



# Tudhoe Learning Trust

## Safer Recruitment & Selection Policy

**Approved by:** Trust Chief Executive Officer

**Date:** September 2024

**Last reviewed on:** September 2024

**Next review due by:** September 2025

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## Introduction

The Trust believes that good quality recruitment and selection is essential, whether filling short-term temporary or permanent posts. As such all recruitment must be approached systematically, ensuring that not only is the most suitable person selected, but that statutory requirements in relation to matters of safeguarding and equality are adhered to. The aim of this policy is to ensure that appointments are made on merit in an effective, efficient, consistent and safe way.

The policy is regularly updated to reflect changes in legislation including the latest advice from Keeping Children Safe in Education (KCSIE 2024), the English Language Requirement for Public Sector Workers (the Immigration Act 2016), the General Data Protection Regulations (GDPR) 2018 and The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.

This Trust is committed to safeguarding and promoting the welfare of children and young people and expects all employees and volunteers to share this commitment.

In applying the policy and procedure, managers will not unlawfully discriminate in respect of any of the protected characteristics as defined under the Equality Act as specified below;

- Age
- Disability
- Gender Reassignment
- Pregnancy and maternity
- Race (including ethnic or national origins, colour and nationality)
- Religion and belief
- Sex
- Sexual Orientation
- Marriage and civil partnership

## Policy statement on the recruitment of ex-offenders

As an organisation using the Disclosure and Barring Service to assess candidate's suitability for positions of trust, Trust schools comply fully with the DBS Code of Practice and undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed. The Trust is committed to the fair treatment of its employees, potential employees or users of its services, regardless of offending background.

The Trust promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. The Trust will select all candidates for interview based on their skills, qualifications and experience.

A disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a disclosure is required, job adverts and job descriptions will contain a statement that a disclosure will be requested in the event of the individual being offered an interview for a position.

The Trust strongly encourages all applicants to provide details of their criminal record prior to interview. The school will request that this information is provided on a Declaration Form and sent under separate, confidential cover, to the Trust HR Manager. This information will only be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position allows the school to ask questions about an applicant's entire criminal record, questions will only be asked about 'unspent' convictions as defined in the Rehabilitation of Offenders Act (1974).

At interview, or in a separate discussion, the school will ensure that an open and measured discussion

takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

The school should undertake to discuss any matter revealed in a disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with the school as this will depend on the nature of the position and the circumstances and background.

### **English language requirement for public sector workers in customer facing roles**

Part 7 of the Immigration Act 2016 creates a duty to ensure that all public authority staff working in customer-facing roles speak fluent English to an appropriate standard. This includes relevant staff working in Schools.

The government has produced a **statutory** Code of Practice to help employers comply with this requirement (this can be viewed at [www.gov.uk](http://www.gov.uk) “Code of practice on the English language requirement for public sector workers”). Further advice and guidance on how the requirement will apply to recruitment and selection is provided at **Appendix 1**.

### **Disqualification under the Childcare Act 2006 - Amended Regulations 2018**

The legislation (The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018) is effective from the 31<sup>st</sup> August 2018 and schools need to satisfy themselves that staff working in a relevant setting are not disqualified under the Childcare Act. All appointments to vacant posts within schools across the Trust will be subject to appropriate pre-employment safeguarding checks. For more information refer to the section relating to pre-employment checks at Page 22 of this document.

### **General Data Protection Regulations**

Recruitment and Selection records will be retained and used in accordance with the General Data Protection Regulations (GDPR) 2018 and other legislative provisions.

## **Part A: Recruitment and Selection Policy**

The Lead Officer for recruitment in Trust Schools is usually the Head Teacher. This means that the Head Teacher will be responsible for the recruitment process in school. Where recruitment is to the post of Head Teacher, the lead officer will be the Trust Chief Executive Officer or other nominated representative of the Trust.

Where recruitment has arisen from the departure of an existing post holder, it is good practice to use information obtained during the exit interview process to inform whether there are any changes required to the role, prior to undertaking recruitment.

In this Trust, all recruitment must be overseen by the HR Manager and at least one person on any appointment panel must have undertaken safer recruitment training.

The Recruitment and Selection Policy, should be used for all Trust Recruitment except in cases of honoraria (for non-teaching employees), acting allowances (for teachers undertaking leadership responsibilities) and school restructurings. Any departure from this procedure must be approved by the Trust HR Manager in advance.

### **Appointing the Head Teacher**

Once a vacancy is identified the post must be advertised as appropriate to attract as many suitable candidates as possible.

A panel consisting of at least three members of the Board of Directors is required to form an interview panel to select for the post of Head Teacher although this may be the Trust Chief Executive Officer and two representatives of the governing body and/or Board of Directors.

Where a panel member has a pecuniary interest in the recruitment process, they should withdraw and a record of this kept in the recruitment file. An example could be that one of the candidates is a relative.

### **Appointing Deputy Head Teachers**

There is no legal obligation for schools to have Deputy Head Teachers or to be limited to just one. Therefore if a serving Deputy Head Teacher leaves, there is no automatic obligation to replace them. Consideration may be given to reorganising management responsibilities within the school or meet any employee resource needs by some other means such as offering an acting allowance to other teachers to take on leadership responsibilities. However, if a Deputy Head Teacher vacancy is identified, it is important that they come to the attention of as many suitable persons as possible to ensure the correct person is selected for the post.

### **Acting Head Teacher and Deputy Head Teachers**

The Deputy Head Teacher is not required to undertake the duties of the Head Teacher pending the appointment of a Head Teacher. If the Head Teacher is absent from the school, the 'School Teachers Pay and Conditions Document' requires the Deputy Head Teacher should undertake the professional duties of the Head Teacher as required. This arrangement should only be used short term and where a Head Teacher is absent for a long period, the governing body should appoint an acting Head Teacher rather than require the Deputy Head Teacher to undertake the Head Teacher's duties.

The Trust may engage a person to provide their services as acting Head Teacher, or acting Deputy Head Teacher. The use of an acting Head Teacher is a temporary measure and does not remove the Head Teacher vacancy or remove the right to fill that vacancy.

## **Advertising requirements for Head Teacher/Deputy Head Teacher posts**

Vacancies for Head Teacher and Deputy Head Teacher posts must be advertised unless there is good reason not to and it will not leave the Trust open to challenge. The Trust should consider the most appropriate way of advertising the post to reach its target audience.

## **Appointment of teachers**

There is no automatic obligation to recruit a new teacher when a serving teacher leaves. Other options could be considered such as reorganising within the school. Where it is decided to recruit a teacher for a period of more than four months. The post should be suitably advertised to bring it to the notice of anyone who is qualified to fill it.

## **Teacher qualifications**

Teachers who do not have QTS cannot be employed as a qualified teacher. See below for further details relating to non-qualified teachers.

Qualified teachers who trained outside of England and Wales are eligible to apply for QTS in England and this includes teachers who trained in Scotland, Northern Ireland and the EEA. Teachers who gain QTS through this route are exempt from the requirement to serve a statutory induction period. Swiss nationals are also eligible for assessment.

Newly qualified teachers and teachers from outside the EEA have to successfully complete an induction year.

## **Overseas Teachers**

Teachers who trained outside of the EEA and who are not nationals of an EEA member state can work for up to four years in England as a temporary teacher without the need for QTS.

Overseas trained teachers without QTS must be provisionally registered with the Teaching Regulation Agency.

