checks for staff deployed to work at the Trust, including the requirement for staff to inform their employer they would be committing an offence if they are deployed to work in relevant childcare, or are directly concerned in the management of such provision, if they are disqualified under the 2018 Regulations
- The Trust will ensure that self-employed contractors working in relevant childcare provision comply with the requirements of the legislation
- The Trust must ensure that initial teacher training providers adhere to the legislation
- Staff directly concerned with the management of early or later year's provision are covered by the legislation
- Volunteers and casual workers directly concerned with the management of childcare provision or who work in relevant childcare on a regular basis (supervised or unsupervised) are covered by this legislation

Staff not covered by this legislation include the following:

- Caretakers, cleaners, drivers, transport escorts, catering and office staff who are not employed to directly provide childcare, However the Trust has opted to ensure **ALL** staff working within a relevant setting are subjected to the same clearance process.
- Most staff who are only occasionally deployed, and are not regularly required to work in relevant childcare are not automatically covered, therefore Headteachers/Principal will work with the CEO, CFO to assess the risk and thus exercise their judgement
- School governors are not covered by this legislation unless they volunteer to work in relevant childcare on a regular basis, or they are directly concerned with the day-to-day management of such provision

The Trust requires preferred candidates and staff to complete a self-declaration form to capture information relation to the 2019 Regulations. Questions are relevant and limited to the requirements of the legislation (e.g. cautions or convictions for a relevant offence; where a care order is issued with respect to a child who has been in the person's care; or whether they are named on the DBS Children's Barred List). The Business Managers/ HR Department retains a record of all staff employed to work in or manage relevant childcare, including the date on which the disqualification checks were completed, ensuring OFSTED and independent inspectorates can readily access this information.

All documents provided must be original and not photocopies. Until all these checks have been carried out **ONLY** a conditional offer of employment can be made. This must be stipulated in the correspondence. All original documentation must be photocopied and placed in files for consideration as part of the recruitment process.

Overseas Checks – All elements of the recruitment process should be applied to applicants from overseas in the same way as applicants resident in the UK. In all cases where an

applicant has worked or been resident overseas in recent years, the employer should, where possible, obtain a check of the applicant's criminal record from the relevant authority in that country. Not all countries provide that service, but the DirectGov website now includes a list of those countries that do and details of how information can be obtained from other countries, at:

www.gov.uk/dbs-checks-requests-guidance-for-employers#overseas-applicants

The DBS can only provide information that is held by police forces in the UK. That may include details of offences committed abroad by UK citizens or residents, but almost invariably will not include details of any offences committed abroad by foreign nationals who have never lived or worked in the UK. See Appendix Applicants from overseas advice

Fee-Funded Student Teachers – The school should get written confirmation from the provider of any fee-funded student teacher that has carried out all pre-appointment checks that the school should otherwise perform.

European Economic Area (EEA) teacher sanctions - The DFE issued the following guidance note to schools;

Employers in England can now use the Teacher Services Website to check for restrictions/sanctions that have been imposed by regulators of the teaching profession in other EEA member states. This information will help employers when making recruitment decisions and should be carried out in addition to all other safer recruitment pre-appointment checks. 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 candidates suitability to be employed.

14. CONFIRMATION OF AN OFFER OF EMPLOYMENT

When all satisfactory clearances have been received, the Business Managers/HR Department will notify the recruiting manager and the successful candidate to advise that clearance has been received and to discuss a start date and time. The Business Manager/HR Department will send the preferred candidate a contract of employment and an email will be sent to all relevant departments to ensure appropriate arrangements are in place prior to the start date (e.g. IT and induction). The Business Manager/HR Department will close the job file and initiate an electronic personal file, scanning the successful candidate's recruitment, selection and clearance information onto the file, which will be retained in the secure HR electronic system.

For some staff, there may be a long period of time between the offer confirmation and start date (e.g., teachers have strict notice periods). It is vital that the organisation successfully onboards new starters (e.g. through electronic access to online documentation, welcome information and induction materials). The Business Managers/HR Department will send new starters information electronically in readiness for their successful commencement with the organisation. Information includes the following: Induction details

- Dress code information
- Dates for the diary (the academic school calendar)
- School site
- Trust information regarding the various schools, the vision and ethos
- Trust Induction Policy

- Job description to be signed and returned
- Pay and benefit details
- Information about the area for new starters relocating (alongside information regarding relocation expenses or recruitment and retention premia where it is being accessed)
- Links to policies and procedures and other relevant Trust and school information
- Links to statutory and mandatory training that new starters may wish to access prior to their commencement with the Trust

Managers are also encouraged to maintain contact with successful candidates, ensuring they feel welcome and a part of the team, the school and the Trust, even before they start. Regular communication can dispel any worries new starters may have and it provides the manager and their new member of staff with opportunities for role clarity prior to formal commencement. It also allows the manager time before the new starter commences to begin to discuss key objectives and initial training and development needs and plans.

