

HOLY FAMILY CATHOLIC SCHOOL



Recruitment Policy and Procedure

Date agreed	January 2025
Next review date	January 2028 (in line with LBWF policies)

THE MISSION STATEMENT OF THE SCHOOL

Holy Family Catholic School is a Catholic community embracing the clear Christian values of respect, service and justice.

We are a family of many cultures sharing one faith.

We exist to educate young people towards excellence in all dimensions of their lives, recognising the uniqueness of each and the equality of all.

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1.0 INTRODUCTION

- 1.1 Recruitment and selection of new employees is one of the most important functions for the Headteacher, Governing Body and school management. Recruiting the wrong person can be costly and time consuming and can lead to legal action against the school.
- 1.2 This Policy has been produced for the Headteacher and Governing Body in line with 'Keeping Children Safe in Education 2018 guidelines and it provides practical guidance on a range of safer recruitment practices. The Headteacher and Governors are advised to adopt a policy to ensure consistent practice across schools and compliance with current employment legislation.

2.0 AIMS OF THE POLICY

- 2.1 To ensure safeguarding and promoting the welfare of children and young people.
- 2.2 To ensure a consistent and equitable approach to the appointment of all school-based staff (both permanent and temporary).
- 2.3 To attract and recruit suitable skilled and motivated staff to help raise standards and reduce risk to children and young people.
- 2.4 To ensure all appropriate checks are carried out on new staff who work with pupils (see section 6 page 15).

3.0 KEY PRINCIPLES

- 3.1 Headteachers and Governing Bodies have a responsibility to ensure that when recruiting to a post within their school, that the Policy is adhered to when planning and carrying out the recruitment process.
- 3.2 Selection should be carried out by a panel with 3 members but at least two. One of the panel members must have received accredited Safer Recruitment training in line with DfE current guidance.
- 3.3 Implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that reasonable steps are taken not to appoint a person who is unsuitable to work with children, or who is disqualified from working with children, or does not have the suitable skills and experience for the intended role.
- 3.4 Keep and maintain a single central record in schools of recruitment and vetting checks in line with Department for Education (DfE) requirements.

- 3.5 Adopt and implement measures described in this policy to all contractors or agency staff and monitor the compliance with these measures.
- 3.6 Equality Act 2010 makes it a requirement to make reasonable adjustment to the recruitment process if an applicant makes the employer aware that they have a disability. This applies to the entire recruitment process, from advertisement to appointment. Any documentation relating to recruitment should also make this explicitly clear.
- 3.7 Foundation, Voluntary Aided, Foundation Special Schools, Free Schools and Academies may wish to adopt this policy as an example of good recruitment practice.
- 3.8 This policy is intended to apply to all directly appointed staff within the school, for both internal and external appointments. The general principles should also apply to volunteers, regular Contract staff and Supply and Agency staff.
- 3.9 It is not intended that this full policy and its procedures should apply to short term acting-ups, secondment or additional duties. The school will apply its discretion in terms of what elements of this procedure applies to these flexible arrangements. However, the principles of transparency and openness, equality of opportunity, fairness and safeguarding must always apply and any pay and grading issues must be in accordance with the School's Pay Policy.
- 3.10 Similarly, schools have discretion to modify this procedure during staff selection arising out of Managing Change exercises, subject to full staff and local trade union officer consultation and the school's Managing Change policy

4.0 ROLES AND RESPONSIBILITIES

- 4.1 It is the responsibility of the Governing Body to:
- a) Ensure the school has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements.
 - b) Monitor the school's compliance with them.
- 4.2 It is the responsibility of the Headteachers and other managers involved in recruitment to:
- a) Ensure that the school operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school.
 - b) To monitor contractors' and agencies' in compliance with this document.
 - c) Promote the welfare of children and young people at every stage of the recruitment and selection process.

d) Ensure that all contractors and agencies comply with safe recruitment pre-employment checks.

4.3 In accordance with the School Staffing Regulations, the governing body has delegated responsibility to the Headteacher to lead in all appointments outside of the leadership group. School governors may be involved in staff appointments, but the final decision will rest with the Headteacher.