If an overseas teacher wishes to be employed on a permanent basis then they must obtain QTS by completing a course of initial teacher training. Further information relating to QTS can be obtained from the Teaching Regulation Agency:

## **Teaching Regulation Agency**

Telephone: 02075935394 (Teacher Enquiry Line)

<https://www.education.gov.uk/help/contactus>

<https://www.gov.uk/government/publications/teaching-agency-framework-document>

[www.education.gov.uk/employeraccess](http://www.education.gov.uk/employeraccess)

Ground Floor, South  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## **Unqualified teachers**

There are circumstances when unqualified teachers can be used provided the Head Teacher is satisfied with their qualifications and/or experience. Examples where this could be the case include:

- An assistant teacher at a nursery school or a teacher of a nursery class who was employed before 1 September 1989;

- A student teacher, who is an unqualified teacher over the age of 18 years who either having been accepted for admission to a course of initial training for teachers in schools at an accredited institution in England or Wales, is awaiting admission to that course or having been admitted to such a course, has failed satisfactorily to complete it by the date of the end of the period ordinarily required but is continuing the course with a view to so completing it within the following year;
- An instructor with special qualifications or experience where no suitable qualified teacher, graduate teacher or registered teacher is available for appointment or to give the instruction;
- A temporary teacher, which is defined as an unqualified teacher, who has successfully completed a programme of professional training for teachers in any country outside the United Kingdom and which is recognised as such a programme of training by the competent authority in that country and is employed in any one post at a school (whether by reason of the absence of the holder of that post or otherwise) for periods which do not exceed four months in total;
- A graduate teacher or a registered teacher, who although unqualified may be employed as a teacher in a school (except in a pupil referral unit) following authorisation from the Teaching Regulation Agency.

The decision to employ unqualified teachers is at the sole discretion of the Head Teacher provided this is permissible in accordance with the academy funding agreement.

### **Newly Qualified Teachers (NQTs)**

The current Induction arrangements for newly qualified teachers (NQTs) state that they must successfully complete an induction period of three school terms (or equivalent) in order to remain eligible for employment as a teacher in England. Subject to a list of specific exemptions, no one who gained QTS after 7 May 1999 should be employed in a school in England unless they have completed or are working towards completion of a statutory induction period.

All NQTs in Trust schools must be registered with an Induction Tutor. Any period of training prior to formal registration is considered null and void. Head Teachers must ensure that NQTs have successfully completed qualified teacher status (QTS) and all Teacher Development Agency (TDA) tests. Induction cannot commence prior to successful QTS and Head Teachers must ensure that the teacher has QTS and not the further education teaching certification.

**Important Note:** From September 2021, the statutory period of induction for newly qualified teachers (NQTs) will increase to two years as the government have announced a new approach to supporting NQTs in the first two years of their career. The revised NQT period will be underpinned by a two-year programme of structured training and development which will attract additional funding from the DfE.

The DfE are rolling out this scheme early to schools in the northeast region from September 2020. Therefore, all Trust schools, with an early career teacher starting induction in September 2020, will be eligible to opt in to access the new funding arrangements. This will give them access to funding and training to support the development of early career teachers and their mentors. The DfE intend to use the findings from the early rollout to inform the full national rollout from September 2021.

Although the ECF support package will last two years in the early rollout areas, the statutory induction period for an NQT will continue to be one year. After one year, early career teachers will be assessed against the Teachers' Standards to determine whether they have passed induction. There is no change to present arrangements. More information is available at on the [DfE website](https://www.gov.uk/government/publications/supporting-early-career-teachers?utm_source=ea9d5f5f-a301-499f-bbb4-885377ba7898&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate). ([https://www.gov.uk/government/publications/supporting-early-career-teachers?utm\\_source=ea9d5f5f-a301-499f-bbb4-885377ba7898&utm\\_medium=email&utm\\_campaign=govuk-notifications&utm\\_content=immediate](https://www.gov.uk/government/publications/supporting-early-career-teachers?utm_source=ea9d5f5f-a301-499f-bbb4-885377ba7898&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate))

### **Qualifications for school support staff**

The National Qualifications Framework (NQF) sets out the levels against which a qualification can be recognised in England, Wales and Northern Ireland. All accredited qualifications are awarded an NQF level. If a qualification shares the same level as another qualification, they are broadly similar in terms

of the demand they place on the learner although qualifications at the same level can still be very different in terms of content and duration.

The NQF now comprises nine levels (Entry Level to Level 8). The current Levels 4 to 8 broadly compare to the Framework for Higher Education Qualifications (FHEQ), which covers qualifications provided by universities and other higher education institutions.

The school can seek clarification on qualifications and equivalences in the UK from the following websites:

[www.ofqual.gov.uk](http://www.ofqual.gov.uk)

[www.cityandguilds.com/43111.html](http://www.cityandguilds.com/43111.html)

[www.ocr.org.uk](http://www.ocr.org.uk)

[www.edexcel.com/quals/Pages/default.aspx](http://www.edexcel.com/quals/Pages/default.aspx)

### **Appointment of casual employees**

Schools may decide that there is a need to recruit casual employees to deliver non-permanent services such as summer schools, prevent the disruption of services by covering employee absences or provide additional support to meet school demands such as during assessments.

‘True casual workers’ supply services on an irregular or flexible basis. If a casual worker is appointed with the intention of working as a “true” casual but is offered and accepts regular work, then regardless of the intention of the original arrangement, they can be deemed ‘employees’ by law with statutory and additional contractual rights.

It is important that the Head Teacher monitors the appointment and subsequent use of casual workers and determines whether a temporary part-time contract would be more appropriate.

### **Appointment of supply/agency workers (teaching and non-teaching)**

All long-term supply workers in Trust schools must be engaged via the Trust HR Manager.:

Supply that is required at short-notice, and therefore urgent can be sourced by the Head Teacher on a short-term basis i.e. for less than 1 week. Where supply is required for more than 1 week, cover must be arranged by the Trust HR Manager. In this Trust, it is preferred to employ workers directly should longer term cover be required.

The fees charged for workers offered can vary from agency to agency. Consideration must be given to this prior to engaging workers via agencies and therefore only agencies approved by the Trust should be used. Head Teachers must obtain an up to date list of approved agencies from the Trust HR Manager.

Supply staff employed by the School will be subject to the same safer recruitment practices as other staff. When employing workers through agencies, the Head Teacher must ensure that no person works in the school unless they have received written notification that appropriate references have been received, right to work checks have been undertaken and that an enhanced DBS check has been received by the agency. The DBS check should be obtained no more than three months before the date that the person is due to start to work in the school unless:

- the person has worked in a post in a school in England which brought the person regularly into contact with children or young persons, or;
- the person worked in a post to which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons during a period which ended not more than three months before the person is due to begin work at the school

In addition, before the person is offered for supply, the school must check the person’s identity upon arrival in school to ensure the person is who they say that they are (whether or not the agency made such



a check before the person was offered for supply).

Head Teachers **MUST BE SATISFIED** that everyone involved in the care and service provision for children is responsible for their safety. Safeguarding and standard checks are pre-requisite for external providers and agencies supplying services to schools and Head Teachers are responsible for ensuring appropriate checks are in place.

If there is any doubt as to the capabilities of external providers or agency in this area it is strongly advised that activity **DOES NOT** go ahead until a Head Teacher is fully satisfied that sensible criteria has been met.

### **Agency Worker Regulations**

When engaging supply workers, schools should be aware of their responsibilities under the Agency Workers Regulations (AWR) which give certain rights to agency workers. From day 1 of the assignment, schools should ensure that agency workers are treated no less favourably than a comparable directly hired worker or employee in relation to access to collective facilities and amenities which may include:

- Refreshments
- Toilets
- Staff room
- Car park

After an agency worker completes a 12 week qualifying period with the same hirer (defined as the person who is responsible for supervising and directly the agency worker while they undertake the assignment) in the same or similar role, they will be entitled to the same terms and conditions of employment as if they had been employed directly by the school.

An agency supply worker can move between schools where the Trust is the hirer without stopping the clock on the 12 week qualifying period unless there is a substantively different role.

### **Basic pay**

It is not necessary to pay agency supply workers for additional leave to which direct recruits are not entitled. Agency supply workers should receive payment for statutory annual leave as other workers.