On the successful candidate's first day, their manager should welcome them and ensure they are fully supported in their first few days and weeks. Managers must complete the Trust's induction with their new starter and associate staff will also require probationary meetings to be held, ensuring any challenges and learning and development needs are addressed in a supportive, swift and effective way (managers of associate staff must read this policy in conjunction with the Trust's Induction Policy). New starters will also receive an invitation to the Trust induction, providing them with an opportunity to meet other new starters from across the Trust and the CEO.

Volunteers

Volunteers are seen by children as safe and trustworthy adults. The same kind of process should apply when the school is recruiting volunteers to work with children. Because volunteers fill a very wide variety of roles the principle needs to be applied with common sense and the process may need to be adapted to cater for particular roles.

Parents who volunteer on a one-off occasion such as a day trip, a fete or a sports day there is no need for a formal process or for a DBS certificate or a barred list check.

If a volunteer is going to have an on-going role that involves regular contact with children, or means that the person will be on the premises when children are present regularly or frequently, a similar recruitment process should be adopted as would be used to recruit a paid member of staff filling a similar role. Although, the process may be presented differently or adapted so that it is not as formal, the principles of safeguarding should still be the same.

If a volunteer will be providing 'teaching' and has previously been a qualified teacher the school should check on the Teacher Services website that they are not prohibited from teaching. The Childcare Regulations (including disqualification from Childcare) apply to all volunteers providing early years or later years childcare.

Barred list checks cannot be undertaken for volunteers except in very specific circumstances (such as unsupervised volunteering, overnight activity or volunteers engaging in intimate care). In those cases the process should still include:

- Information about the organisation's commitment to safeguarding children

- Completion of an application or registration form
- Obtaining references
- A face to face interview
- Pre-employment checks similar to those which would be applied in the case of paid employment, including a DBS certificate.

Keeping Children safe in education 2019 says:

The school or college should undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate or any volunteer not engaging in regulated activity. In doing so they should consider:

- *The nature of the work with children;*
- *What the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers*
- *Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability.*
- *Whether the role is eligible for an enhanced DBS check*
- *Details of the risk assessment should be recorded*

See Appendix for a Volunteer Risk Assessment.

Volunteers should be provided with a role profile and undertake a full induction into the school, this induction should cover safeguarding and what is regulated activity.

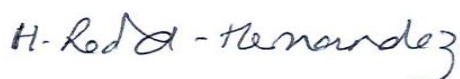
15. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY

Effectiveness and compliance of this Policy will be monitored on an annual basis.

16. REVIEW

This Policy and Procedure will be reviewed within two years of the date of implementation with staff and relevant unions.

Signed CEO of BFLPT – Helen-Redford-Hernandez:



Date: May 2021

Signed – Chair of BFLPT – Marcus Isman-Egal:

Marcus Isman-Egal

Date: May 2021

Policy to be reviewed: September 2022

Created: September 2019 (Version 1)
Revised: July 2020 (Version 2)
May 2021 (Version 3)

Date of discussion with CEO:

Approved:

**Helen Redford-Hernandez
Chief Education Officer**

Date:

Appendix 2

Interview/Application Matrix			
Candidate:		Interviewer:	
Post title:		Date:	
Interview Questions	Points to cover – relevance of competency/skills	Comments/Evidence	Score
1.			0
			1
			2
			3
2.			0
			1
			2
			3

RATING SCALE

0	Main issues not covered. No examples of irrelevant examples.
1	Some points covered, not all relevant. Some examples given.

2	Good answer, relevant information given. Good examples given.
3	Excellent answer, all points covered. Excellent examples give.

Other Considerations

- Communication skills (ability to express self clearly)

SUCCESSFUL AT INTERVIEW

YES

NO

General feedback comments: (feedback is often requested and the interview noted provide an invaluable aid to giving accurate constructive feedback. To assist this process please include any comments that might be used in a constructive sense to state why the candidate was either successful or unsuccessful and identify any potential weakness, identifying these as development areas.)

Interviewers should note that this material may be accessible to the candidate and any comments made should be objective.

