



# Recruitment & Selection Policy

<b>Policy Number</b>	HR/13
<b>Review Frequency</b>	1 Year
<b>Reviewed</b>	December 2018
<b>Next Review Date</b>	Autumn Term 2019

*(This policy supersedes all previous Recruitment & Selection policies)*

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## Amendments

Policy Date	New Version Number	Summary of change	Comments

## Union Consultation

Date	Action (meeting, email etc.)	Comments	Attendance
20/11/18	Draft policy sent to all unions and staff for comment	30 day consultation period	

**\* Trust – Refers to all Schools, Academies & Operations Team within the Learning Academy Partnership**

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## **1. Introduction**

- 1.1 Recruiting the best people to our Trust is vital for our continued success in providing the highest standards of education to our pupils.
- 1.2 Not appointing the right people to our roles can have a negative impact on the performance of our Trust.
- 1.3 The Head of Academy/Executive Head/Director of Education/Director of Operations/Chief Executive Officer (as appropriate) is responsible for deciding on the arrangements to recruit to any post, with the exception of the Head of Academy which is delegated to the Chief Executive Officer (CEO) who will determine appointing committee.
- 1.4 In carrying out our recruitment processes we are committed to the creation of a safe environment for our pupils by operating safer recruitment practices in line with the statutory requirements and guidance.
- 1.5 We are also committed to ensuring that throughout our recruitment and selection processes no applicant is disadvantaged or discriminated against because of the protected characteristics of age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation.
- 1.6 In the very exceptional cases where we are required to discriminate due to an occupational requirement this must be approved by the Board who will provide reasons for this requirement.
- 1.7 Recruitment will be solely on the basis of the applicant's abilities and individual merit as measured against the criteria for the job. Qualifications, knowledge, experience and skills will be assessed at the level that is relevant to the job.
- 1.8 If an applicant makes the Trust aware, at any stage of the recruitment process, that they have a disability then reasonable adjustments must be considered to ensure the applicant is not disadvantaged by the process.

## **2. Scope and purpose**

- 2.1 The purpose of this policy is to set out our processes for recruiting, selecting and appointing any employee to work within our Trust.
- 2.2 Sections 13 and 14 on Disclosure and Barring Service checks also applies to volunteers in our Trust.

## **3. Safer recruitment**

- 3.1 All recruitment must be in line with this policy to ensure that we identify, deter and prevent people who pose a risk of harm from working with our pupils.
- 3.2 The recruitment of all applicants and volunteers to our Trust must, without exception, follow the processes of safer recruitment. All offers of employment will be subject to us being satisfied that the applicant or volunteer is a suitable person to work with children and young people.

- 3.3 Any person involved in recruiting to our Trust must read the "Keeping children safe in education" (2018) guidance (or updated statutory guidance) produced by the DfE and our Trust's Child Protection Policy. These can be obtained from the office / staff portal / Trust HR.
- 3.4 All recruitment must be planned to ensure that there is adequate time available to recruit safely.
- 3.5 Any person who becomes aware that this policy is not being followed during recruitment must inform the Head of Academy/Executive Head/Director of Operations/Director of Education/Chief Executive Officer (as appropriate) immediately.
- 3.6 All of the checks described in Sections 12 and 13 must be carried out and have been determined as satisfactory before an applicant can start their employment in the Trust.

#### 4. Advertising

- 4.1 Any vacant position will normally be advertised via the appropriate channels to ensure the most appropriate field of applicants is obtained.
- 4.2 All advertisements will have the following statement about safeguarding children and young people and the requirement to have a DBS check:

***'The Learning Academy Partnership is committed to safeguarding and promoting the welfare of its pupils and expects all those working at the Trust to share this commitment.'***

- 4.3 Under Part 7 of the Immigration Act 2016, the Public Sector fluency duty requires state funded schools to ensure candidates for their customer facing roles have the necessary standard of spoken English (or English or Welsh in Wales). For example, a teaching assistant required to communicate with pupils to support their learning, would be viewed as operating in a public-facing role. Adverts (and Job Descriptions) should make clear the necessary standard of spoken English or Welsh required for the role.

#### 5. Job description / Person specifications

- 5.1 A job description will be required for all posts which describes the duties and responsibilities of the post. It must be up to date, accurate and specific to the role. The job description must also include a person specification which outlines all of the necessary skills, experience, qualifications and knowledge requirements for the post.
- 5.2 All job descriptions and person specifications must make reference to the responsibility for safeguarding and promoting the welfare of children.

#### 6. Application form

- 6.1 All applicants are required to fill out our standard application form. CVs will not be accepted as substitutes for the standard application form but may be used in conjunction with it.