4.4 The Headteacher may delegate the selection process of staff outside of the leadership group to other managers in the school, but remains responsible for the decision to appoint.

4.5 The governing body are responsible for the appointment of the Headteacher. The main points governors need to be aware of are as follows:

- a) Governing bodies must appoint an acting Headteacher if the outgoing Head leaves before a replacement is in post.
- b) Governing bodies must recruit a new Headteacher as soon as is practicably possible (i.e. legally you cannot prolong acting Head arrangements indefinitely).
- c) If you are a Local Authority school you must notify the Local Authority of your Headteacher's resignation and the Local Authority has the statutory right to an advisory place on your selection panel. You must also notify the Local Authority of the shortlisted candidates selected for interview.
- d) Diocesan and other religious bodies have no automatic right to offer advice to schools with a religious character (with the exception of Roman Catholic schools set up by a religious order where there is not only a right to advise, but also to propose candidates for nomination). It is considered good practice for schools with a religious character to provide advisory rights to the relevant diocese or religious body.
- e) If your institution is an academy, whom you must notify depends on your governance structure. For sponsored academies, you **must** notify your sponsor, although it is highly likely your outgoing principal will have done this directly. Most academy trusts delegate the responsibility for recruiting a Headteacher to the academy's local governing body. However, some sponsored academies and academy chains will undertake this process centrally rather than through a local governing body.

1.0 INTRODUCTION

- 1.1 The School Standards and Framework Act (1998) confirmed the framework for the appointment of all staff in schools. Under local management the governing body is responsible for determining the staffing complement of the school and appointing staff to work at the school.
- 1.2 New regulation and statutory guidance, stemming from the Education Act 2002, came into effect on 1st September 2003. This delegates responsibility for appointments to the HeadTeacher, excluding appointments to the leadership group, unless the Governing Body have good reason not to do so.
- 1.3 The purpose of this procedure is to give guidance on the key points to achieving and maintaining a workforce which broadly reflects the local community.

2.0 DIVERSITY AND DISCRIMINATION

- 2.1 The importance of diversity should be taken into account at each stage of the recruitment process. All processes and procedures should be regularly reviewed to ensure hidden bias is removed and to ensure talent is not being blocked from entering the organisation. Everyone taking part in recruitment activities such as shortlisting and interviewing should be aware of relevant legislation such as the Equality Act 2010 and the importance of avoiding discrimination.
- 2.2 Discrimination based on trade union membership. Candidates must not be refused employment on the grounds of union membership e.g. because:
- a) They are or are not a member of a trade union.
 - b) They are unwilling to become or cease to be a member of a trade union.
- 2.3 If schools fail to comply with the Equality Act 2010 they can be open to the following consequences:
- a) Legal challenges;
 - b) Reputational damage and financial penalties;
 - c) Claims, litigation, financial loss and damage to reputations and brands.

3.0 PRE - RECRUITMENT PROCESS

3.1 Identifying Vacancies

- 3.1.1 A vacancy can arise through the resignation or retirement of a member of staff, restructuring or through the creation of new posts.
- 3.1.2 The Headteacher and Governing Body in Community and Voluntary Controlled, schools are required to notify the LA and Human Resources that a vacancy exists for Headteacher and Deputy Headteacher posts.

3.2 Defining the Role

Job analysis

- 3.2.1 Before recruiting for a new or existing position, it is important to invest time in gathering information about the nature of the job. This means thinking not only about the content (such as the tasks) making up the job, but also the job's purpose, the outputs required by the job holder and how it fits into the organisation's structure. This analysis should form the basis of a job description and person specification/job profile.