### **Qualified teachers who do a cover supervisor or teaching assistant role**

The relevant rate of pay is determined by the nature of the job not the qualifications of the worker. If a supply worker is a qualified teacher and expected to carry out the role of a cover supervisor or teaching assistant, they will be paid as a cover supervisor or teaching assistant.

### **Qualified teachers who are hired to do a teaching role**

If a school asks a temporary work agency to provide a teacher to carry out 'specified work' (planning, preparing and delivering lessons and courses to pupils and assessing and reporting on the development, progress and attainment of pupils) in a school and the person engaged to do the work is a qualified teacher, they should be paid as a qualified teacher. If the person is engaged to do the work as an unqualified teacher, they should be paid as an unqualified teacher.

### **School closures**

The Trust will only pay an agency worker for work that is undertaken. However, in cases of school closures such as summer holidays, if the agency supply teacher is working before and after such a closure and is, for example 6 weeks into a qualifying period, the qualifying period would pause at the end of one term and start again at the beginning of the next so long as the agency worker returns to the same job.

## Part B Recruitment and Selection Procedure

### The Appointment Process

Recruitment and selection is a two-way process. While Trust schools want to be able to determine the most suitable individual for a post, all candidates, successful or unsuccessful need to feel they have been fairly treated and have been given every opportunity to give of their best and demonstrate the competencies they can bring to the post. If not achieved this may leave the candidate with a poor impression of the Trust and school, not only in relation to recruitment practices but also its overall performance. It may also lead to legal challenges to the fairness of an appointment should the unsuccessful candidate feel unfairly treated under Equal Opportunities guidelines.

The school will ask all applicants whether any reasonable adjustments are required for any part of the recruitment process and if the school becomes aware of a disability, or the candidate asks for reasonable adjustments to be made, the School will consider making them.

It is the responsibility of all of those involved in the recruitment and selection process to ensure that equality legislation is adhered to and unlawful discrimination is avoided.

### Information to be kept during the recruitment and selection process

The Trust HR Manager on behalf of the school should set up a recruitment file for each vacancy to contain the following information, which should be kept for all applicants for a minimum of 6 months:

- Job Description and person specification
- Terms and conditions of appointment
- All notes made by the Recruitment Panel
- All Application Forms (including the Equal Opportunity Monitoring Forms which should be removed from the application forms before short listing)
- Appointment Letters
- Correspondence for unsuccessful applicants (successful candidate info is on personal file);
- References for unsuccessful applicants where applicable;
- Health Declaration
- Record/Notes of any reasonable adjustments made (if applicable);
- Reference request letters;
- Summary interview record forms for unsuccessful applicants;
- Short-listing matrix
- Test results and any associated paperwork (if applicable)
- Recruitment checklists

### When a vacancy occurs

All vacancies (including cover for sick leave, maternity/paternity/adoption and secondment) will be made by application to a specific advertised vacancy only, i.e. not by word of mouth and must have a job description and person specification. For further information regarding the content of secondment agreements contact the Trust HR Manager.

It is essential to decide whether any duties and responsibilities of the vacant post have changed to ensure that the job description and person specification for the vacant post reflects the most up to date essential and desirable criteria and the correct method of assessment is chosen. Information received from previous post holders via exit interviews may be considered if appropriate.

The Head Teacher would need to complete an Establishment Control Form (ECF) to begin the recruitment process, this is required for advertising the vacant post internal and external

All posts will be considered for job share unless there is a valid business case why this is not appropriate.

## **Exceptions to the Recruitment and Selection procedure'**

### **Honoraria (for support staff) or Acting Allowance (for teachers)**

Operational situations can arise when there is a need to cover a post. This may arise as a result of the absence of an individual in a crucial role, i.e. due to sickness. Honoraria or acting allowances should be viewed as a 'quick fix' arrangement and should be operated for short periods of time only while more formal arrangements (temporary or permanent) are pursued and put in place. In these situations it is acceptable to advertise 'the post' internally. Decisions regarding who is the most suitable individual for the honoraria or acting up post should be based on competency to do the job and formal academic qualifications may be waived.

### **School restructuring**

When this results in no additional posts being created, the skills and abilities of the existing employees will be matched against the requirements of the 'new' posts. The most suitable individual for the 'new' post will be based upon competency to do the job and formal academic qualifications may be waived unless formal academic qualifications are an occupational requirement for the role.

It may be appropriate to offer posts to existing employees on the condition that they achieve the required qualifications within a reasonable time-frame.

### **The Sixth Month Rule**

'The sixth month rule' can be applied if a vacancy occurs within a six month period of filling a similar vacancy in a school, which had been publicly advertised. One of the former appointable interviewees may be offered the post. The 'six month period' will commence from the date of the interview.

## **Advertising**

The prime purpose of the job advertisement is to attract a suitable number of appropriately qualified people to apply for a vacancy and to achieve this in a cost effective way. The content of adverts must be factual, non-discriminatory and candidates should be provided with the following information:

- Job title and location;
- Hours of work;
- Description of the job;
- The essential/desirable qualifications and skills
- The rate of pay/ pay scale for the post including the pro rata salary for part time posts;
- Details of any additional payments or allowances applicable;
- Any career or training opportunities where appropriate;
- Closing date for applications and if known the date of interview;
- Contact details for queries or further information;

When a vacancy is advertised, the advertisement should include a statement about the employer's commitment to safeguarding and promoting the welfare of children, and reference to the need for the successful application to undertake an Enhanced Disclosure via the DBS, where appropriate, as well as the usual details of the post and salary, qualifications required, etc.

The advert should state that Tudhoe Learning Trust will carry out an online search as part of their due diligence on the shortlisted candidates, so all candidates are aware of the checks.

Care needs to be taken to ensure the wording used is not discriminatory. Please note if a vacancy is subject to an Occupational Requirement this must be stated in the job advert. Care should be taken to ensure that the wording of adverts is not discriminatory.

## Job Description and Person Specification

### Job description

The job description should provide a statement of what the job involves and delivers a clear outline of the duties, responsibilities and functional framework of the job. As well as providing an account of the duties of the post, it also forms the basis upon which the skills, knowledge, experience, qualifications and personal attributes can be identified for the person specification. It should be unambiguous and written in a way that the post holder can understand.

Once the job is advertised the job description and person specification must not be changed during the recruitment process as this can lead to challenges. Should the appointment process not yield a suitable candidate to be appointed, then the job description and person specification can be changed and the whole appointment process re-run.

For existing posts, the job description should be reviewed in conjunction with information obtained via exit interviews where appropriate.

For new posts, the job description should be prepared so that it achieves what will be required in the new job in the future, taking into consideration how the job can be altered to make it more flexible and therefore open to a wider section of the community.

For existing posts, information from the previous jobholder obtained through the Exit Interview process may need to be reflected in the job description and person specification.

### What to include in the job description

To ensure best practice and consistency, the Trust's Job Description and Person Specification template must be used includes the following information:

- **School name and location**
- **Post title**
- **Grade and salary range**
- **Organisational relationships** - to whom the post holder would be accountable.
- **Description of role** - This is a statement which outlines the overall purpose and objectives of the post.  
**Duties and responsibilities specific to this post** - a detailed description of the day-to-day activities of the post. The duties and responsibilities should be individually described in such a way as to provide a clear picture of the individual activity to be undertaken. The length and complexity of the job description will vary according to the work involved.

### Common duties and responsibilities

These duties and responsibilities are applicable to all school-based employees and must be included on every job description.

- The post holder must carry out their duties with full regard to the School's Child Protection, Equalities and other relevant policies in the terms of employment and service delivery to ensure that colleagues are treated and services delivered in a fair and consistent manner.
- That the post holder is required to comply with health and safety policy and systems, report any incidents/accidents/hazards and take pro-active approach to health and safety matters in order to protect both yourself and others.
- Any other duties of a similar nature related to the post, which may be required from time to time.
- That the post holder will be required to comply with all Academy policies, including the Trust Smoking Policy.
- That the post holder has responsibility for safeguarding and promoting the welfare of children and includes an explicit statement about the school's commitment to safeguarding and promoting the welfare of children.