APPENDIX 3 - SHORT LISTING FORM

SCORING AGAINST PERSON SPECIFICATION

SCORING

COMMENTS

<p>Name of candidate _____</p> <p>Essential Score _____ out of 140</p> <p>Desirable score _____ out of 35</p>	<p>ESSENTIAL</p>	<p>DESIRABLE</p>	<p>HOW IDENTIFIED</p>	<p>Clear evidence 5</p> <p>Some evidence 3</p> <p>Little or no evidence 0/1</p>	
<p>Qualifications and Training (Complete the details)</p>				<p>Maximum score 25</p> <p>Highest score essential 15</p> <p>Highest score desirable 10</p>	
<p>•</p>	<p>X</p>		<p>AF/CQ</p>	<p>5 3 1 0</p>	
<p>•</p>	<p>X</p>		<p>AF/CQ</p>	<p>5 3 1 0</p>	
<p>•</p>	<p>X</p>		<p>AF</p>	<p>5 3 1 0</p>	
<p>•</p>		<p>X</p>	<p>AF/CQ</p>	<p>5 3 1 0</p>	
<p>•</p>		<p>X</p>	<p>AF/CQ</p>	<p>5 3 1 0</p>	
<p>Relevant Experience (complete the details)</p>				<p>Largest score 35</p> <p>Highest score essential 25</p> <p>Highest score desirable 10</p>	
<p>•</p>	<p>X</p>		<p>AF//R</p>	<p>5 3 1 0</p>	

•		X	AF/I/R	5	3	1	0	
Knowledge and Skills (complete the details)				Maximum score 90 Highest score essential 75 Highest score desirable 15				
•	X		AF/I/R	5	3	1	0	
•		X	AF/I	5	3	1	0	
•		X	AF/I	5	3	1	0	
•		X	AF/OT	5	3	1	0	
Safeguarding (complete the details)				Maximum score 25 Highest score essential 25				
•	X		AF/R	5	3	1	0	
•	X		AF/I/OT	5	3	1	0	
•	X		AF/I/OT	5	3	1	0	
•	X		AF/I/R	5	3	1	0	

Has the candidate been short listed? Yes/No

If yes apply for references at this stage

APPENDIX - 4

Short-Listing Candidates - Guidance

Short-listing - when?

At the beginning of the recruitment process you should plan the recruitment timescales and you should ensure that you adhere to these to avoid having to reschedule interviews causing inconvenience to candidates, interview panel members and additional administration. If unforeseen circumstances arise and the interview dates have to be changed you should notify the candidates as soon as you are aware of the change.

Wherever practicable short-listing the candidates for interview should be undertaken by the same panel of people who will be involved in the interviews (or at least one of the panel) for consistency throughout the process. The panel should always contain at least one member who has undertaken Safer Recruitment training and a member who has operational knowledge of the vacant post. The panel should be made up of at least two people, ideally three people.

Short-listing – the process

To complete the short-listing process you will need:

- all the applications
- the job description
- person specification for the post
- the short-listing form (Appendix 6)

The purpose of the process is to identify which of the applicants will be invited to interview for the post. It is important to give full consideration to each application and consider them with a consistent approach.

It is essential that the short-listing is carried out based on the criteria laid down within the documents listed above regardless of age, disability, gender, pregnancy or maternity, race, religion, belief or sexual orientation.

The person specification should be used to identify which attributes are to be measured from the application and these should be written onto the short-listing form. For example – if you have identified in the person specification that there is a requirement for relevant experience in the supervision of staff and that this will be identified from the application. This should be listed on the short-listing template under “relevant experience”.

If you have received a large volume of applications and consider that you may have difficulty in establishing a manageable size short-list of those who meet the *essential* criteria, the panel may want to add further weighting to those also meeting some or all of the *desirable* criteria. If you wish to use this further weighting, the recruitment panel should agree to this at the beginning of the process, *not during the short listing* whilst looking at and scoring the applications.

Completing the short-listing form

The names of the applicants should be written onto the form and then a comparison of the information provided on the application form should be made against the person specification. If you have a high volume of applications, you may find it helpful, firstly to exclude any who have not met the essential criteria for the post.

For each of the criteria, an assessment is made of the evidence provided and a score given as follows:

- Score 5 - Clearly meets essential and some or all desirable criteria
 - Score 3 – Clearly meets essential criteria
-
- Score 1 - Unclear/potential evidence that candidate meets essential criteria
 - Score 0 - No evidence that candidate meets essential criteria

When scoring candidates, it is useful to consider the skills required for the key roles of the job and how easily and quickly those skills can be gained. If, for example, a skill is required that is critical to the role and could take some months to gain, then this may be considered more highly than a skill that is used less frequently or can be learned in a short period of time. If you choose to use any further differentiation or weighting during the short-listing process, you should detail how this was done in the candidate notes included in the shortlist form.

You should record the reason for your scores on the short-listing form so there is clear information about why you have scored as you did. This can also be helpful when providing feedback to candidates.

Those scoring the highest are the candidates that you should short-list.

In addition, if this situation arises you could consider drawing up a long-list and inviting these candidates for a first interview or test, to then identify your short-list.

What is evidence?

