

RECRUITMENT POLICY STATEMENT

This policy was formally agreed and adopted by the Governing Body on:

9th March 2020

Chair of Governors

Signed: __



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Guidance Note:

This policy has been developed by SPS for use in all Federations and Academies.

Kent Federations

The Local Authority expects that all KCC Community and Voluntary Controlled Federations will use this document as the basis for their Recruitment policy.

This document has been shared with representatives of KCC's recognised trade union / professional associations for comment. Federations are advised to ensure staff and unions have the opportunity to comment on the proposed Recruitment policy prior to the document being formally adopted by Governors.

1 Policy Statement

This policy has been adopted by the Governing Body of the Preston and Wingham Primary Federations Federation to provide a policy framework for the recruitment and selection of staff to all posts within the approved staffing structure of the federation. The federation is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to share and demonstrate this commitment.

The Governors of the federation fully understand their responsibilities in ensuring that recruitment procedures are free from unlawful discrimination in line with the Equality Act 2010. The Governors also fully appreciate the importance of fair, open and effective procedures to enable the federation to recruit people with the right skills, aptitudes and attitudes.

The Governors of the federation will ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSIE) 2019, Disqualification under the Childcare Act (DUCA) 2006 and related updates, the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS).

The Governors of the federation fully understand their responsibilities in managing the personal data of job applicants in line with the General Data Protection Regulations (GDPR).

All staff, governors and volunteers are expected to share a commitment to safeguard children and vulnerable groups and, as part of that commitment, follow 'Safer Recruitment' guidance in line with the Keeping Children Safe in Education – statutory guidance for federations and colleges (2019).

As part of our commitment to safeguarding children and vulnerable groups, Enhanced DBS checks and/or Barred List checks on all posts must be carried out where they are required.

All staff and governors involved in recruitment and selection decisions are required to work in ways that are entirely consistent with this policy at all times.

The federation will ensure that training is provided for all staff and governors involved in the recruitment and selection of staff and that it is appropriate to their role.

It is a statutory requirement for maintained federations that all selection panels must include at least one member who has successfully completed safer recruitment training. This forms part of the Federation Staffing (England) Regulations 2009.

Guidance Note:

More information about posts which require an Enhanced DBS and how to check the Barred List can be found at www.gov.uk/disclosure-barring-service-check.

2 Scope

This Policy applies to all employees of the Preston and Wingham Primary Federations Federation.

3 Adoption Arrangements and Date

This policy was adopted by the Governing Body of the Preston and Wingham Primary Federations Federation on the date specified above and supersedes any previous Recruitment Policy.

This policy will be reviewed by the Governing Body every 3 years or earlier if there is a need. This will involve consultation with the recognised unions.

4 Equal Opportunities Statement

This federation is committed to ensuring that each stage of the recruitment and selection process is accessible to all. We will review the recruitment policy and procedure regularly to ensure that it takes account of the Equality Act 2010 and does not discriminate against applicants on the grounds of race, religion or belief, disability, age, pregnancy and maternity, gender reassignment, marriage and civil partnership, sex or sexual orientation.

5 'Prevent'

The federation has a duty under section 26 of the Counter-Terrorism and Security Act 2015 ("the CTSA 2015") to have "due regard to the need to prevent people from being drawn into terrorism". This duty is known as the Prevent duty.

In carrying out its obligations under 'Prevent' the federation will assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. The federation will not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partnership status, disability or age.

6 Prior to Advertising

When a vacancy occurs the Executive Headteacher will review the need for the post and consider all options (internal and external) before deciding that there is a need to recruit. If there is a need to recruit the job description and person specification should be reviewed in line with the federation workforce plan prior to commencing recruitment.

Consideration should also be given to the working hours and contractual arrangements for each post to ensure that posts are open to applicants wishing to work on a part-time or job-share basis where possible and practical.

7 Job Description

The job description is a statement of purpose and scope and defines both the job role and expectations. It will:

- Summarise the job purpose/impact
- Set out key responsibilities and accountabilities
- Set out reporting and line management arrangements

An up-to-date job description and person specification will be available for each vacancy advertised.

Managers will refer to the Professional Standards for Teachers and to the School Teachers' Pay and Conditions Document (which sets out the expected attributes of Main Scale, Post Threshold, Advanced Skills and Excellent Teachers) when creating job descriptions for teaching posts.

All job descriptions should clearly state the post holder's responsibility for promoting and safeguarding the welfare of children and young people.

8 Person Specification

The person specification is a description of the qualifications, experience, knowledge, skills, competencies and other attributes of the ideal person to fill the role.

It will classify each attribute as either 'Essential' to do the job or as a 'Desirable' attribute for the post holder to have and indicate how each attribute will be assessed e.g. application form, interview, reference, test etc.