## Person Specification

### What to include in the Person specification

This is a profile of the ideal candidate who has the right skills, experience and qualifications and forms the criteria against which candidates must be assessed. It helps to translate the duties of the post into a description of the person who should be recruited by identifying the experience, skills, qualifications and other attributes needed to do the job. These should be divided into 'essential' and 'desirable' criteria for the job.

Before going to advert an existing person specification for a particular post should be reviewed and if necessary updated accordingly.

For school-based support staff, where there are common groups of occupational areas within the school such as administration assistants or cleaners, care should be taken to ensure that there is no variation in standards or levels of requirements. Great care should be taken to include only criteria which are relevant and affect job performance.

The person specification needs to concentrate on what is to be achieved rather than how, e.g. including 'must touch type' does not explain why touch-typing is essential and excludes a capable candidate with Repetitive Strain Injury. Replace with 'you will need to produce reports using a word processing package at regular intervals and at short notice'.

The following person specification criteria should remain consistent and be realistic in order to meet the skills available in the local labour market:

- **Essential requirements**

These are the minimum criteria that a candidate would be required to have in order to undertake the duties of the post.

- **Qualifications/attainments**

Formal educational/technical and professional qualifications and specific and/or specialist training that is required for the role should be identified here. There are a wide variety of educational, vocational and professional qualifications (together with their international/overseas equivalents). For some jobs a particular qualification may be essential, while for others no single qualification may be most appropriate and experience may be of just as much importance as a formal qualification.

It is recommended as good practice that each post is reviewed to decide how important qualifications are for the job role, and if appropriate, it may be possible to attract the right candidate by placing more emphasis on appropriate experience and skills rather than qualifications.

Where qualifications are deemed essential these should reflect the minimum basic educational requirements necessary to carry out the job to an acceptable standard, and should always include the words 'or equivalent' in order to accommodate the range of suitable level and subject area qualifications a candidate may have attained at the same level to those requested on the person specification.

- **Experience**

Explain what level of experience is required for the role. This can include voluntary or non-job related experience. This should be described in quality, level and type and **not** length as this could be open to legal challenge as stipulating the length of service could be seen as discriminatory.

- **Skills/knowledge**

It is recommended that the skills criteria on a person specification is given as much weight as qualifications and experience and should also be used as a measure of candidates ability for short listing purposes where this can be measured from the application form. Where this information is not clear from the application form, it should be further explored at the interview stage.

- **Personal qualities**

Include the necessary criteria that the performance of the post requires. However consideration should be given to reasonable adjustments that would enable a person with a disability to fulfil the criteria. Standards of physical fitness are permissible but only when they are essential to the post. Any special occupational requirements e.g. ability to work overtime or unsociable hours, live in specified accommodation or carry out specific physical demands, e.g. heavy lifting should also be included in this section.

Results of any job specific hazard/risk assessment should be shared with the applicant and their attention brought to any tasks or activities that may require any special abilities, e.g. ability to work at heights, lone working, deal with aggression etc.

- **Desirable requirements**

These are not essential but would enhance job performance, and in case of a large number of applicants meeting the essential criteria they can be used to further short list candidates. If the desirable criteria are to be used in this way, it must be consistently applied to assess all candidates.

- **Method of assessment**

The person specification should explain how the criteria will be tested and assessed during the selection process. For example:

In addition to candidates' ability to perform the duties of the post, the interview will also explore issues relating to safeguarding and promoting the welfare of children including:

- Motivation to work with children and young people;
- Ability to form and maintain appropriate relationships and personal boundaries with children and young people;
- Emotional resilience in working with challenging behaviours;
- Attitudes to use of authority and maintaining discipline.

A well written person specification will assist in preparing a job advert, enable a prospective candidate to self-select by assessing themselves against the requirements for the job and provide a basis for determining core interview questions.

## **Application Pack**

When applying for a post within the Trust all candidates will receive an application pack. This will include: -

- An application form;
- Guidance notes for the completion of the application
- The job description and person specification;
- Any relevant information about the Trust/School, the recruitment process and relevant policy statements in terms of safeguarding, equality and the recruitment of ex-offenders;
- The Child Protection Policy Statement
- The closing date for the post;

Recruitment documentation will clearly specify which jobs are categorised under the Exceptions Order of the Rehabilitation of Offenders Act 1974 and (NI) Exceptions Order 1975 and which posts will be subject to disclosure and vetting via the DBS. It will also be made clear that the personal information provided on application forms will be retained and used in accordance with the General Data Protection Regulations (GDPR) 2018 and other legislative provisions.

### **Acknowledgement of applications**

For reasons of economy, applicants may be informed that acknowledging receipt of their application is only possible if they provide a pre-paid envelope or an e-mail address for this purpose. For similar reasons, it is acceptable to inform applicants they should regard their application as having been unsuccessful should they not be contacted after a certain date.



## **Late Applications**

The advertised closing date for receiving applicants should be carefully set to allow a reasonable time in which potential applicants can respond. Applications received after the closing date has expired should, therefore, not normally be considered. However, there may be some limited cases where an exception can be considered, such as postal service disruptions, or other similar impediments.

## **Shortlisting**

After the closing date for the receipt of applications has been reached, a preliminary assessment of all applications is necessary to establish those applicants who are to be interviewed. This should be done by a panel of at least two people using a shortlisting matrix to compare the applications against those elements of the person specification that have been specified as being essential. If, after doing this there are still more potential candidates than could reasonably be interviewed, applications should then be assessed against the desirable qualities of the person specification. If there are too few suitable candidates, consideration needs to be given to the person specification and the advert to establish if they were too restrictive, alternatively the method of attracting candidates may not have been adequate.

It is essential that shortlisting is an objective procedure. It may be necessary to demonstrate such objectivity at a later date should a claim be made on discrimination grounds. All records will be retained and used in accordance with the General Data Protection Regulations (GDPR) 2018 and other legislative provisions. All candidates should be assessed equally against the criteria in the person specification without exception or variation.

All applications should be scrutinised carefully to ensure they are fully and properly completed. The information provided needs to be consistent and should not contain any discrepancies. Any gaps in employment should be identified. Incomplete applications will not be accepted. Curriculum vitae (CV) alongside an application form will be accepted, however a curriculum vitae (CV) on its own will not provide adequate information.

Every application form, together with any other supporting documentation, should be seen by all those on the shortlisting panel.

The Trust HR Manager will complete the short listing matrix in respect of each candidate and to indicate if the candidate is suitable to go through to the next stage of the selection process.

The shortlisting panel should be the same individuals as the interviewing panel and all panel members will need to be involved in both the shortlisting process and the interview.

Only applicants who, in the opinion of the panel, meet all essential criteria in the person specification should be shortlisted. If there are too many applicants who meet the essential criteria, the desirable criteria in the person specification should be considered. The panel can agree the desirable criteria that candidates will be matched against if they do not wish to use all desirable criteria.

Having shortlisted, a panel may decide that no applicant meets the essential requirements for the post. In this situation the job description and person specification should be reviewed before a decision is made to re-advertise.

In the event that only one applicant meets the essential requirements for the post, selection may continue as planned, or a decision may be taken to re-advertise. Whichever decision is taken, all shortlisted applicants should be appropriately informed, and advised whether they need to re-apply or not.

Once the panel have agreed which candidates, they wish to invite to take part in the next stage of the selection process, the method of selection should be agreed.

In addition, as part of the shortlisting process, Tudhoe Learning Trust will carry out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues

that have happened, and are publicly available online, which the school might want to explore with the applicant at interview.

Once we have shortlisted candidates, we will ask shortlisted candidates to:

Complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so that they can share relevant information and discuss it at interview stage. The information we will ask for includes:

- . If they have a criminal history
- . Whether they are included on the barred list
- . Whether they are prohibited from teaching
- . Information about any criminal offences committed in any country in line with the law as applicable in England and Wales
- . Any relevant overseas information

Sign a declaration confirming the information they have provided is true.