The candidate should provide evidence of their skills, qualifications, knowledge and experience on their application.

Some consideration can be given to the presentation of the application, only if this is relevant to the post. For example if written communication is one of the criteria for the post, and the language and presentation of the application is poor, that can be considered as evidence when scoring the application. It is important to consider that some candidates may have difficulties with literacy due to disability or because English is not their first language, however, this does not mean that they are not capable of doing the job.

If key information is missing from the application, then it is reasonable and appropriate to determine that the candidate does not have any evidence to provide of the skills, knowledge, experience or qualifications in question.

Interview Preparation

If you have noted during the short-listing process any additional information or clarification you require from any of the candidates, this should be recorded to enable it to be asked as a supplementary interview question.

Short-listed candidates - Inviting to Interview.

You will then create and send the invite to interview correspondence to invite your short-listed candidates to interview, giving the candidates at least a week's notice to attend the interview.

At this stage apply for references for all short-listed candidates.

This should be incorporated into your timescale

APPENDIX - 5

Applicants from overseas

All elements of the recruitment process and the pre-appointment checks should be applied to applicants from overseas in the same way as to applicants resident in the UK, but extra time will need to be allocated to obtaining references, checking applicants' qualifications and possible criminal records. In addition, as noted above, overseas applicants will need to establish that they have the right to live and work in this country.

The DBS can only provide information that is held by police forces in the UK. That may include details of offences committed abroad by UK citizens or residents, but almost invariably will not include details of any offences committed abroad by foreign nationals who have never lived or worked in the UK. The DBS barred lists (and their predecessors including List 99 and the PoCA List) are also primarily made up from referrals about people living or working in this country. Consequently DBS certificates and Barred List checks are unlikely to provide any information on applicants from overseas who have not previously lived in the UK. Nevertheless, those checks have to be carried out to meet statutory requirements. In all cases where an applicant has worked or been a resident overseas in recent years, the employer should where possible, obtain a check of the applicant's criminal record.

Not all countries provide that service, but the DirectGov website now includes a list of those countries that do and details of how information can be obtained from other countries, at www.gov.uk/dbs-check-requests-guidance-for-employers#overseas-applicants

The nature and detail of the information provided varies from country to country. The DBS does not have any involvement in applications by individuals to overseas authorities. Employers should also be aware that they would have to arrange for information returned from overseas authorities to be translated into English and they may need to obtain advice about the precise nature of criminal offences in other countries. Offences in other countries do not necessarily correspond to offences in the UK.

The DfE does not issue guidance on which circumstances require these overseas checks, stating that it is for schools to determine. However, with effect from **6th April 2017** the Home Office has confirmed that an overseas criminal check will be completed for everyone in an education role applying for a visa to work in the UK (i.e. from countries outside the EU). The requirement is mandatory to applicants from overseas applying under certain Standard Occupational Classification (SOC) codes, including teaching and school leadership. The requirement to provide an overseas criminal record certificate applies to anyone that has lived abroad for 12 months or more in the last 10 years. Since April 2017 schools have had a statutory duty to inform Tier 2* skilled worker applicants of the need to source and submit overseas criminal certificates as part of their visa application.

You can find an FAQ document about obtaining overseas criminality information here: [Obtaining Overseas Criminal Record Checks](#)

NOTE In cases where an overseas criminal record check or certificate of good conduct is not possible, particular care must be taken with the other required checks, especially those of identity and qualifications, and obtaining satisfactory references.

European Economic Area (EEA) teacher sanctions

The DfE has issued the following guidance note to schools:

*Employers in England can now use TRA Teacher Regulation Agency (employer access online) to check for restrictions/sanctions that have been imposed by regulators of the teaching profession in other EEA member states. This information will help employers when making recruitment decisions and should be carried out **in addition to all other safer recruitment pre-appointment checks as detailed in part 3 of 'Keeping children safe in education'**.*

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. The Teachers Services website explains how to obtain more detail about EEA restrictions. Since February 2016 NCTL Teacher Services displays EEA restrictions as a separate list.

*Tier 2 jobs – general, health/social/education

APPENDIX - 6 LETTER FOR STAFF WHO ARE COVERED BY THE CHILDCARE REGULATIONS

Dear Colleague,

The Department for Education issued guidance to schools (31st August 2018) on the Disqualification from Childcare Regulations and reminded school leaders that they must undertake an additional safeguarding check on current and future staff as appropriate to ensure that no one who is disqualified is employed in connection with:

- early years provision, or
- later years childcare outside of school hours for children who have reached 5 years but not yet reached 8 years, which includes before and after school care.

