

Safer Recruitment Policy 2016



Policy agreed: September 2016

Nexus Education Schools Trust (NEST)

group of schools

Introduction

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of the children in education. Farnborough Primary School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. It is recognised that this can only be achieved through sound procedures, good inter-agency co-operation and the recruitment and retention of competent, motivated employees who are suited to, and fulfilled in the roles they undertake. This school recognises the value of, and seeks to achieve a diverse workforce which includes people from different backgrounds with different skills and abilities. The school is committed to ensuring that the recruitment and selection of all who work within the school is conducted in a manner that is systematic, efficient, and effective and promotes equality of opportunity. The school will uphold its obligations under law and national collective agreements to not discriminate against applicants for employment on the grounds of age, sex, sexual orientation, marital status, disability, race, colour, nationality, ethnic origin, religion or creed.

This document provides a good practice framework to comply with the principles set down in the school's Equality Policy. All posts within school are exempt from the Rehabilitation of Offenders Act 1974 and therefore all applicants will be required to declare spent and unspent convictions, cautions and bind overs, including those regarded as spent and have an Enhanced Disclosure and Barring Service check.

The school is committed to ensuring people who have been convicted are treated fairly and given every opportunity to establish their suitability for positions. Having a criminal record will not necessarily be a bar to obtaining a position.

Equal Opportunities

One of the aims of the policy is to ensure that no job applicant or employee receives less favourable treatment on the grounds of race, colour, nationality, ethnic or national origins, sex, marital status or disability or is disadvantaged by conditions or requirements which cannot be shown to be fully justified.

The Race Relations (Amendment) Act 2000 introduced a general duty upon Public Authorities to carry out functions:

- To promote race equality in order to eliminate unlawful racial discrimination.
- To promote equality of opportunity.
- To promote good race relations between people of different racial groups.

As a result, Governing Bodies should consider all 3 of these principles when involved in recruitment and selection.

It is essential that all those involved in the selection and interviewing of staff have regard for this policy in all their procedures and deliberations. Panels should be balanced by gender, race and experience and, as far as possible, each Panel Member should be trained in staff selection. It is recommended that at least one member of the panel has undertaken such training.

Each Panel Member must have equal access to information and be involved in all stages of the Selection Process, including preparation of Job Description, Person Specification and advertisement.

As the governing body has the effective power of appointment, it also has the responsibility for making sure that the selection panel does not breach discrimination legislation in relation to appointments and other employment matters. Discrimination is defined as:

- (a) *direct* - treating a person less favourably than others are or would be treated on account of sex, sexual orientation, colour, race, religion or belief, nationality, ethnic origins or disability;

or

indirect – Provisions, criteria or practices which apply or would apply equally to all workers but would put a person because of their gender, sexual orientation, disability, religion or belief, race or ethnic origin at a particular disadvantage, which puts that person at that disadvantage, and which cannot be shown to be a proportionate means of achieving a legitimate aim.

This means that , in addition to the existing “formal” practices, more “informal” practices are likely to be covered by legislation.

The governing body will be the respondent in law in circumstances where:-

- * discrimination is alleged against applicants, employees or contract workers;
- * challenge is made to the governing body's requirement for candidates of a particular sex or race under the "Genuine Occupational Qualification" provision;
- * an employee holding a post at the school is alleged to have committed a discriminatory act (vicarious liability).

The provisions of the Commission for Racial Equality and the Equal Opportunities Commission Codes of Practice will apply to actions of the governing body. It is recommended that the staff selection procedures are underpinned by the Council's Equal Opportunities Policy, are adopted.

Discrimination in the Recruitment Process

There may be occasions when applicants for posts consider that they have been discriminated against at any stage in the recruitment process. It is important that complaints are investigated and dealt with speedily. The procedure for this is set out in Appendix 2.1. Internal applicants who consider that they have been discriminated against should raise their concerns through the school's Grievance Procedure.

Recruitment Monitoring

It is not sufficient purely to have a policy statement on Equal Opportunities. It is necessary to monitor the effectiveness of appointment procedures. The Council, as employer, requires that a recruitment monitoring analysis with respect to ethnic origin, gender and disability of all job applicants for all posts should take place. Schools are required to provide this information on the Recommendation for Appointment form (Appendix 2.2).

There is also a requirement for the school to provide the Authority, on an ongoing basis, with data with respect to gender, age and ethnic origin of all staff in the school.

The school will:

- ensure that appropriate staff who undertake recruitment have received safer recruitment training and successfully completed the NCSL safer recruitment training assessment
- work towards every appointment panel to include one member who has received safer recruitment training
- implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that reasonable steps are taken not to appoint a person who is unsuitable to work with children, or who is disqualified from working with children, or does not have the suitable skills and experience for the intended role.
- keep and maintain a single central record of recruitment and vetting checks in line with DCSF requirements
- ensure that the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this procedure. The school will monitor the compliance with these measures.
- require staff who are convicted or cautioned for any offence during their employment with the school to notify the school, in writing of the offence and the penalty.