## **Selection methodology**

The process of selection is not an exact science and the use of one selection method alone is not good practice. To eliminate as much subjectivity as possible, it is recommended that a range of selection methods be used.

The various methods can be used in two ways:

- As a technique for ‘sifting’ a large number of applicants on the basis of job relevant skills e.g. the use of clerical aptitude tests in the recruitment of clerical officers;
- As a technique for the individual assessment of applicants used in conjunction with a traditional interview or part of an ‘assessment centre’ style approach (where a range of assessments can be used to provide a more detailed picture of candidate’s skills and abilities).

A brief overview of appropriate assessment tools are detailed below:

### **Group exercises**

Group exercises usually involve a group of candidates trying to solve a real or imaginary problem. They may be used to assess a candidate’s ability to get on with and influence people, leadership qualities and to produce ideas in a real-life situation.

### **Group discussions**

This usually involves a group of candidates being assigned a topic to discuss and agree a solution/common position.

### **In-tray exercises**

These are usually individually based and involve candidates simulating part of the post.

### **Presentations**

This enables the candidate to demonstrate their presentation skills and allows the panel to assess a candidate’s knowledge in a particular area.

### **Written report**

A candidate would be asked to submit a written report (of so many words) on a particular subject.

### **Work sample/observed practice**

This allows a candidate to demonstrate their knowledge/skills within a particular area and may involve teaching a lesson or part of a lesson to a small group of pupils.



## Testing disabled candidates

When using tests consideration must be given to reasonable adjustments for candidates with disabilities, for example the format of the material, equipment to be used and location, additional time to complete the test.

The Head Teacher will check whether a candidate has identified that reasonable adjustments may be required and check whether any further adjustment is required for testing and/or at interview. Reasonable adjustments/alternative material can be made available where require.

## Interview panel

Except for the appointment of Head Teachers, Deputy Head Teachers and Acting Head Teachers, the formation of the interview panel is a minimum of two people and:

- Wherever possible the panel should have a gender balance, one of whom ideally should be from outside the specialism/team and/or panel members may be utilised because of their previous experience or expertise.

Except for the appointment of Head Teachers, Deputy Head Teachers and Acting Head Teachers, the formation of the interview panel is a minimum of two people and:

- Wherever possible the panel should have a gender balance, one of whom ideally should be from outside the specialism/team and/or panel members may be utilised because of their previous experience or expertise.
- To ensure consistency with the appointment process the panel members appointed should be the same throughout the recruitment exercise. In some cases, for example in the appointment of Head Teachers and Deputy Head Teachers, where there may be one panel established to short list and one panel to appoint, the members in each panel should not change. However, if a panel member is no longer able to participate in the recruitment process due to exceptional circumstances or conflict of interests, a suitable replacement should be made as soon as possible, or the member should be asked to withdraw and a record of such changes recorded in the recruitment file. An example of a conflict of interests would be if one of the candidates is a relative;
- At least one Panel member should be appropriately trained in recruitment and selection and must have undertaken safer recruitment training or have been fully briefed by the individual who has attended the training listed;

The appointment process panel should discuss, agree the following:

- Any additional information to be sent to candidates;
- Selection methodology;
- Dates, times and venue for interviews;
- Support required for the interview process;
- Interview questions.

The Equality Act stipulates that sickness information and pre-employment health questions must not be asked until the candidate has been identified for a position. This will ensure that the panel make the selection decision based strictly on the application form, the job description, the person specification (and testing if applicable) and are not influenced by other factors, such as potentially subjective judgements about a candidates attendance by referees.

Sickness absence information may be requested in references once the successful candidate is given a conditional offer of employment. A conditional offer of employment is an offer of employment that is subject to medical, sickness absence information and other relevant pre-employment checks. Any reasonable adjustments required on a day to day basis should be identified at this stage and reviewed regularly to make sure they are effective and appropriate.

## Employment history and References

The purpose of references is to obtain objective and factual information to support appointment decisions, including an applicant's suitability to work with children and young people. It is important to obtain independent professional references that seek objective and justifiable information and not subjective opinion.

Every effort should be made to obtain all necessary references from any or previous employers prior to interview. The Trust HR Manager will assess the appropriateness of the selected candidates named referees. Additional references will be required for candidates who have named panel members as referees.

The HR Manager will seek two written references for all candidates, one of which will be from the current or most recent employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the Head Teacher/principle as accurate in respect to disciplinary investigations. Wherever possible at least one should be from a previous role where the applicant worked with children and/or young people. We are unable to accept references from family members or friends.

Ideally, references should be sought on all short-listed candidates (including internal applicants) and obtained prior to interview. This allows issues to be explored with the referee in advance and with the candidate at interview. Any job offer will be subject to receipt of satisfactory references. In accordance with the Equality Act information asking about sickness absence and health should not be included on reference requests, this information will be picked up for the successful candidate at the pre-employment health screening stage.

A copy of the job description and person specification should be included with reference requests.

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. They should also be compared for consistency with the information provided by the candidate on their application form.

Any information about past disciplinary action or allegations should be considered carefully when assessing the applicant's suitability for the post. Any repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious should also not be included in any reference.

All reference requests will ask:

- About the referee's relationship with the candidate i.e. if it is a working relationship, how long has the referee been working with the applicant and in what capacity;
- Whether the referee is satisfied that the applicant has the ability and is suitable to undertake the job in question, specific comments about applicant's suitability for the post and how s/he has demonstrated that s/he meets the person specification;
- Confirmation of details relating to the applicant's post and salary;
- Specific verifiable comments about the applicant's performance history and conduct;
- Details of any live disciplinary procedures/suspension to which the applicant is subject;
- Details of any substantiated allegations or concerns that have been raised with the candidate that relate to the safety and welfare of children and young people and/or their behaviour towards children and young people. Allegations which were proven to be false, unsubstantiated or malicious should not be included in an employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference.

In addition to all of the above reference requests for Teaching posts will also ask for details of any non-health capability procedures, to which the applicant has been subject to within the last two years and

the outcome.

A reference pro-forma should be used for all posts in order to ensure consistency.

Referees should be mindful that:

- They have a responsibility to ensure that the reference is accurate and does not contain any material misstatement or omission;
- Any relevant factual content of the reference may be discussed with the applicant;
- A candidate can ask to see information held about them - for example interview notes and references, or the full personal file if the candidate already works for the organisation. The Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk) has more information.

If a shortlisted applicant claims to have some specific qualification or previous experience that is particularly relevant to the post for which they are applying that will not be verified by a reference, it is good practice to verify the facts before interview so that any discrepancy can be explored at interview.

## **Prior to Interview**

Shortlisted candidates should be invited to the next stage of the process requesting that candidates bring evidence of 'Right to Work in the UK' and qualification certificates or any documents confirming any educational and professional qualifications that are necessary or relevant for the post to the interview.

If the candidate cannot produce original documents or certified copies, it is their responsibility to obtain written confirmation of this from the awarding body.

Necessary arrangements should be made to obtain and set up any equipment required for presentations, in-tray exercises etc.

## **Invitation to interview letter**

The letter should include the relevant arrangements for the interview, i.e. the arrangements, directions to the venue and panel membership. Applicants should also be asked if they have any special requirements for the interview i.e. assistance with access etc.

It should also remind candidates how the interview will be conducted and the areas it will explore and should include details of the selection methods to be used i.e. children's panel, presentation and what facilities will be available on the day e.g. laptop, projector etc.

All candidates should be asked to bring their current driving license or passport (including a photograph), or full birth certificate, plus other documents i.e. a utility bill or financial statement showing the candidate's current name and address and any documentation relating to a change in name, where appropriate, for verification. The letter should stress that the identity of the successful candidate will be checked thoroughly and that they will be required to complete an Enhanced Disclosure with Barred List application (where appropriate).