The disqualification criteria include:

- 1) caution or conviction for certain criminal offences
- 2) Certain grounds relating to the care of children (eg parental right order, supervision order or care order)
- 3) Having registration refused or cancelled in relation to childcare, children's homes or disqualification from private fostering (except where that cancellation or refusal was to do with unpaid fees)

This check is separate from the DBS check. Any of the above criteria disqualify staff from providing this childcare. Staff who either have a relevant offence or order is disqualified immediately and must apply to Ofsted to request a waiver if they wish to continue to work in these areas.

I have carefully considered the statutory guidance and have determined that your post at [insert name of setting] is involved in the provision of early years care during the school day and/or later years childcare [delete as appropriate].

For that reason, I have a legal obligation to make you aware that you have a duty to report any relevant information to me about yourself (even if that information has previously been considered in relation to a DBS check). Please be assured that any information disclosed will be treated in the strictest of confidence and in line with Data Protection requirements.

The full list of relevant offences, orders and determinations can be located in tables 2-5 of the Compliance, Investigation and Enforcement handbook, section 5.1 'Disqualification' which can be accessed via the link below. I appreciate that the lists are long and so, for ease of reference, I have arranged for a hard copy to be available in the school office / staff room.

<http://hub.unlock.org.uk/wp-content/uploads/Ofsted-disqualifications.pdf>

Broadly speaking, the 'certain criminal offences' include a caution or conviction for:

- any offences by an adult against or involving children
- Any sexual offence by an adult or a child against an adult or a child
- Murder, manslaughter, kidnapping, false imprisonment, assault occasioning grievous or actual bodily harm

For cautions, you are only required to disclose those issued on or after 6 April 2007. This does NOT apply to relevant convictions, which must be declared irrespective of date.

If you believe that you may meet one of the three disqualification criteria set out at the start of this letter, you are required to read the complete list in order to determine whether or not the specific information is disclosable.

You are required to make me personally aware of any relevant information, in writing, by no later than 7 days from receipt of this letter. If you think you have relevant information you will need to provide, as far as possible, any details relating to the order, determination, conviction or other grounds, the date it was made along with any other details including a copy of the relevant order or conviction. This information should be provided in a sealed envelope, clearly marked 'Strictly confidential - for the attention of (head teacher) only' and handed to [insert name].

Please note that this is an ongoing requirement and so, if you do not have any relevant information to disclose at this point, but do in the future, you must make me aware of any relevant information immediately.

You are required to sign the signature sheet available in the office to confirm that you have read and understood the content of this letter.

I understand that a disclosure may be difficult and stressful. If you have any questions or concerns, please do not hesitate to contact me at [insert contact details]

I would like to thank you for your cooperation and support in implementing this legally required process.

Regards,

Head teacher

APPENDIX - 7

Single Central Record Guidance

Schools must keep a single central record, as referred to in the Keeping Children Safe in Education (statutory guidance document). The single central record must cover the following people:

- All staff who are employed directly by your school
- All supply/agency staff who are employed for a reasonable period of time, whether employed directly by the school or through an Agency.
- The very short term cover staff totalling a few days or a couple of weeks would not normally be put on the SCR but you still need to ensure the Agency has carried out all the checks and hold the evidence on file.
- Any volunteer who works regularly with children and always include those who are engaged in “Regulated Activity”.
- Governors
- People brought into the school to provide regular additional teaching or instruction but who are not staff members, such as Sports Coaches, Peripatetic Music Teachers, Artists etc.
- Regular contract staff such as contract cleaners or caterers
- The school should get written confirmation from the provider of any fee-funded student teacher that has carried out all pre-appointment checks that the school should otherwise perform

The prohibition from teaching check must be completed for everyone engaged in ‘teaching work’, whether a qualified teacher or not; and recorded on the single central record. The information that must be recorded is whether checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained. Personal files must correlate with the Single Central Record and contain documentary evidence which has been gathered from recruitment process in order to satisfy the requirements for a safe appointment.

Section 128 checks

Individuals who are subject to a direction made under Section 128 of the Education and Skills Act 2008 or Section 167A of the Education Act 2002 are prohibited from taking part in the management (including governors if the governing body is the proprietor body for the school) of independent educational institutions in England and/or Wales respectively. A person prohibited under Section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.