The following pre-employment checks will be undertaken:

- Receipt of at least two satisfactory references, one of which will be from the former or most recent employer
- Verification of the candidate's identity in line with the requirements of The Immigration, Asylum and Nationality Act 2006
- A list 99 check
- A satisfactory DBS clearance
- Verification of the candidate's medical fitness
- Verification of qualifications
- Verification of professional registration as required by law for teachers
- Verification of successful completion of induction period (for those who obtained QTS after 7 May 1999)
- A completed Disqualification Declaration form as updated in October 2014 in the statutory guidance 'Keeping Children Safe in Education'.

Roles and responsibilities

It is the responsibility of the governing body to:

- Ensure the school has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DCSF guidance and legal requirements
- Monitor the school's compliance with them

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

- Ensure that the school operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school
- To monitor contractors' and agencies' compliance with this document
- Promote welfare of children and young people at every stage of the procedure

It is the responsibility of all potential and existing workers, including volunteers to comply with this document. It is the responsibility of all contractors and agencies to comply with safer recruitment pre-employment checks.

It is the responsibility of the school's HR provider Bromley Council to:

- Deal with the administration of the disclosure system for the school
- Maintain an up to date Single Central Record of all staff and volunteers at the school

In accordance with the School Staffing Regulations, the governing body has delegated responsibility to the Head Teacher to lead in all appointments outside of the leadership group. School governors may be involved in staff appointments but the final decision will rest with the Head Teacher. The Head Teacher may delegate the selection process of staff outside of the leadership group to other managers in the school, but remains responsible for the decision to appoint.

The Procedure

Advertising

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

The school also works in partnership with various universities. Trainees in the final year of their teaching practice or on professional graduate programmes such as Teachfirst are placed in the school via these universities. These trainees are welcome to apply to the Bromley NQT pool that is advertised nationally. The school will identify good candidates through the NQT pool and appoint to vacant positions.

Absences due to short and long term sickness is usually covered using staff from Teacher supply agencies in the first instance until it is known how long the member of staff is likely to be absent. Temporary positions will then be advertised for long term absence positions.

Applications

The form – The school uses a standard application form. CVs will not be accepted. The school requires candidates to account for any gaps or discrepancies in employment history on this application form. Where an applicant is shortlisted, these gaps will be discussed at interview.

Applicants should be aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected and possible referral to the police and other professional regulatory bodies.

References

References for shortlisted candidates will be sent for immediately after shortlisting. References must be in writing and be specific to the job for which the candidate has applied - open references or testimonials are not acceptable. The school will not accept references from relatives or people writing solely in the capacity as a friend.

Only references from a trusted authoritative source will be acceptable.

Reference requests will specifically ask:

- About the referee's relationship with the candidate
- Whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, for specific details of the concerns and the reasons why the referee believes that the person might be unsuitable.

Referees will also be asked to confirm details of:

- The applicant's current post, salary and attendance record
- Performance history and conduct
- Any disciplinary procedures in which the sanction is current
- Any disciplinary procedures involving issues related to the safety and welfare of children, including any in which the sanction has expired and the outcome of those details of any

allegations or concerns that have been raised that relate to the safety and welfare of children or behaviour towards children and the outcome of these concerns.

References will be compared to the application form to ensure that the information provided is consistent. Any discrepancies will be taken up with the applicant at interview. Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago, or an allegation was determined to be unfounded or did not require formal disciplinary sanctions, and which no further issues have been raised, are not likely to cause concern. More serious or recent concerns or issues are more likely to cause concern. A history of repeated concerns or allegations over time is also likely to give cause for concern.

Self-declaration of convictions by job applicants

The school's policy is to require shortlisted applicants for all posts (including volunteers) to declare all criminal convictions whether "spent" or "unspent" and include any cautions and pending prosecution. Such declarations will be made on an appropriate form and should be submitted in a sealed envelope, marked strictly private and confidential to the chair of the selection panel / Head Teacher, prior to the interview. The chair of the panel / Head Teacher will discuss relevant, positive declarations confidentially with the applicant at interview.

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

Interviews

The selection process will always include the following:

- Face to face interview / professional interview,
- Young people panel / activity
- Proof of Identity and Right to Work in the UK & Verification of Qualifications and/or Professional Status.
- Shortlisted applicants for all posts will be required to provide proof of identity by producing documents on the day of interview in line with those set out in The

Immigration, Asylum and Nationality Act 2006. Similar information is also required to undertake a Disclosure and Barring Service check on the preferred candidate.