Candidates will also be asked to bring documents confirming any educational or professional qualifications relevant to the post and specified as essential or desirable (if used in shortlisting) on the person specification.

A copy of any documents used to verify the successful candidate's identity and qualifications will be kept on the personal file.

## **Interview**

The aim of this stage of the process is to afford the opportunity for two-way communications to occur. The interviewing panel needs to be able to obtain as much information as possible with regard to the candidate's ability to fulfil the criteria for the post. The interviewee needs to feel that they were afforded the opportunity to give of their best and to make a determination as to whether the post is appropriate for them.

The interview should assess the merits of each candidate against the job requirements and explore their suitability to work with children. The selection process for people who will work with children should always include a face to face interview even if there is only one candidate.

### **Prior to seeing candidates**

The HR Manager should make panel members aware of:-

- any reasonable adjustments required for disabled candidates in relation to the way the interview is carried out, as necessary;
- the findings of any preliminary selection activities,
- issues to be explored with each candidate and agree who on the panel will ask about each of those;

The selection panel must agree the order of questioning and the roles of the panel members.

When one interview is identified for multiple posts and further interviews are held on other days the lead officer must ensure that core interview questions are kept consistent the question order is not changed and further questions are not added.

### **Arrangements for the interviews/tests**

- The lead officer should make arrangements with the venue so that the arrival of the candidates will be expected.
- The lead officer should ensure someone is available to greet candidates and take them to the appropriate room at the allotted time.

### **Interview Questions**

The interview panel must agree in advance a list of core questions for each candidate that they will not deviate from. The panel should also agree a set of questions they will ask all the candidates relating to the requirements of the post and the issues they will explore with each candidate based on the information provided in the candidate's application and references (if available). A candidate's response to a question about any issue or concern will determine whether and how that is followed up. Where possible it is best to avoid hypothetical questions because they allow theoretical answers. It is better to ask competence based questions that ask a candidate to relate how they have responded to, or dealt with, an actual situation, or questions that test a candidate's ability and understanding.

Questions should be asked around the criteria in the job description and person specification. A copy of the questions may be given to candidates at the start of the interview as an aide memoire; if this approach is followed then it must be consistently applied to all candidates.

Where one interview is identified for multiple posts and further interviews are held on other days the lead officer must ensure that that interview questions are kept consistent, the question order is not changed and further questions are not added.

In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel should ask questions which explore:

- The candidate's attitude and motivation to work with children and young people;
- Their attitude towards safeguarding and promoting the welfare of children;
- Gaps in candidate's employment history (if applicable);
- The candidate's response to any other concerns or discrepancies arising from the information provided by the candidate and/or a referee (if applicable).

After each candidate has been asked the core questions, time needs to be allowed in order to give the candidate the opportunity to ask questions and/or add any points they wish to make. Each panel member should take appropriate notes so that objective decisions can be made.

### **Health related interview questions**

There are significant restrictions on the type of questions and information relating to a person's health or disability which can be asked or considered during the recruitment and selection process. In most cases questions cannot and should not be asked until the person has been offered a job individually or as part of a pool of candidates, this includes conditional offers of employment. This means that recruitment panels cannot ask for or consider information on sickness absence as part of their decision making. This requirement is intended to make recruitment fairer by ensuring candidates are considered on their ability to do the job.

Questions about health or disability can be asked in order to:

- Find out about any reasonable adjustments required during the process;
- Ensure the health and safety of candidates during the process, for example, to check whether a pregnant candidate can safely take part in a test;
- Identify applicants who meet an occupational requirement, for example, if a deaf support worker is required.

It is lawful to ask questions relating to a person's ability to carry out a function that is intrinsic or fundamental to the job. However this should include the availability of reasonable adjustments.

Since reasonable adjustments are intended to enable a disabled person to perform the fundamental aspects of a job there are few situations where this question needs to be asked in order to select the best candidate.

If the interview panel are asking about health and whether the candidate has any reasonable adjustments that need to be made, it is advised that the same question will need to be asked to all candidates so that those with a disability are not singled out.

The final questions at all interviews will include an opportunity for the candidate to ask any questions and any questions that are to be asked of the candidate arising from their application form and/or references.

### **Interview format**

The interview format will differ depending on the type of appointment.

The lead officer should introduce members of the panel to each candidate, explain the objectives of the interview, outline the agenda, and explain that the interview panel will be taking notes, the timescale and when and how the candidate will be informed of the outcome.

At the end of the interview, all candidates should be told when to expect a decision by, in order to allow the panel a suitable amount of time to consider their selection.

Following the interview, each panel member should be asked for their views as to how each candidate met the person specification and the lead officer should lead the discussion to reach a panel view as to the most appointable candidate. In the event of a 'tie-break', the chair of governors, chair of the

board of directors or Trust Chief Executive Officer will have the casting vote as appropriate. For some posts it may be desirable to seek the views of pupils. Involving young people in the recruitment and selection process is recognised as good practice and the selection panel may give due consideration of these views as part of the overall assessment of candidates.

The Recruitment Checklist and interview summary sheet should be updated and maintained for record purposes. This is usually completed by the Trust HR Manager on behalf of the Lead Officer.

## **Interview venues**

When deciding where interviews will be held the following points need to be considered:

- Where practical, interviews should be conducted at the school work place where the vacancy is held, as this will allow the candidates to view the workplace;
- Try to ensure there is a seated waiting area close to the room where the interview is taking place;
- The room used for interviews should ideally be sound proof and the furnishings appropriate;
- When interviewing, where possible the chairs should be arranged so that the interviewing panel does not appear to be dominating the candidate and to avoid artificial/sun light shining into the eyes of the candidate. Water should ideally be available for the candidate;
- There should be complete freedom from telephone calls and other interruptions whilst selection is in progress;
- Ensure the room where the interview and /or test are taking place and the route to and from it, is easily accessible to candidates with a disability. Check in advance that any equipment or other reasonable adjustments have been made (where required);
- Ensure that any equipment for testing such as presentations is already set up.

## **Post appointment procedure**

The lead officer should ensure that the successful candidate is made a conditional offer and confirm the conditional offer of employment in writing subject to pre-employment clearances. It must be made clear to the successful candidate that this is a conditional offer of appointment and subject to continued funding of the post (where applicable), Disclosure and Barring Service (DBS) Information, references, qualifications, and pre-employment health assessment.

The unsuccessful candidates should be contacted either by phone or by written correspondence, with the offer of feedback as soon as practicable. Feedback, if required, should be constructive and focus on the degree to which the candidate met or did not demonstrate at interview that they met the requirements of the person specification criteria. As the aim of the recruitment process is to obtain the best person for the job, reasons may include why the skill mix of the successful candidate was deemed to be the most suitable.

An accurate and written record of any feedback provided to unsuccessful candidates should be maintained for record purposes.

Unsuccessful applicants should receive a courteous letter/email thanking them for their interest in the post and the time they made available during the appointment process. Alternatively, the unsuccessful candidates can be spoken to by the Lead Officer or Trust HR Manager at the conclusion of the interview process.

### Formal offer of appointment

A formal offer of appointment to the successful candidate should only be made when:

- Verify their identity



- Obtain (via the applicant) an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken
- Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
- Verify their mental and physical fitness to carry out their work responsibilities
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order if they are employed to be a teacher
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. These could include, where available:
  - For all staff, including teaching positions: [criminal records checks for overseas applicants](#)
  - For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach.
- Check those candidates taking up a management position\* are not subject to a prohibition from management (section 128) direction made by the secretary of state

\* Management positions are most likely to include, but are not limited to, headteachers, principals and deputy/assistant headteachers.

We will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

**Regulated activity** means a person who will be:

- Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or
- Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not.