Job description and Grading

- 3.2.2 The job analysis leads to writing a job description. This explains the job to the candidates, and helps the recruitment process by providing a clear guide to all involved about the requirements of the job. It can also be used to communicate expectations about the role and help managers to ensure effective performance in the job.
- 3.2.3 All job descriptions will be written in line with terms and conditions within the Burgundy book and the School Teachers Pay and Conditions document (for teachers) and the Green book (for support staff). This will apply to all employees whose contract falls under these terms and condition.
- 3.2.4 All job descriptions, including those for support staff, should refer to safeguarding of children as a key responsibility

3.2.5 Teaching staff

Where the governing body decides to recruit a teacher to a post that is to be filled for a period of more than 4 months, it must send a specification of the post to the local authority as stipulated in (Staffing Regulations 16(2) and (28)).

3.2.6 Support staff

Governing bodies should be mindful of their obligations, under equal pay legislation and Green Book provisions, when making recommendations

about support staff pay and grading. Any such recommendation may have implications for other employees.

- 3.2.7 Job descriptions for support staff grades are evaluated under the GLPC Scheme, which is used by this Local Authority. The scheme was developed to support local authorities in carrying out their obligations under the national agreement on single status.

When considering what grade should be allocated to a post, the governing body should firstly refer to the agreed local authority job profiles under single status. For any new or amended job descriptions and specifications, the governing body should seek advice from their HR provider, who will determine the appropriate grades by use of the GLPC scheme.

- 3.2.8 The governing body must consider any pay and grading issues the local authority raises before putting forward a formal recommendation.

3.2.9 **Person specification/job profile**

- 3.2.10 A person specification or job profile states the necessary and desirable criteria for selection. Increasingly such specifications are based on a set of competencies identified as necessary for the performance of the job.

- 3.2.11 Competency frameworks may be substituted for job or person specifications but these should include an indication of roles and responsibilities. At least one of the selection criteria should relate to a commitment to the safeguarding of children within the school

3.3 **Advertising**

- 3.3.1 The advert for a vacancy will demonstrate the School's commitment to safer recruitment and vetting procedures, protecting every potential applicant from unfair practice and ultimately safeguarding children as much as possible. Promoting commitment to safeguarding and child protection can act as a deterrent to would-be abusers. A School can choose to advertise internally and externally, however there may be some incidences where they may choose to advertise internally only.

- 3.3.2 Think about wordings, pictures and images used as they could be considered discriminatory.

- 3.3.3 When an advert is to be placed in the Council's website, job list and the Jobs Go Public recruitment website, the "Request for Schools Vacancy" form (see Appendix 1) should be completed and forwarded with all relevant attachments, by email to schools.adverts@walthamforest.gov.uk. The following information needs to be included within the text of the advert:

- a) School's Name
- b) Post Title
- c) Hours (this should indicate if full, part-time or job-share)
- d) Grade or Scale
- e) Salary
- f) Permanent or Fixed Term (the reason for and duration of the contract should be stated for Fixed Term).
- g) ADVERT TEXT (which should include some reference to the requirement and essential criteria towards safeguarding children).
- h) The successful applicant will be required to apply for an enhanced DBS check. Further details can be found at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.
- i) Positive action statement (if applicable).
- j) Statement regarding London Living Wage (if applicable)
- k) Closing Date.
- l) (The school's name) (employer) is committed to safeguarding and protecting the welfare of children as its number one priority.

3.3.4 For Posts with access to children and vulnerable adults

You must include specific requirements, such as:

- a) "Able to form and maintain appropriate professional relationships and boundaries with children, young people and other vulnerable adults".
- b) For managers: "able to ensure employees observe the requirement above". (This can be modified to suit the job)
- c) "Ability to understand written information subject to a written test".
- d) "Working with other people's children; empathy and understanding of looking after other people's children from a range of backgrounds".
- e) "Ability to understand the difficulties and pressures associated with caring for children/vulnerable adults and demonstrate appropriate coping mechanisms".

NB: These are only examples – this list is not exhaustive.