All attributes should be measurable and quantifiable and should take care not to unlawfully discriminate against particular groups of people, either directly or indirectly.

9 Advertising

All vacant posts will be advertised in a fair, open and honest manner and will be advertised by means of a formal notice on the staff notice board as a minimum. In most cases, vacant posts will be advertised externally.

To demonstrate to potential job applicants our commitment to Safeguarding and the welfare of children, the following statement should be included on any relevant advertisements and documentation sent out to applicants:

Our Federation and all its personnel are committed to safeguarding and promoting the welfare of the children. This post is subject to an Enhanced Disclosure Application to the Disclosure and Barring Service.

Guidance Note:

The requirements when advertising for Headteacher and Deputy Headteacher vacancies are set out in the Federation Staffing (England) Regulations 2009 which require the Governing Body to advertise Headteacher and Deputy Headteacher vacancies "unless it has a good reason not to" and in sections 35 and 36 of the Education Act 2002.

Before the Governing Body decide not to advertise, the DfE recommend that they seek advice from the local authority. Any decision not to advertise should be documented in full and should only be taken if the governing body can demonstrate there is a good reason not

to. "Staffing and Employment Advice for Federations document October 2018 (section 2.14)".

10 Applications

All applicants must complete the relevant application form in full to enable the panel to shortlist in a fair and objective manner. The application pack will include a separate Criminal Record Self-Disclosure form which invites candidates to provide details of all unspent convictions, spent convictions and cautions that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) by SI 2013 1198.

Candidates are not required to disclose anything that would currently be filtered from the Police National Computer by the Disclosure and Barring Service. Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website.¹

The Criminal Record Self-Disclosure form is confidential and will not be seen by recruiting managers until the applicant has been successfully short-listed for the vacant post.

Failure to declare relevant information may disqualify the candidate from the appointment and, if appointed, may render the individual liable to immediate dismissal without notice.

All applicants are required to sign and date the declaration.

The federation may reasonably decide to reject an application where incomplete and/or ambiguous information is provided. Applications by CV or letter alone will not be considered.

11 Shortlisting

It is recommended that at least 2 people are involved in the shortlisting process, one of whom should be the line manager.

All shortlisting decisions will be made with clear reference to the skills and qualities set out in the person specification using an agreed method of scoring against the essential and desirable criteria. Each candidate will be considered on their own merit.

The equal opportunities monitoring form will be separated from the main application form to reduce any likelihood of conscious or unconscious bias.

12 References

In order to comply with Keeping Children Safe in Education, it is the policy of the federation that all references will be obtained, and concerns resolved, before confirming an appointment. This will be done either by letter seeking to verify the skills, experience, competencies and employment history of the applicant, or by a standard reference form.

It is the federation's practice, with the consent of the applicant, to take up references before interview for teaching posts. If applicants have indicated that they do not consent to references being sought prior to interview, further information should be sought, and agreement obtained where possible.

¹ <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

On receipt, references will be checked to ensure that all specific questions have been answered satisfactorily. Any discrepancies or anomalies should be noted and addressed during the applicant's interview.

Specific questions should be included to explore the applicant's suitability to work with children and, if the referee has any concerns, they should be asked to give their reasons.

In order to comply with the Equality Act 2010, reference requests sent prior to an offer of employment will not request details of attendance or absence however; further information will be requested and compared with the medical questionnaire following the applicant's acceptance of a conditional offer of employment – see 14 below.

Applicants will be required to specify the details of 2 referees, one of which should be the current or most recent employer and references will only be obtained directly from the referee: testimonials or open references (those addressed 'To whom it may concern') will not be considered. Referees will be provided with a copy of the job description and person specification to assist them in their response.

References for staff working in an education setting will be sought from the Headteacher and, in other settings, it would be appropriate to seek a reference from the line manager of the applicant. Where a candidate is not currently working in a school or childcare setting but has done so in the past, one reference should be from their most recent children's workforce employer in line with Safer Recruitment guidelines.

We reserve the right to request that the applicant provides alternative referees where the initial referees are deemed inappropriate for our purposes e.g. where the current or most recent employer is not provided.

We will seek to confirm whether the candidate has been subject to any formal disciplinary procedures within the last two years and to establish any details, outcomes or 'live' sanctions which are in place.

In cases where there have been disciplinary concerns which involved children or safeguarding that have been substantiated, the referee will be required to confirm details.

In accordance with Keeping Children Safe in Education (2019), cases in which an allegation is proven to be false, unsubstantiated or malicious should not be included in employer references.

In accordance with the School Staffing Regulations 2012, we will seek to confirm whether candidates for teaching posts have been subject to formal capability proceedings in the past two years.