## **7. References**

- 7.1 All offers of employment will be conditional upon receipt of at least two satisfactory written references. References will:
- (a) be requested for all shortlisted applicants, including internal applicants
  - (b) include the applicant's current or most recent employer and where an applicant for a teaching post is not currently employed as a teacher, will include the applicant's most recent employer as a teacher
  - (c) ask the current employer for details of any capability history in the previous two years, and the reasons for this
  - (d) be directly from the referee
  - (e) not be accepted if they are 'to whom it may concern' letters
  - (f) request information on the applicant's suitability to work with children and young people
  - (g) be requested before the interview
  - (h) be explored further with the referee and with the applicant during the interview if necessary
- 7.2 There may be occasions where applicants are unable to provide reference that meet the criteria above. In such circumstances advice can be sought from the Trust HR Team
- 7.3 Where it has not been possible to obtain references before the interview any concerns that are subsequently raised will need to be resolved before the appointment is confirmed.
- 7.4 In order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after a conditional offer of employment has been made.

## **8. Shortlisting**

- 8.1 Applicants will be shortlisted against the requirements of the person specification. The same people should carry out the shortlisting and the interviews. The outcome of the short-listing process will be recorded and retained.
- 8.2 The shortlisting panel are responsible for scrutinising the application forms and identifying any gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. A satisfactory explanation for any concerns must be obtained from the applicant during the interview process.

## **9. Interviews**

- 9.1 A face to face interview must take place for all applicants to all posts. The use of video conferencing, Skype, FaceTime or other similar technologies is acceptable for this purpose.

- 9.2 All those involved in interviewing must be properly trained. At least one person on the interview panel must have passed the appropriate safer recruitment training.
- 9.3 The purpose of the interview is to assess the merits of each applicant against the job description and person specification to establish their suitability for the post and to work with children and young people.
- 9.4 Interviews should be conducted with a minimum of 2 interviewers on the panel ideally with an equal gender balance to enable one interviewer to assess the applicant, observe and make notes whilst the applicant talks to the other interviewer.
- 9.5 Before the interview commences the interview, panel should have:
- (a) prepared appropriate questions for the role
  - (b) prepared appropriate questions to test the applicant's suitability to work with children and young people
  - (c) identified any areas for further probing, e.g. if a criminal record has been declared or if there are gaps in employment etc.
  - (d) agreed assessment criteria which reflects the person specification
  - (e) decided a structure to the interview and established which member of the panel will ask which questions
- 9.6 A set of common questions relating to the requirements of the post will be asked of each applicant. Their response will determine whether that is followed up through further questioning.
- 9.7 Any gaps in employment history or declaration of a criminal record or caution must be explored further during the interview process.

## 10. Other selection methods

- 10.1 In addition to a face to face interview with the interview panel a variety of other selection methods may be used, such as:
- (a) Observation of teaching practice in our Trust or in the applicant's current school or academy
  - (b) One or more additional panel interviews (for example, a panel made up of young people from our Academies)
  - (c) A presentation
  - (d) In tray exercises
  - (e) Psychometric testing
- 10.2 Those responsible for deciding the arrangements for recruitment to a specific post will determine the selection method(s). They will be relevant and appropriate to the role and will be based on the requirements for the particular post as set out in the job description and person specification.
- 10.3 Candidates will be informed in advance if any selection methods are to be used in addition to a face to face interview and what these are.

## 11. Level of language proficiency

11.1 Under the "fluency duty" (Part 7 of the Immigration Act 2016), public authorities are required to ensure that workers in public facing roles are fluent in English. Public facing roles are those members of teaching and support staff who, as a regular and intrinsic part of their role, are required to speak to members of the public (including students in schools).

11.2 The Trust will accept a range of evidence of spoken English language ability as follows:

- competently answering interview questions in English
- possessing a relevant qualification for the role attained as part of education in the UK or fully taught in English by a recognised institution abroad
- 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

## 12. Pre- employment checks

12.1 An offer of appointment to the successful applicant will be conditional upon the following:

- (a) receipt of at least 2 satisfactory written references (one of which should be their current or most recent employer if applicable)
- (b) verification of the applicant's identity, preferably from current photographic ID and proof of address
- (c) verification of the applicant's medical fitness
- (d) verification of qualifications where relevant
- (e) verification of professional status where applicable. For teachers, this will include checking that the individual has the required teaching qualification and has successfully completed any statutory induction, if required, through the Teacher Services System
- (f) satisfactory enhanced DBS check (see Section 13)
- (g) for management positions (including Trustees/Board Members if they are involved in management), verification that they are not subject to a section 128 direction by checking the Teacher Services System
- (h) for teachers and other employees who hold QTS who are working in non-teaching roles, verification that they are not subject to a prohibition order by checking the Teacher Services System
- (i) for teachers, satisfactory check of the 'Teachers sanctioned in other EEA member states' list to determine any

restrictions/sanctions that have been imposed in other EEA member states, through the Teacher Services System.<sup>1</sup>

- (j) a clear children's barred list check (except supervised volunteers)
- (k) verification of right to work in the United Kingdom
- (l) any further checks where the applicant has lived or work outside of the UK including receipt of criminal record information from overseas
- (m) All checks must be confirmed in writing, retained on the personnel file and recorded in the single central record (SCR).