3.4 Application Pack

- 3.4.1 The importance of safeguarding and protecting children in schools should be promoted as much as possible throughout the recruitment

process in order to deter unsuitable candidates. It is strongly advised to include the following in a school's application pack:

- a) Application Form** (A Diocese standard application form be used to obtain a common set of core data from all applicants.) CVs are not acceptable because these will only contain information the applicant wishes to present and may omit relevant details. See Appendix 2 (a) and (b) for a sample application form.
- b) Job Description** (Appendix 3)
- c) Person Specification** (Appendix 4)
- d) Relevant Information about the School**
- e) The School and LA's equal opportunities policies** (Appendix 21)
- f) School's Child Protection Policy statement**
- g) DBS – A Guide for Applicants**
- h) Recruitment of Ex-offenders Policy**

4.0 SELECTING CANDIDATES

4.1 Scrutinising and Short-listing

4.1.1 After the closing date, all returned application forms should be scrutinised by the short-listing panel to ensure that:

- a) they are fully and properly completed.
- b) the information provided is consistent and does not contain any discrepancies, and to identify any gaps in employment.
- c) any anomalies, discrepancies or unexplained gaps in employment identified by the scrutiny should be noted so that they can be taken up as part of the consideration of whether to short-list the applicant or followed up at interview.
- d) In addition, as part of the shortlisting process schools and colleges should consider carrying 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 or college might want to explore with the applicant at interview. See addendum for online searches

4.1.2 The short-listing panel should consist of ideally 3 or at least two people, who are also members of the interview panel. There must be at least one person who has been trained in Safer Recruitment on every school recruitment panel.

4.1.3 Any applications that are significantly incomplete should not be accepted or shortlisted. Any anomalies, discrepancies or gaps in employment identified by the scrutiny should be taken into account in considering whether to short-list the applicant. As well as reasons for obvious gaps in employment, the reasons for a history of repeated changes of

employment without any clear career or salary progression, or a mid-career move from a permanent post to agency, freelance or temporary work, also need to be explored and confirmed.

4.1.4 All candidates should be assessed equally against the same criteria without exception or variation and agreement reached by the short-listing panel about which applicants to invite for interview. The panel should record its decision about each application, in case of queries afterwards. Using the short-listing form applicants should be rated against each of the short-listing criteria to demonstrate that decisions were objective and without prejudice if necessary (see Appendix 5).

4.1.5 For example ratings should demonstrate the following:-

2 Fully meets criteria (Demonstrates a significant knowledge and experience of competency or skill required).

1 Partially meets criteria (Demonstrates some knowledge and experience OR good knowledge but little or no experience of competency or skill required).

0 Does not meet criteria (Demonstrates little or no significant knowledge or experience of competency or skill required).

4.2 Involvement of Pupils

4.2.1 Involving pupils in the recruitment and selection process in some way, or observing short listed candidates' interaction with pupils is common, and recognised as good practice. This may be of benefit when considering Headteacher and leadership appointments, there are different ways of doing this. For example, candidates for teaching posts might be asked to teach a lesson; short-listed candidates might be shown round the school by a governor or senior member of staff, and/or meet with pupils and staff.

4.3 Rehabilitation of Offenders Disclosure

4.3.1 Posts within schools are exempt from the Rehabilitation of Offenders Act 1974. This means as a prospective employer, the school will require shortlisted candidates to disclose any *unspent* and *spent* convictions during the application stage.

4.3.2 All applicants are required to complete the *Rehabilitation of Offenders Disclosure* section on the application form (see Appendix 2 (a) and (b) to disclose any previous convictions either *spent* or *unspent*). Candidates are asked to provide brief details of any offences on a separate sheet, marked confidential. Candidates must be sent a copy of the policy statement on recruiting ex-offenders – (Appendix 6).

4.3.3 Any convictions disclosed should not be given to the short-listing panel prior to the short-listing process taking place. Following the completion

of the shortlisting but prior to the interviews the panel should be made aware of any candidate's criminal disclosure. Disclosing a criminal background will not be used as a reason to not shortlist a candidate except in exceptional circumstances where exclusion of certain types of criminal convictions have been defined in the Person Specification. Having a criminal conviction will not necessarily bar a person from working with children and should not be unreasonably used to discount applications.