Academies must carry out section 128 checks on:

- Academy trust members and trustees
- Governors who sit on committees
- Academy staff in management positions – Headteacher, SLT

APPENDIX - 8

APPOINTMENT CHECKLIST – At-a-glance checklist to insert in front of employee personal file

1. DOCUMENTS:

<p>Original Application Form attached</p> <p>please tick <input type="checkbox"/></p>	<p>Medical Form</p> <p>Clearance no:</p> <p>Date advised by OHU:</p>	<p>Completed Enhanced DBS Form Issue date:</p> <p>Disclosure no:</p> <p>Overseas Police Check attached if applicable (EEA check done) Date of check:</p>
<p>Bank details attached please tick <input type="checkbox"/></p>	<p>Or Date sent to OHU in a sealed envelope</p> <p>Any other information from OHU</p>	<p>Section 128 check (for management positions)</p> <p>Date of check:</p> <p>Teacher Status Check: (for everyone engaged in '<u>teaching work</u>', whether a qualified teacher or not e.g. HLTA)</p> <p>Yes/No Date of check:</p> <p>Barred list check (previously list 99) Yes/No Date of check:</p> <p>N.B. If the employee does not hold a valid DBS clearance a barred check must be undertaken <u>before</u> the start date</p>
<p>Reference 1 attached <input type="checkbox"/></p> <p>Reference 2 attached <input type="checkbox"/></p>	<p>Copy of QTS Certificate attached if applicable/available <input type="checkbox"/></p>	<p>Evidence of eligibility to work in the UK and proof of NI Number (please attach)</p> <p>ID - Passport (front cover, personal details page and visa (if applicable)</p>
<p>Disqualification under Childcare ACT</p> <p>Is the employee covered by the Act YES / NO</p>	<p>Copy of academic qualifications attached if applicable <input type="checkbox"/></p>	<p>Or other eligible document attached Yes/No</p> <p>Proof of NI document attached i.e. P60, P45, payslip Yes/No</p>
<p>If Yes make the employee aware of their obligations</p>	<p>Date post advertised:</p> <p>Date post appointed:</p> <p>Interview notes and assessments enclosed <input type="checkbox"/></p>	

2. CONTRACT DETAILS:

<p>Employee Name:</p>	
<p>Employee Address:</p>	

Position (Post)Title		Job Code (if applicable):
Start Date (in this position):	Continuous Service Start Date (if earlier than this position):	End Date (if applicable)

3. SALARY DETAILS:

(Main) Pay Scale	Upper Pay Scale	Leadership Scale	Unqualified Teacher Scale
TLR Level, amount and responsibility or other allowances	SEN level and amount	SUPPORT STAFF PAY GRADE/SCP	

4. TYPE OF CONTRACT:

Permanent Y/N	Working hours: Term Time Only: Y/N If No how many working weeks?	Initial Working Pattern (if applicable) i.e. hours worked each day Monday Tuesday Wednesday Thursday Friday
Fixed Term Contract Y/N	Reason for Fixed Term Contract:	
Event Linked Y/N	Event linked: Name of substantive post holder on maternity leave/long term sickness or pending permanent recruitment. Please state	

5. ISSUES RAISED FROM COMPARING APPLICATION FORM, REFERENCES & CHECKS (RISK ASSESSMENT)

* If detailed use a separate sheet

ISSUE	DETAIL	ACTION/INVESTIGATIONS UNDERTAKEN & ADVICE SOUGHT	OUTCOME/JUSTIFICATION TO APPOINT & PERSON AUTHORISING APPOINTMENT
There are gaps in the employment dates and chronology			
There are gaps in education dates			
The reference is ambiguous and not instantly recognisable			

as being from an employer			
Reference not available from previous employment			
Concerns/discrepancies highlighted on reference (s)			
DBS contains disclosures			
The health questionnaire has been returned with actions required			

Input on to Single Central Record by (name): Signed:	Dated:
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DBS Risk Assessment Checklist

Starting work prior to DBS Certificate being sent or information is on the DBS

This risk assessment should be completed when considering whether to allow a new member of staff to start work before the DBS certificate has been seen by the school.

This risk assessment should also be used if the DBS is returned with information on it.

Name of Person	
Role	
Interview Date	
Proposed Start Date	
DBS Check Application Date*	

*The person must not start without the application being made

Is the person in 'Regulated Activity'?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Reason for starting without seeing new DBS check	
<input type="checkbox"/> Continuity of the school's provision to pupils	
<input type="checkbox"/> Other (please state)	
Known Information	
Have <u>all</u> the following checks been satisfactorily completed?	
<input type="checkbox"/> Identity check (photographic) [Essential]	
<input type="checkbox"/> Verification of current address [Essential]	
<input type="checkbox"/> Barred list check (if legally appropriate) [Essential]	
<input type="checkbox"/> Teacher Status/Prohibition Check (for teachers and those engaged in 'teaching work') [Essential]	
<input type="checkbox"/> Section 128 check (where relevant)	
<input type="checkbox"/> Overseas Checks (Where relevant)	
<input type="checkbox"/> Right to work in the UK [Essential]	
<input type="checkbox"/> Confirmation of qualifications [Essential]	

<input type="checkbox"/> Two references [Essential]
Any other information (please state)
Previous DBS Certificate
If the person has a previous DBS, on what date was it issued?
When was the persons last day at work in their previous school or college?