## Pre-employment checks

### Disclosure and Barring Service (DBS)

Enhanced DBS checks on all members of the academy trust, individual charity trustees, and the chair of the board of charity trustees will be required. Where the trust delegates responsibilities to any delegate or committee (including a local governing body), the school will require DBS checks on all delegates and all member of such committees. The school will also check that members are not barred from taking part in the management of the school because of a section 128 direction.

As good practice the school will conduct a five yearly rolling programme to assess the continued employment of an individual whose role requires them to be subject to necessary DBS checks. This five-year rolling period will commence prior to the initial offer of the position and then appropriate checks be carried out aimed at a five yearly period whilst the individual remains employed in their position. This is to ensure that all members of the school community continue to be suitable to work in regulated activity.

Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The school should obtain written confirmation from the provider that it has carried out all pre-appointment checks.

Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

All checks should be:

- Followed up where they are unsatisfactory, or where there are discrepancies in the information provided;
- Recorded, retained and used in accordance with the General Data Protection Regulations (GDPR) 2018 and other legislative provisions.

In this Trust, all checks are undertaken with our DBS Check Provider by the trust HR Manager. A job offer can be withdrawn if the results of DBS checks/and or other pre-employment checks show anything that would make the individual unsuitable for the post that they have been offered.

### **Individuals who have lived or worked outside the UK**

Individuals who have lived or worked outside the UK will undergo the same checks as all other staff. In addition, the School will make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. The Home Office guidance on criminal records checks for overseas applicants can be found on GOV.UK.

These further checks will include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the TRA Teacher Services' system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, the School will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

Where an enhanced DBS certificate is required, it must be obtained from the individual before, or as soon as practicable after, the person's appointment.

### **Formal offer of appointment**

A formal offer of appointment to the successful candidate should only be made when:

- Verify their identity
- Obtain (via the applicant) an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken
- Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
- Verify their mental and physical fitness to carry out their work responsibilities



- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order if they are employed to be a teacher
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. These could include, where available:
  - For all staff, including teaching positions: [criminal records checks for overseas applicants](#)
  - For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach.
- Check that candidates taking up a management position\* are not subject to a prohibition from management (section 128) direction made by the secretary of state

\* Management positions are most likely to include, but are not limited to, headteachers, principals and deputy/assistant headteachers.

## **Risk Assessments**

The School recognises that there may be some limited and exceptional occasions when it is appropriate for an employee or volunteer to start in post prior to the return of the DBS certificate.

In cases where this is appropriate, the Head Teacher must ensure that a DBS application form has been completed for the person concerned and submitted to the DBS, if required for the post they have been appointed to. The Head Teacher should ensure that all other pre-employment checks are satisfactory and that appropriate supervision arrangements are in place for the individual until a satisfactory disclosure is received, considering the duration, frequency, and nature of contact with children.

In addition, the Head Teacher should complete a risk assessment, which will document the above measures and any other deemed necessary for the period that the disclosure is pending. A risk assessment pro-forma is available from the Trust HR Manager.

## **Sickness Absence Information**

In the event that the successful applicant returns an unsatisfactory Sick Absence Information document, the lead officer must carefully consider whether the candidate is now unsuitable for the post and if so the reasons why they are unsuitable. It is essential that once this Sick Absence information has been revealed all reasonable adjustments are made to accommodate any disability to avoid discriminating against an individual. As an employer we must be able to justify why the candidate is no longer suitable for the post to avoid any challenges. Trust schools must therefore not use this information as a reason to discriminate against candidates who are covered by the Equality Act.

If there is any doubt, the matter should be referred to the Trust HR Manager.

## **Pre-Employment Health Statement (PEHS)**

In all instances, the conditional offer of appointment will be subject to a satisfactory pre-employment health assessment. A Pre-Employment Health Statement (PEHS) form should be sent to the successful candidate following a conditional job offer. The PEHS should ONLY be sent once a job offer has been made.

Section 1 of the form should be fully completed prior to issue by the school for the post giving details of the job analysis as identified by the risk assessment.

The PEHS form should then be sent to the successful candidate together with an envelope addressed for confidential return directly to the Occupational Health Service Provider and not to the school.

Once completed by the candidate, the PEHS form **MUST NOT** be handled, photocopied or retained in the school as this contravenes General Data Protection Regulations and the Equality Act.

The school must consider any adjustments required as advised by Occupational Health.

## **Single central record**

The School will maintain a Single Central Record which will cover the following people:

- all staff, including teacher trainees on salaried routes, and supply staff who work at the School
- all members and trustees of the academy trust.

The bullet points below set out the minimum information that must be recorded in respect of staff members (including teacher trainees on salaried routes). The record must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check. Identification checking guidelines can be found on the GOV.UK website;
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check;
- a section 128 check;
- further checks on people who have lived or worked outside the UK (this would include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions
- a check of professional qualifications, where required; and
- a check to establish the person's right to work in the United Kingdom.

For supply staff, the School must also include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of staff.

Whilst there is no statutory duty to include on the single central record details of any other checks, schools are free to record any other information they deem relevant. For example, checks for childcare disqualification, volunteers, and safeguarding and safer recruitment training dates. The School/Academy may also record the name of the person who carried out each check.

There is no requirement for multi-academy trusts (MATs) to have separate single central records, but schools should ensure the record is securely stored and easily accessible to those who need to see it, including Ofsted inspectors.

The single central record can be kept in paper or electronic form.

Any concerns about an applicant's suitability to work with children, must be reported to the police and/or the Department for Education (DFE) and the Disclosure and Barring Service (DBS).

## **Personnel file for successful candidate**

The Lead Officer should discuss with successful candidate start date and any reasonable adjustments

required, plus any necessary liaison with a third party support service (e.g. Access to Work) if required.

The school should create a personnel file for the successful applicant to include:

- Acceptance letter;
- A copy of the Application Form (the original should be sent to the HR Department)
- Conditional offer of employment;
- Copy of signed statement of particulars;
- Copies of qualification certificates;
- Copy of evidence used to verify the identity of the successful applicant;
- Evidence of 'Right to Work in the UK';
- All notes made at the interview;
- Job description;
- Offer of employment;
- Pre-employment Health Statement/Occupational health clearance if required;
- Person specification;
- References;
- Test results (if applicable).

The Equal opportunities monitoring form should stay in the recruitment file.

## **Probationary Period**

### **Support Staff**

All newly appointed support staff are subject to a 26 week probationary period, although this can be extended in exceptional circumstances.

### **Newly Qualified Teaching Staff**

Newly qualified Teachers are required to undergo an induction period of supported development where performance against the Teaching Standards is assessed. The induction period is the equivalent of three school terms after which a recommendation is made on whether induction has been satisfactorily completed.

## **Induction**

The Head Teacher will provide the Trust induction programme for all newly appointed staff and volunteers, including teaching staff, regardless of previous experience. This is in addition to the statutory induction period required for newly qualified Teaching Staff. The purpose of induction is to:

- Provide training and information about the Trust and School's policies and procedures;
- Support individuals in a way that is appropriate for the role for which they have been engaged;
- Confirm the conduct expected of staff within the Trust;
- Provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities; and
- Identify any concerns or issues about the person's ability or suitability at the outset and address them immediately.

In accordance with KCSIE 2024 all staff should be aware of systems within the School which support safeguarding and these should be explained to them as part of staff induction. This should include:

- the child protection policy;
- the behaviour policy;
- the staff behaviour policy (sometimes called a code of conduct);
- the safeguarding response to children who go missing from education and;
- the role of the designated safeguarding lead (including the identity of the designated safeguarding

lead and any deputies).

Copies of policies and a copy of Part one of the KCSIE 2024 document should be provided to staff at induction.

All staff should receive appropriate safeguarding and child protection training which is regularly updated. In addition, all staff should receive safeguarding and child protection updates (for example, via email, e-bulletins and staff meetings), as required, and at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.

All staff should be aware of their local early help process and understand their role in it.