4.3.4 If they are successful they will be required to complete a DBS application form. Once the Enhanced DBS Disclosure is returned, any conviction information should match up with the candidate's original disclosure to the interview panel. This information will not be kept if the candidate is not successful and should be destroyed.

4.3.5 DBS disclosures should not be retained for either successful or unsuccessful candidates. However, in exceptional circumstances they may be retained for up to 6 months and will then be securely destroyed.

4.4 Invitation to Interviews

4.4.1 When arranging interviews a reasonable amount of notice (minimum 5 working days) should be given to the candidates and dates arranged with the rest of the interviewing panel. Timetables should be arranged in advance and the dates issued with the recruitment pack. (See Appendix 7 - invitation to interview letter).

4.4.2 All candidates should be instructed to bring with them documentary evidence of their identity that will satisfy DBS requirements, for example:

- a) a current driving licence;
- b) passport including a photograph;
- c) a full birth certificate; plus
- d) a document such as a utility bill or financial statement that shows the candidate's current name and address.

4.4.3 Candidates should also be asked to bring documents confirming any educational and professional qualifications required of the job, including:

- a) the original or a certified copy of a certificate or diploma;
- b) a letter of confirmation from the awarding body.

4.5 Interview

4.5.1 The interview should assess the merits of each candidate against the job requirements, and explore their suitability to work with children. Every interview should be carried out face-to-face even if there is only one candidate. Using the interview assessment form applicants should be

rated against each of the interview criteria to demonstrate that decisions were objective and without prejudice if necessary (see Appendix 8).

4.6 **The Panel:**

4.6.1 When forming a panel for interviews it is advisable that the panel would normally consist of the Line Manager for the post, a member of the Senior Leadership Team, HR and/or a governor (a governor would more than likely be used in the positions of Senior Leadership only).

- a) The interview panel should comprise three interviewers but a minimum of two.
- b) All members of the interview panel, where appropriate, should meet prior to the interview to agree questions and procedure to be followed.
- c) The members of the panel should:
 - have the necessary authority to appoint;
 - be appropriately trained, (at least one member of interview panel in school must have completed an accredited Safer Recruitment training course and be fully apprised of any current updates
 - meet before the interviews to:
 - ✓ agree required standard for the job;
 - ✓ agree interview questions and assessment method in accordance with the person specification. (Appendix 4)
 - ✓ consider the issues to be explored with each candidate.
 - ✓ Agree scoring method to be applied consistently

4.7 **Questions:**

4.7.1 In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel should also explore the candidate's attitude towards children and young people; and their ability to support the authority/establishment's agenda for safeguarding and promoting the welfare of children. (See Appendix 9 for sample questions).

4.7.2 All candidates will be asked the same core questions, but the panel may probe further, depending on how they respond to the initial question and what is written in their application form and on references.

4.7.3 All copies of any notes relating to the short-listing and interview decisions must be retained for at least 6 months. Should any candidate complain of unfair treatment or discrimination these notes should be referred to and securely destroyed thereafter.

5.0 **CONDITIONAL OFFER OF EMPLOYMENT**

5.1 Successful Candidates

- 5.1.1 An offer of employment to the successful candidate should be conditional on the satisfactory completion of the following: (Sample conditional offer letter see Appendix 10).
- a) The receipt of at least **two satisfactory references**, (if these have not already been received).
 - b) **Enhanced DBS disclosure** and where the appointee has lived outside the United Kingdom, a certificate of good conduct if available.
 - c) **Children's Barred List** check
 - d) **Disqualification under the Childcare Act** declaration.
 - e) **Verification of any prohibition orders**, (for teaching staff) (**Appendix 11**).
 - f) Confirmation of the **candidate's medical fitness** declaration
 - g) Verification of **qualifications** (if not verified at the interview).
 - h) Verification of **professional status**, where required.
 - i) Verification of the **Identity** check (if that could not be verified straight after the interview).
 - j) Verification of the **right to work in the UK**.
 - k) **Overseas Check**, where relevant
 - l) For posts in a Leadership role verification that the candidate has not been **Prohibited from Management of Schools** also known as [Section 128 check] this only applies to Academies, Free and Independent schools only)
- 5.1.2 A record should be kept to show that the above checks have been carried out for all employees, and where required, recorded on the school's Single Central Record.
- 5.1.3 If a disclosure reveals information that a candidate has not disclosed in the course of the selection process, advice should be sought from the HR team/provider, and relevant DBS guidance should be followed. All checks should be:
- a) Confirmed in writing.
 - b) Documented and retained in a secure place (subject to relevant advice contained in the DBS Code of Practice 2015 and the Data Protection Act, 2018).
 - c) Followed-up where they are unsatisfactory or there are discrepancies in the information provided.
- 5.1.4 The details of checks must be reported to the police and/or the DBS if:

- a) The DBS disclosure shows applicant has been disqualified from working with children.
- b) An applicant has provided false information in, or in support of, his or her application.
- c) There are serious concerns about an applicant's suitability to work with children gained from other legitimate information sources (e.g. references).

6.0. PRE-APPOINTMENT CHECKS

6.1 References

- 6.1.2 These should be requested prior to interview and ideally received back before the interview. One of the referees **must** be the candidate's current or previous employer or training provider.
- 6.1.3 Open references should not be accepted if they have 'To whom it may concern' on, no date evidenced or no obvious organisation authorisation, these may have been forged, or may have valuable information missing if it is out of date. All references should be dated and verified as being from the relevant organisation.
- 6.1.4 It is best practice to ask a referee to complete a reference pro-forma, which ensures that certain questions are asked of all candidates.
- 6.1.5 All requests for references in educational settings, should always ask:
 - a) Referee's relationship with candidate.
 - b) How long they have known them and in what capacity.
 - c) Are they satisfied that the applicant has the ability or is suitable to perform the job in question.
 - d) Specific comments about the person's suitability for the post and how they have demonstrated their ability to meet the person specification.
 - e) Whether the referee is completely satisfied that the candidate is suitable to work with children and if not, to provide specific details of concerns and reasons why.
 - f) Confirm details of the applicant's current post and salary.
 - g) Specific verifiable comments on the applicant's performance history and conduct.
 - h) Details of any formal procedures the applicant has been subject to such as disciplinary or capability, where the disciplinary sanction is still live.
 - i) Details of any disciplinary procedures the applicant has been subject to which have involved issues relating to the safety and welfare of young people, including where the disciplinary sanction has expired.

- j) Details of any allegations or concerns that have been raised about the applicant that relate to the safety or welfare of children or young people or behaviour towards young people, and the outcomes of those concerns i.e. whether allegations or concerns were investigated, the conclusion reached and how the matter was resolved.
- k) Sickness record, only if the reference is sought after a conditional offer has been made. Neither referees nor candidates should be asked for general sickness information prior to a conditional offer being made as this may be in breach of the Equality Act 2010.

- 6.1.6 Please see an example letter and Reference Pro-forma in (Appendix 12 (a) and (b)) which can be adapted to meet the school's requirements.
- 6.1.7 Where references are initially provided verbally, the referee must be requested to forward a signed copy of the reference (on headed paper) via post or via a verified email address.
- 6.1.8 Where the referee has not answered all the specific questions, i.e., suitability for the post, past performance history etc., or where the reference is vague or contradictory, the referee should be contacted for further clarification. If followed up by phone the manager should make a note of the discussion and confirm information in writing with the referee.
- 6.1.9 In cases where a reference* is required for an 'overseas' applicant, in addition to the reference received from their UK employer, an additional reference must be obtained from the overseas employer.
- 6.1.10 Schools are required to verify the authenticity of references received. This may be undertaken by telephoning the referee.

*a reference will be required for a candidate who has worked overseas within the last 10 years.

6.2 DBS DISCLOSURE

6.2.1 Enhanced DBS Disclosure

- 6.2.2 This shows previous convictions held on file for a potential employee. Having a conviction will not necessarily bar someone from working in a job with children or vulnerable adults. The severity, nature, circumstances and timing of the conviction will need to be taken into consideration.
- 6.2.3 Candidates will need to be given the opportunity at the application stage to declare any *unspent* or *spent* convictions, and any declaration they make will be compared with the returned criminal record disclosure. The procedure for assessing DBS Disclosure positive trace returns is detailed in the guidance (Appendix 13 (a) and flowchart Appendix 13 (b)).