In the case of recruitment to all other posts we will ask referees to confirm whether candidates have been subject to formal capability proceedings in the past 2 years as part of our appointment process.

13 Interview and Selection

The federation is committed to ensuring that all interviewees are assessed according to their ability to meet the criteria of the job description and person specification and to fulfil their obligation regarding keeping children safe.

Applicants may have indicated on their application form that they have a disability and, in order to promote fairness and to meet our obligations under the Equality Act 2010, the letter of invitation will encourage applicants to contact the federation if they require any adjustments to enable them to attend the interview.

Candidates are required to bring evidence of relevant qualifications to interview where the original documents must be checked, and a signed and dated copy retained.

The interview panel will include at least one member who has undertaken safer recruitment training in accordance with the School Staffing (England) Regulations 2009 and should not include an Employee where one of the applicants is a relative, partner or close friend.

The panel will take notes during the interview to enable a scoring matrix to be completed and, at the conclusion of the interviews; the panel will consider each of the candidates against the criteria for the post before reaching their decision.

14 Pre-employment Checks

All offers of employment will be conditional on the successful completion of the pre-employment checks listed below and will include confirmation of salary, start date and any information that the successful applicant needs to provide before commencing employment e.g. DBS form and pre-employment questionnaire.

All offers of employment will be subject to and conditional upon:

- Enhanced DBS check
- DBS Barred list check where applicable (i.e. if working in regulated activity)
- Verification of identity including Date of Birth
- Verification of entitlement to work in the UK
- Verification of any relevant qualifications
- Receipt of 2 satisfactory references
- Satisfactory pre-employment health clearance
- Prohibition checks for those in teaching work and those with previous teaching experience (including unqualified teachers, HLTA's etc.)
- A section 128 Prohibition from Management check (Independent/free federations/academies only). Whilst they are not employees, from September 2019, Keeping Children Safe in Education also recommends that maintained federation governors have section 128 checks because a section 128 direction prohibits someone from serving as a maintained school governor.
- Overseas checks as appropriate including EEA Restriction checks for teachers who have worked in EEA countries

If these are not satisfactory an offer of employment may be withdrawn or where an individual has commenced work, employment may be terminated.

14.1 Right to Work

In order to comply with the Asylum and Immigration Act 1996 – Prevention of Illegal Working – interview candidates will be asked to bring certain documentation to the interview which shows their eligibility to work in the UK. No offer of employment can be made unless one of the original documents listed on the Home Office Right to Work Checklist is produced.

The candidate's original documents must be checked, and a signed and dated copy retained in line with the federation retention policy.

The Home Office Right to Work Checklist shows the acceptable identity documentation as currently defined by the Home Office and further information on establishing an individual's right to work can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378926/employers_right_to_work_checklist_november_2014.pdf

14.2 DBS and Barred List Checks

All those directly employed by Schools and Academies in paid positions are required to obtain an enhanced Disclosure and Barring Service (DBS) check.

It is an offence to employ, in a school or academy, an individual who is barred from working with children. A check against the Children's Barred List will be requested as part of the enhanced DBS Disclosure for all employees working in regulated activity i.e. having unsupervised, frequent, or intensive contact with children.

It is the federations' practice that individuals obtain a satisfactory enhanced DBS check before commencing work. In exceptional circumstances where the applicant is required to commence work before the full disclosure certificate is received, where working in regulated activity, a barred list check must be carried out before employment commences and supervision must be in place until a satisfactory DBS check is obtained.

In cases where we are notified that a DBS check is positive for criminal convictions, cautions, warnings etc, the contents of the certificate will be discussed with our HR Consultant.

For further details of what constitutes regulated activity and guidance on DBS checking for unpaid positions, including Governors and volunteers, please refer to Part 2 – Guidance Notes for Managers.

14.3 Prohibition of Teachers

The Federation will verify that anyone appointed to carry out teaching work (including HLTA's and unqualified teachers) has not been prohibited from doing so by the Secretary of State in accordance with the Teachers' Disciplinary (England) Regulations 2012. All those in teaching work, or those with previous teaching experience, will require a prohibition check. Teaching staff will be checked on the Teacher Regulation Agency self-service portal (formerly known as the Employer Access Service) to ensure that they have the required teaching qualifications, have successfully completed statutory induction where it is necessary i.e. for teachers who obtained QTS after May 1999, and have not been prohibited from teaching.

The Teacher Regulation Agency allows checks on teachers sanctioned (since 18 January 2016) in other EEA member states by an EEA member state regulator of the teaching profession.