If the persons start date and their last day at their previous school or college are less than 3 months apart, then a new Enhanced DBS check is not required in law, although most schools will instigate a new one. Therefore, given that there is enough other information, the person could be assessed as low risk.

SECTION 2

Does the DBS have information on it? YES NO	If YES, ensure that the content is discussed with the individual and consider the relevance of the offence/caution. The timescale of the offence / caution and whether this was disclosed previously Verify information with other agencies LADO/Police Take advice from HR
Is the person to continue to be offered the role?	YES NO (withdrawal of offer of employment)

Decision

<input type="checkbox"/>	High Risk – Person should not be allowed to start with a new Enhanced DBS, as there has a break in service of more than 3 months (or they do not have an enhanced DBS certificate) and/or there is insufficient information about the person in the 'Known Information' list above.
<input type="checkbox"/>	Medium Risk – Person may start work and although there is sufficient other information listed above, because there is a gap in service of 3 months or more (or they do not have an Enhanced DBS certificate) the person must be supervised* at all times and should not undertake 1:1 work, personal care activities or residential visits. (*The unchecked person must always be 'within sight or hearing' of a person with an Enhanced DBS check).
<input type="checkbox"/>	Low Risk – Person may start work, without additional supervision, as they already hold an Enhanced DBS check <u>and</u> there is no break in service of 3 months <u>and</u> all other checks have been satisfactorily completed.

Authorisation

Head Teacher (Print name)

Head Teacher (Signature)

Date _____

Chair of Governors (Print Name)

Chair of Governors (Signature)

Date _____

Please comment on the effectiveness of the applicant's interactions with:

a) Other adults

b) Children and young people

Are you completely satisfied that the applicant is suitable to work with children? Yes [] No []

If no, please provide specific details of your concerns and the reasons for your doubts:

To the best of your knowledge has the applicant ever had an allegation made against them, which was founded, in regard to his/her behaviour towards children?

Yes [] No []

If Yes please give full details of the nature and date(s) of the allegation(s), by whom they were investigated, what conclusion was reached as a result of the investigation, whether any action was taken and if so what that was?

Has the applicant been the subject of a disciplinary action in respect of which penalties or sanctions remain in force?

Yes [] No []

If Yes please give full details of the nature and date(s) of the misconduct and of the penalty or sanctions still in force.

Would you re-employ this person?

Yes () No ()

If No, please confirm reasons _____

Do you give permission for this reference to be shared with the candidate?

Yes ()

No ()

Printed name:

Signature:

Position:

Organisation:

DISCLOSURE OF CONVICTIONS

This form must be completed by all applicants. The information disclosed on this form will not be kept with your application form during the application process.

The Post you are applying for is 'exempt' from the Rehabilitation of Offenders Act 1974 and therefore you are required to declare any convictions, cautions, reprimands and final warnings that are not protected (i.e. filtered out) as defined by the Rehabilitation of Offenders Act 174 (Exceptions) Order 1975 (as amended in 2013).

These are not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the [Disclosure and Barring Service website](#).

Information contained on the disclosure will only be considered at interview stage and candidates will be given the opportunity to discuss the contents of the disclosure.

If you are offered the post, you will be required to undergo an Enhanced DBS & Barred List Check, which will allow the School to contact the Disclosure and Barring service to obtain details of any convictions and/or cautions.

Although you may feel embarrassed about having to declare a particular conviction or caution, you will be given full opportunity to explain the circumstances at the interview and you should not assume that this will exclude you from appointment. Information that you disclose will be checked against information from the Disclosure and Barring service before your appointment is confirmed.

It is important that applicants understand that failure to disclose all convictions, cautions, reprimands or final warnings that are not 'protected' could result in disciplinary proceedings or dismissal.

Full Name	
Maiden and/or Previous Name(s)	
Post Applied For	

Please make your declaration below:

I have no convictions or cautions

OR

My convictions or cautions are as follows:

DATE	COURT	OFFENCE	PENALTY

Declaration

I declare that the information provided on this form is correct.

Signed: _____ Date: _____

APPENDIX – 12 DBS Disclosure risk assessment process and safer recruitment checklist for volunteer

This pro-forma should be completed in all cases when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity.

The school or college 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.