- Short-listed candidates will also be required to provide proof of their qualifications and professional status by producing documentation on the day of interview. The school will verify that candidates have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application by asking to see the relevant certificate, or a letter of confirmation from the awarding body / institution. If the original documents are not available, the school will require sight of a properly certified copy. Where candidates have obtained qualifications abroad, a certified comparability check by NARIC will also be required.
- Proof of identity and other documentation will be verified by the chair of the panel / Head

Teacher Commencement of Employment prior to DBS check being received in unusual circumstances it is permitted to commence employment prior to receiving a cleared DBS check. However a List 99 check and risk assessment must be completed

Employment Offer

It may be possible to negotiate a provisional start date with the preferred candidate, however, with the exception of DBS disclosures, the checks detailed above must all be completed BEFORE a person's appointment is confirmed. In the case of DBS disclosures, the certificate must be obtained before or as soon as practicable after appointment.

Once all pre-employment checks have been satisfactorily completed / received, an offer of employment will be made and the contract of employment issued. The contract will be issued as soon as possible but in all circumstances within 8 weeks of employment commencing.

Record Retention / Data Protection

The school will retain all interview notes on all applicants for a 6 month period, after which time the notes will be destroyed (i.e.: shredded). The 6 month retention period will allow the school to deal with any data access requests, recruitment complaints or respond to any complaints made to the Employment tribunal. Under the Data Protection Act 1998, applicants have a right to request access to notes written about them during the recruitment process. Applicants who wish to access their interview notes must make a subject access request in writing to the chair of the panel / Head Teacher within 6 months of the interview date.

Personal file records

For the successful candidate, the school will retain the following information which will make up part of their personal file:

- Application form
- References
- Disclosure of convictions form
- Proof of identification
- Proof of academic qualifications
- Proof of registration with General Teaching Council (for teaching staff)
- Certificate of Good Conduct (where applicable)
- Evidence of medical clearance from Occupational Health
- Evidence of the DBS clearance
- Single Central Record of Recruitment Vetting Checks

In line with DCSF requirements, the school will keep and maintain a single central record of recruitment and vetting checks. The central list will record all staff who are employed at the school, including casual staff, supply agency staff whether employed directly or through an agency, volunteers, governors who also work as volunteers, and those who provide additional teaching or instruction for pupils but who are not staff members, e.g. specialist sports coach or artist.

The central record will indicate whether or not the following have been completed:

- Identity checks
- Qualification checks for any qualifications legally required for the job
- Additionally for those applying for teaching posts, registration check with the GTC where appropriate
- Checks of right to work in the United Kingdom
- Start date of commencement of employment with LB Newham
- List 99 checks
- CRB Enhanced Disclosure
- Further overseas records where appropriate
- Medical check date
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It shall also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained.

Agency supply staff

In order to record supply staff provided through an agency on the record, the school will require written confirmation from the supply agency that it has satisfactorily completed the checks described above. The school does not need to carry out checks itself except where there is information contained within

the disclosure. However identity checks must be carried out by the school to check the person arriving is the person the agency intends to refer to them.

Overseas Workers - Work Permits

Workers from overseas may require a work permit issued by Work Permits (UK) before being allowed to take a job in this country. It is essential that head teachers check that a successful candidate has the right to paid employment in this country before any offer of employment is made. Information on Work Permits (UK) can be found on their web site at www.workingintheuk.gov.uk .

Overseas Workers – Qualified Teacher Status

Teachers trained in European Economic Area countries may be eligible for Qualified Teacher Status (QTS) in this country without further assessment. This can be ascertained by contacting the General Teaching Council for England (GTCE) on 0870 001 0308.

Teachers who trained outside the EEA will need to be assessed against the Standards for the Award of Qualified Teacher Status in England before they can be awarded QTS. Overseas trained teachers (OTTs) can be employed for up to four years by a school without gaining QTS. To gain a permanent appointment and to progress to the higher pay bands they do need QTS. Without QTS an OTT is known as an instructor teacher. Once an OTT is on the employment based route to QTS, known as the Overseas Trained Teacher Programme, they can be paid at qualified teacher rate.

Further advice about the Overseas Trained Teacher Programme can also be obtained from the Education Department's Teacher Recruitment Strategy Manager.

Probation periods

Newly appointed teachers who are new to the employment of the governing body will be subject to the school's probationary period. School staff will be given a copy of the DCSF guidance on Safe Working Practice and asked to sign a declaration that they have read and understood the document and will follow the guidelines required to maintain professional boundaries at all times. The school has a specific safeguarding related whistle blowing policy which has been disseminated to all staff and volunteers.

The school adopts a culture of vigilance where all concerns are listened to and taken seriously.

The school will follow DCSF and LB Newham Safeguarding Children Board allegations procedures and refer any allegation for initial consultation with the Local Authority Designated Officer.

Induction

All newly appointed staff will, either prior to or at the point of taking up the post, undergo a programme of induction appropriate for their post. The induction will specifically address issues concerning the safeguarding of children and young people as well as matters directly related to the operation of the post.

Rehabilitation of Offenders Disclosure

All posts within the London Borough of Newham are exempt from the Rehabilitation of Offenders Act 1974. Applicants will be required to declare spent and unspent convictions, cautions and bind-overs, including those regarded as spent and have an Enhanced Criminal Records Disclosure.