6.3 DBS Disclosure on Overseas Candidates

6.3.1 If the potential employee has lived abroad for a period of time or who comes from another country prior to working in the UK, then a UK DBS Disclosure will not give a full picture in respect of any criminal record they may have. In these cases an overseas Criminal Record Disclosure will need to be applied for in addition to a UK DBS Disclosure and details on how to do this for each country are available on the DBS website <https://www.gov.uk/disclosure-barring-service-check/overview>.

6.3.2 Additional Checks Required for Overseas Staff

- a) Any person who is a national from a country outside of the EEA or Switzerland must go through the Tier 2 for skilled workers process of the points based system where the employer will need to apply for a certificate of sponsorship.
- b) Before a certificate of sponsorship can be issued there are a number of checks and assessments which need to be carried out according to the Border and Immigration Agency (BIA) requirements on employing migrant workers.
- c) The Employee will then either apply for 'Entry Clearance' for those applying outside of the UK or 'Further Leave to Remain' for those who are currently already in employment within the UK.
- d) When employing overseas staff schools should ensure that references are taken.
- e) An assessment of comparable overseas qualifications can be checked against UK Naric to obtain the level of Qualification achieved and the authenticity against the UK Qualification framework.
- f) An overseas criminal check will need to be completed for everyone in an education role who applies or a visa to work in the UK. The requirement to provide an overseas criminal record certificate applies to anyone who has lived abroad for 12 months or more in the past 10 years. Schools have a statutory duty to inform Tier 2 skilled worker applicants of the need to source and submit overseas criminal record certificates.

6.3.3 These checks should be made clear to candidates at interview. Any offer of employment should be a conditional offer subject to satisfactory clearances being received and checked by the school. When a decision has been made and a successful candidate notified they should be encouraged to contact the staffing team as soon as possible to start their pre-employment checks.

6.3.4 Only when an employee has passed their 6 month probationary period will their employment be confirmed. A candidate will never be offered a unconditional offer at any point. If the Headteacher requires the

candidate to start prior to all of these checks, then they must fill out the Risk Assessment sheet provided in (Appendix 14), but only in exceptional cases and this must not be considered the norm. No worker in Regulated Activity must start work without a Children's Barred List Check.

Probation will not normally apply to Teachers, unless the contract explicitly states that it does.

6.4 DBS (Portability)

6.4.1 Schools are recommended to refer to their DBS Policy and Guidance.

6.4.2 The DBS does not endorse the use of portability, i.e. the re-use of a DBS disclosure obtained for a position in one organisation and later used for another position in another organisation unless it is part of the DBS Update service as described in section 6.5 below. A disclosure carries no formal period of validity and only reflects information that was available at the time of its issue. As a responsible employer, we will therefore exercise caution in the portability of disclosures. Portability carries a risk and should only be considered as part of an overall risk assessment process, and reserved for exceptional circumstances. Further information on the limitations and risks of portability can be obtained from the DBS.

6.4.3 It is the LA's recommendation in accordance with the schools recommended DBS policy that all new employees to the school are required to complete a new DBS check.

6.4.4 As part of the risk assessment process the following guidelines are given:

- a) In relation to permanent appointments, or those expected to last in excess of six months, an employee may commence employment with relevant risk-control measures, upon sight of an enhanced disclosure that is less than two years' old. A new disclosure must be applied for, and the contract will remain subject to this requirement. (See Appendix 14).
- b) For short-term appointments, such as the use of agency staff, the enhanced disclosure should not be accepted if it is more than one year old. If the use of the individual is expected to recur, a new disclosure should be applied for.