Name:	
Post applied for/Volunteer role:	
Start date	
Day and time	
Section 2: Initial assessment	
2.1 Is the activity carried out for the purpose of the school and does it provide opportunity for contact with children?	<p>Please Choose</p> <p>If no – an enhanced DBS is NOT required.</p> <p>If yes – please complete section 2.2.</p>
<p>2.2 Will the person be supervised by an adult on a day to day basis and has the identified “supervisor/s” had an enhanced DBS and barred list check.</p> <p><i>“Supervised”: This means that supervision must be ongoing and must not, for example be concentrated during the first few weeks of an activity and then tail of thereafter becoming the exception not the rule.</i></p>	<p>Please Choose</p> <p>If you cannot confidently say yes to the person being supervised continually by another who is in regulated activity, please indicate why.</p> <p>An enhanced DBS with a Barred List Check must be carried out in this circumstance.</p> <p>Please complete point 2.3</p> <p>If the answer to this question is yes. Please move onto point 2.4</p>
2.3 In order to clarify why the DBS is being undertaken, please outline below the activity the person will be doing.	
2.4 Please indicate the adult/s responsible for supervising the person	Name/s:

Section 3 Wider Considerations	
<p>3.1 Has the school's insurer confirmed whether a volunteer would invalidate insurance if for example a child was injured under the supervision of volunteer?</p> <p><i>Most insurers would say that a member of school staff must be responsible for the children at all times to be in charge of those children and so a volunteer cannot take charge of children alone. Health and Safety Act places a duty on the member of staff responsible for supervising.</i></p>	<p>Please confirm if the school insurance would cover the volunteer for the activity that they will be engaging in.</p> <p>Please Choose</p> <p><i>Please note that invalidating insurance is not a justifiable reason to undertake an enhanced DBS. Therefore, schools are advised to follow the terms of their insurance policies in respect to engaging volunteers.</i></p>
<p>3.2 Have two references been obtained for the volunteer. Can the volunteer supply at least one reference from someone other than a family member, including a senior person at the employment or voluntary Service?</p>	<p>Please Choose</p>
<p>3.3 Are there any concerns raised about the person's suitability to work with children in any of the references?</p>	<p>Please Choose</p> <p>If there have been concerns raised in the reference about the individual's suitability to work with children, please consult with the volunteer about the concerns raised, and make an informed judgement in consultation with your HR advisor on whether an enhanced DBS may be necessary.</p> <p>Please indicate rationale behind decision making in section 3.4</p>
<p>3.4 Concerns about individual's suitability to work with children raised in reference.</p>	<p>Decision making for undertaking/not undertaking an enhanced DBS and rationale (please include details of professionals consulted with)</p>
<p>3.5 Has the volunteer's identity been verified?</p>	<p>Please Choose</p>
<p>3.6 Is the volunteer aware of any reason why they should not volunteer to work with children?</p>	<p>Please Choose</p>
<p>3.7. Does the volunteer have a connection to the school? i.e. are they a parent/relative of a pupil.</p>	<p>Please Choose</p>

Section 4: Decision Making		
	Decision Made	Completed by:
<p>Unsupervised Volunteer: High Risk – the school cannot guarantee the volunteer will be supervised.</p> <p><i>“Unsupervised”:</i> This means that supervision cannot always be guaranteed to be ongoing. Please refer to 2.2</p>	<p>Application for an enhanced DBS check with a barred list check must be made.</p>	
<p>Supervised Volunteer: High Risk – the person has no previous connection with the school AND cannot provide references from elsewhere.</p> <p><i>There is no statutory reason why this person needs to apply for an enhanced DBS Certificate. However, the school should consider whether the person’s uncorroborated background would raise an unacceptable risk.</i></p>	<p>Application for enhanced DBS check is/ is not needed. State reason(s) below:</p>	
<p>Supervised Volunteer: Medium Risk – The person can provide suitable references for other work with children (either paid or unpaid), they have a connection to the school, and no issues have come to light that would mean they would be unsuitable.</p> <p><i>There is no statutory reason why this person needs to apply for an enhanced DBS Certificate. However, the school may wish to do so, as no enhanced DBS has been seen.</i></p>	<p>Application for enhanced DBS check is/ is not needed. State reason(s) below</p>	
<p>Supervised Volunteer: Low Risk – The person is signed up to the DBS Update Service and the checks reveal no negative information OR The person is employed or volunteers elsewhere and has a recent enhanced DBS and can provide references OR the school knows the person well (eg. may be a former employee)</p> <p><i>There is no statutory reason why this person needs to apply for an enhanced DBS Certificate. However, unless the person uses the DBS Update service,</i></p>	<p>Application for enhanced DBS check is/ is not needed. State reason(s) below:</p>	

<i>the school may decide to obtain a new enhanced DBS.</i>			
Outcome of DBS risk assessment	No DBS <input type="checkbox"/>	Enhanced DBS <input type="checkbox"/>	Enhanced DBS with barred list check <input type="checkbox"/>

Section 5: Form completed by.	
Name:	
Signature:	
Position in school:	
Date:	
Signature of Headteacher	
This form must be kept in the HR file of the volunteer.	