14.4 Section 128 Management Checks

Section 128 directions are not made in relation to employees in maintained schools however, the Secretary of State, under s. 128 of the Education and Skills Act 2008, may prohibit someone from serving as a maintained school governor.

14.5 Overseas Checks

In accordance with Keeping Children Safe in Education (2019), overseas checks, as the federation considers appropriate, will be undertaken where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS certificate is not sufficient to establish his or her suitability to work.

Since 6 April 2017 for all Tier 2 Visa applicants it is a requirement that they must provide a criminal record certificate from any country where they have lived for 12 months or more (whether continuously or in total) in the last 10 years.

Checks on individuals who have lived or worked outside the UK should include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions which can be checked on the Teacher Regulation Agency Self Service Portal.

14.6 Proof of Qualifications

Proof of qualifications will be checked to ensure that they match with the candidate's application form. The name of the qualification, awarding institution, date of qualification and candidate name will be checked. A signed and dated copy of the certificate will be retained as evidence of when the check was carried out, and by whom.

In the case of teachers, Qualified Teacher Status (QTS) will be checked via the Teacher Regulation Agency's Self Service Portal at <https://teacherservices.education.gov.uk/>

In the event of any concerns regarding the validity of the qualification, a candidate may be required to obtain confirmation or clarification in writing from the exam board or awarding institution.

14.7 Follow-up References

Following a written conditional offer of employment to the successful candidate, a supplementary reference request will be sent to their original referees. This is an opportunity to request information about sickness absence and attendance records which cannot be requested prior to an offer of employment in order to comply with the Equality Act 2010.

The offer of employment is conditional of both parts of the reference being satisfactory.

14.8 Pre-employment Medical History Questionnaire

The federation will require all successful applicants to complete a medical history questionnaire to verify their medical fitness. There is also a requirement for schools to ensure that staff appointed to teaching posts have the necessary physical and mental fitness to teach under the Education (Health Standards) (England) Regulations 2003.

Completed medical history questionnaires will then be considered in conjunction with the follow-up references which specifically explore sickness absence and attendance issues and, where appropriate, further advice about fitness to carry out a role will be sought from Occupational Health. In order to comply with the Equality Act 2010, reasonable adjustments will be made to enable a candidate to take up their role.

In circumstances where the candidate is assessed as medically unfit to carry out the role, or where it is not possible to make reasonable adjustments, an offer of employment may be withdrawn.

15 Withdrawal of Offers

In the event that the pre-employment checks are unsatisfactory, or where the identity, qualifications or right to work in the UK of a successful candidate cannot be verified, the federation will consider withdrawing the conditional offer of employment. Where the successful candidate has started in post and information becomes available which would have caused the offer to be withdrawn, employment may be terminated. In these circumstances, advice may be sought from the federation's HR consultant.

16 Single Central Record

In accordance with the terms of the School Staffing (England) Regulations (as amended) the federation will retain details of recruitment and vetting checks undertaken in a Single Central Record (SCR). This data will be collated, used and stored and deleted in line with GDPR. Further details of the information required can be found in Part 2 - Guidance Notes for Managers.

17 Complaints

An individual who feels that their treatment during the recruitment and selection process is unfair may raise a formal complaint. This can be done by writing to the Executive Headteacher/Chair of Governors setting out the key points of their complaint. The complaint will be investigated in line with the federation's Complaints Procedure.

Existing employees of the federation should raise their concerns through the Grievance Procedure.

18 Induction

Induction is essential in ensuring that new employees are properly equipped for work, their role in the life of the federation and feeling part of the federation community.

The federation will put in place an induction programme for all staff joining the federation. This will vary taking into account previous experience and the nature of the role but will ensure that all staff and volunteers receive guidance on safe working practices and the safeguarding policies of the federation.

19 Record Keeping

Accurate and contemporaneous records including copies of application forms, shortlisting and interview notes and details of scoring will be kept throughout the process and will be retained for a minimum of 6 months from the appointment date in line with the federation's document retention schedule.

At the end of the appointment process all copy identity documentation (passport/birth certificate etc.) relating to unsuccessful candidates should be securely destroyed however, copies of application forms, shortlisting and interview notes, scoring and references should be retained for six months from the date that the post is offered and accepted. All personal data will be stored and destroyed in line with GDPR.

Please note that original and copy DBS forms must not be retained on personal files and that the details should, instead, be recorded on the Single Central Record.

20 Confidentiality and Data Protection

This federation recognises its obligations under the General Data Protection Regulation and associated legislation, and the rights of Employees with regards to the personal data held on them.

All records relating to the recruitment process will be gathered, processed, held and shared in accordance with the requirements of the General Data Protection Regulation and Data Protection Act.

Please refer to the Federation's Data Protection Policy and Privacy Notice for further details.