All staff should be aware of the process for making referrals to children's social care and for statutory assessments under the Children Act 1989, especially section 17 (children in need) and section 47 (a child suffering, or likely to suffer, significant harm) that may follow a referral, along with the role they might be expected to play in such assessments.

All staff should know what to do if a child tells them he/she is being abused or neglected. Staff should know how to manage the requirement to maintain an appropriate level of confidentiality. This means only involving those who need to be involved, such as the designated safeguarding lead (or a deputy) and children's social care. Staff should never promise a child that they will not tell anyone about a report of abuse, as this may ultimately not be in the best interests of the child.

### **Existing staff**

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

- There are concerns about an existing member of staff's suitability to work with children; or
- An individual moves from a post that is not regulated activity to one that is; or
- There has been a break in service of 12 weeks or more

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- We believe the individual has engaged in [relevant conduct](#); or
- We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#); or
- We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left.

### **Agency/Supply Workers**

Supply staff directly employed by the school will be subject to the same safer recruitment and induction practices as other staff.

Where the individual is employed through an agency written confirmation will be made with the supply agency that the relevant checks have been carried out and that they are satisfactory **before** the supply worker starts to work at the school.

The DBS check carried out on the supply worker will be checked to see if it contains any disclosed information and a copy of this will be obtained from the agency. Checks will be made to ensure the person who is supplied by the Agency is actually the person they have referred by carrying out identity checks (i.e. birth cert, driving licence, passport, evidence of address).

## **Contractors**

We will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children

We will obtain the DBS check for self-employed contractors.

We will not keep copies of such checks for longer than 6 months.

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

We will check the identity of all contractors and their staff on arrival at the school.

For self-employed contractors such as music teachers or sports coaches, we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

## **Trainee/student teachers**

Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

In both cases, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

## **Visitors**

Visitors will be required to sign in and out of the school and a member of staff or an appropriately vetted volunteer whilst on the premises will escort them.

DBS Disclosures are not required for visitors who will only have supervised contact with children on an ad hoc or irregular basis for short periods of time, or secondary pupils undertaking voluntary work or work experience in other Schools. This also applies to: -

- Visitors who have business with the Head Teacher or other staff, or who have brief contact with children with a member of staff present.
- Visitors or contractors who come on site only to carry out emergency repairs or to service equipment and who would not be expected to be left unsupervised on School premises;

- Volunteers or parents who only accompany staff and children on one-off outings or trips that do not involve overnight stays, or who only help at specific one-off events (e.g. a sports day, academy fete, open day etc.);
- Visitors who are there in a professional capacity schools should check ID and be assured that the visitor has had the appropriate DBS check (or the visitor's employers have confirmed that their staff have appropriate checks. Schools should not ask to see the certificate in these circumstances).
- Secondary pupils on Key Stage 4 work experience in other academies etc.; secondary pupils undertaking work in another academy as part of voluntary service etc., Key Stage 5 or 6th form pupils (although the school is responsible for ensuring that each pupil is suitable for the placement in question);
- People on site before or after School hours, or when children are not present e.g. local groups who hire premises for community or leisure activities, cleaners who only come in to the Academy after the children have gone home, or before they arrive;

## **Extended schools/academies**

Where services or activities are provided by the school, which are directly under the supervision or management of the school staff, the same arrangements for appointments, recruiting and vetting checks and record keeping will apply (i.e. for staff and volunteers).

Where a third party is responsible for running the services or is using the school site, there should be clear lines of accountability and written agreements setting out who is responsible for carrying out recruitment and vetting checks on staff and volunteers.

The written agreement should set out the respective responsibilities of the governing body and those of the provider or group in terms of health and safety, recruitment and vetting checks.

Child and user safety is paramount. Providers will need to demonstrate that they have effective procedures, training and vetting arrangements for their staff, appropriate child/adult ratios and contingency arrangements in place for emergencies or unexpected occurrences.

## **Further Information**

If there are any further queries on this policy, please contact the Trust HR Manager.

## English Language Requirement for Public Sector Workers in Customer Facing Roles

### What is the requirement?

Part 7 of the Immigration Act 2016 creates a duty to ensure that all public authority staff working in customer-facing roles speak fluent English to an appropriate standard. The Government has issued a statutory Code of Practice to help employers comply with this regulation. The code can be found at [www.gov.uk](http://www.gov.uk) “Code of practice on the English language requirement for public sector workers”.

### Who is covered?

**Members of staff who, as a regular and intrinsic part of their role, are required to speak to members of the public in English are considered as working in a customer-facing role.** This means that they must have a command of spoken English which is sufficient to enable the effective performance of their role. Either face-to-face or telephone conversations can bring a role within the scope of the act. Reception staff, teaching staff and teaching assistants are likely to be covered. Facilities staff are unlikely to be. A higher level of competence may be required depending on the nature of the role and the profession of the employee. There is already a requirement under the Teachers Standards for Teachers to be fluent in English.

The fluency duty applies in respect of existing staff as well as to new recruits, permanent and fixed-term employees, apprentices, self-employed contractors and agency temps.

### What is meant by fluency?

Employers must satisfy themselves that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether an existing or a potential new member of staff.

Fluency relates to a person's language proficiency and their ability to speak with confidence and accuracy, using accurate sentence structures and vocabulary. In the context of a customer-facing role, a person should be able to choose the right kind of vocabulary for the situation at hand without a great deal of hesitation. They should listen to their customer and understand their needs. They should tailor their approach to each conversation appropriate to their customer, responding clearly with fine shades of meaning, even in complex situations. **Fluency does not relate to regional or international accents, dialects, speech impediments or the tone of conversations.**

The Code of Practice refers to **The Common European Framework of Reference for Languages (CEFR)** as a useful descriptor of fluency levels.

### Recruitment and selection - How can fluency be measured?

When recruiting for a post that has been identified as meeting the fluency requirement Schools/Academies can, but are not required to, specify a minimum spoken English qualification as long as it is above the Common European Framework of Reference for Languages, Level B1 (**more information on this is provided in the statutory Code of Practice**).

Many non-EEA migrants may have already passed a similar qualification for the purpose of their visa application and would therefore be able to provide evidence of this. Nevertheless, employers are free to satisfy the requirement through other means, such as a test or formal interview.

There are a number of ways a job applicant could demonstrate their fluency, including, but not limited to:

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



Where job applicants are clearly fluent to the necessary standard for the role in question, no further action is necessary.

### **Job Adverts, Job Descriptions and Person Specifications**

When recruiting for a role where the requirement will apply, Schools/Academies should specify this in the advert, job specification and job description. The example wording below is provided in the Code of Practice.

*“The ability to converse at ease with customers and provide advice in accurate spoken English is essential for the post.”*

*And*

*“An ability to fulfil all spoken aspects of the role with confidence through the medium of English.”*

Schools/Academies could change customers to read members of the public/pupils.

### **What about the Equality Act?**

Schools/Academies must consider their obligations under the Equality Act when considering their duty to ensure that each person in a customer-facing role speaks fluent English. The processes and methods used to determine whether a person has a command of spoken English for effective performance in the role must be fair and transparent.

It is unlawful to discriminate directly or indirectly against a person on grounds of race. Schools/Academies should ensure that people from particular nationalities or ethnic backgrounds, in a recruitment process or whilst at work, are treated in the same way as people from an English background.

The interview panel members will need to ensure that they understand the spoken language requirements for the role and that they evaluate candidates against clear criteria set out in the role specification. <sup>[1]</sup><sub>[SEP]</sub>

### **What happens if the requirement is not met?**

Members of the public can complain if they feel that a customer-facing employee has insufficient fluency in spoken English. A pupil and or their parent/carer or could complain. The complaint would then need to be investigated and responded to.

A complaint about a member of staff’s accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint about the fluency duty.

Members of staff who are the subject of a complaint should be notified of the complaint and the action being taken in relation to it. They should be given the opportunity, as soon as practicable, to give their own account of the facts leading to the complaint.