### 13. Disclosure and Barring Service (DBS) checks – new employees and volunteers

13.1 The Trust will carry out DBS checks as follows for new appointments, before the employee or volunteer starts work:

Who?	Definition	Type of check
<b>Employees who will be engaging in regulated activity</b>	<p>As an educational institution which is exclusively or mainly for the provision of full-time education to children, The Learning Academy Partnership is an establishment specified in the relevant legislation. Activity carried out in this establishment will therefore be regulated activity relating to children if it meets the definition in the relevant legislation, including that it is carried out:</p> <ul style="list-style-type: none"> <li>• Frequently (for example once a week or more); or</li> <li>• On more than three days in any period of 30 days.</li> </ul> <p>Note – personal care of a child because of age, illness or disability including physical help with eating, toileting, washing, bathing or dressing is always regulated activity regardless of how frequently it is carried out.</p>	An enhanced DBS check with children's barred list check will always be obtained
<b>volunteers</b>	As above - all volunteers will be classed as unsupervised volunteers	An enhanced DBS check with children's barred list check will always be obtained

<sup>1</sup> EEA regulator restrictions do not prevent an individual from taking up teaching positions in England, however, employers should consider the circumstances leading to the restriction when assessing a candidate's suitability to be employed. Please note, only EEA restrictions that are determined after 18 January 2016 will be displayed on the Teacher Services System

- 13.2 In exceptional circumstances a new employee or unsupervised volunteer may be able to start before the enhanced DBS check has been received, but not before the children's barred list check has been completed. The Trust must ensure that a risk assessment is undertaken (signed by Head of Academy) and that appropriate supervision is in place until the DBS check has been received.
- 13.3 DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR). With the applicants consent we will photocopy their certificate which will be held for no longer than necessary and processed in line with the Data Protection Act 2018.
- 13.4 Any applicant who refuses to produce their DBS disclosure will not be able to start work at the Trust and the conditional offer will be withdrawn as satisfactory checks are not in place. Any volunteer who refuses to produce their disclosure will not be able to volunteer in the Trust.
- 13.5 Applicants (free for volunteers) can have their DBS certificate kept up to date and take it with them from role to role where the same type and level of check is required. Applicants or volunteers should be asked if they have subscribed to this service. The cost of this service is £13 per year. The expectation is that individuals personally fund this if required. Where the applicant or volunteer has subscribed they should provide the Trust with the original disclosure document to be verified and the Trust will check the online update for any changes.
- 13.6 Information relating to an individual's criminal record will only be shared with the relevant people to enable the Trust to make a decision about their suitability to work with children and young people. It will be held for no longer than is necessary and will be processed in line with the Data Protection Act 2018.

#### **14. Disclosure and Barring Service (DBS) checks - existing employees and volunteers**

- 14.1 An enhanced DBS and children's barred list check may be carried out on any employee or unsupervised volunteer where the Trust has concerns about an individual's suitability to work with children and young people. An enhanced DBS (no barred list check) may be carried out on any supervised volunteer where the Trust has concerns about their suitability to work with children and young people.
- 14.2 DBS certificates will only be issued to the applicant. The Trust expects all applicants to produce the disclosure when requested to do so. Any existing employee who does not produce their DBS disclosure will be managed through the disciplinary procedure.
- 14.3 All existing employees are required to inform the Trust of any change in their criminal record. This includes convictions, cautions, arrests and

police investigations. The Trust may require all employees to sign a declaration on an annual basis that there has been no change in their criminal record. Action may be taken as a result of any change or any failure to inform the Trust of any change.

## **15. Agency staff**

15.1 In the case of agency staff, Trust must ensure that the arrangement with the agency imposes an obligation on the agency to carry out all recruitment checks as set out in section 12, including DBS and children's barred list checks, that the Trust would otherwise complete for its staff. The Trust must obtain written confirmation from the agency that these checks have been carried out and are satisfactory. This must be recorded in the Single Central Record (SCR).

## **16. Breaches of the policy**

16.1 Any instances of this policy not being adhered to will be taken very seriously and appropriate disciplinary action will be taken.

16.2 Any complaint in relation to this policy, including its application will be managed through the Trust's Complaints Policy or Grievance Policy (for existing employees).

## **17. Monitoring & Data Protection**

17.1 The Trust will monitor this policy and ensure that its application is compliant, consistent and fair to all staff.

17.2 As part of the application of this policy, the Trust will collect, process and store personal data and special categories of data in accordance with our data protection policy. We will comply with the requirements of the Data Protection Legislation (being (i) unless and until the GDPR is no longer directly applicable in the UK, the General Data Protection Regulations ((EU) 2016/679 and any national implementing laws, regulations and secondary legislation, as amended and updated from time to time, in the UK and then (ii) any successor legislation to the GDPR 2018 or the Data Protection Act 1998) in relation to how we collect, hold and share special category personal data. Records will be kept in accordance with our Workforce Privacy Notice and our Records Management and Retention Policy and in line with requirements of Data Protection Legislation.

## **18. Review of policy**

18.1 This policy is reviewed every year or upon change of relevant legislation. We will monitor the application and outcomes of this policy to ensure it is working effectively.