6.5 DBS (Update Service)

6.5.1 For an annual subscription fee (currently £13) individuals can subscribe to the DBS update service. This allows the DBS certificate to be monitored and be therefore accepted by different organisations within the same workforce i.e. children, adults or children and adults. Schools will need to view the original DBS certificate and then access the on line DBS system to check that there have been any changes. If there are any

recorded changes a new DBS would be required. If there are no changes the DBS certificate can be accepted, but a new Children's Barred List check should be carried out by requesting this through the LA or the organisation who normally carries out the DBS check.

- 6.5.2 There is no registration process or fee for employers to check a certificate online, but employers must be legally entitled to carry out a check and have the employee's permission. The LA will endorse the use of DBS portability providing the individual has registered with the DBS online update service and gives the school authorisation to access their details and allows the school sight of their DBS certificate. For both new appointments and at the 3 year renewal check schools can use the DBS updating service to confirm safeguarding compliance and then update the Single Central Record. If an employee refuses to grant access or has not kept their subscription up to date then the school will be required to carry out a full DBS check.

6.6 Children's Barred List Check

- 6.6.1 A Children's Barred List check (formerly List 99) must be undertaken on all workers in schools engaged in Regulated Activity. If an Enhanced Criminal Record check [DBS Check] has been carried out this will normally also include a check against the Children's Barred list. If someone is to start work before their DBS disclosure has been returned, a separate Barred List check will be carried out prior to them starting work at the school. In these circumstances a risk assessment will be completed to consider any temporary adjustments to mitigate against any risk.
- 6.6.2 Under the current statutory definition of Regulated Activity as set out in Annex F of *Keeping Children Safe in Education*, it is unlawful to conduct a Barred List check for a person who is not engaged in Regulated Activity. This has particular consequences for some school Volunteers and School Governors.
- 6.6.3 A frequent volunteer is **not** considered to be in Regulated Activity in circumstances where they are working in a school under regular, day to day supervision. Where this is judged to be the case the school:
- Will conduct a risk assessment to determine whether or not to carry out an enhanced DBS check, (see Appendix 24)
 - Will carry out an Enhanced DBS check with no Barred List check based on the outcome of the risk assessment
- 6.6.4 School Governors are treated similarly to other volunteers in terms of the requirement for the Barred List check. The normal role of a School Governor is **not** considered to be "regulated activity". An enhanced DBS check with no Children's Barred List check will always be carried out for a School Governor. But this will only include a Children's Barred

List check where that Governor is also required to be in regular unsupervised contact with children.

6.6.5 Appendix 25 to this paper includes a flow chart on eligibility for DBS and Children's Barred List checks.

6.7 Disqualification under the Childcare Act

6.7.1 The Childcare Act places additional requirements on schools and early years' providers. It applies to certain front line workers who either provide or manage childcare/early years' provision for children under the age of 8. This would normally apply to primary schools, children's centres, nurseries etc. It would not normally apply to secondary schools.

6.7.2 These regulations do not apply to **everyone** who works in the school. In a Primary School they will normally only apply to Teachers, TAs, Nursery Workers, Management Team, MTS, Breakfast and After-school Club staff. Staff who do not meet the definition will not be checked "just to be on the safe side" as this would likely constitute a breach of Data Protection.

6.7.3 The regulations can found in the DfE publication in July 2018 titled: [*Disqualification Under the Childcare Act 2006*](#).

6.7.4 In brief, the regulations require the school to check with existing and newly appointed front line workers who provide or manage under-8 provision. The worker must not have been disqualified to work with children under one of the disqualifying criteria listing in the regulations. *These 2018 regulations removed the criteria that could disqualify a person arising from an association with another household member.*

6.7.5 These disqualifying criteria are set out in full in the regulations but are summarised below:

- found to have committed a relevant offence against a child
- made subject to an order or determination removing a child from your care or preventing a child from living with you
- found to have committed certain offences against an adult; for example, murder, kidnapping, rape, indecent assault, or assault causing actual bodily harm
- charged with certain offences against an adult, or an offence that is related to another offence, and had a relevant order imposed
- included on the list of those who are barred from working with children, held by the Disclosure and Barring Service
- made the subject of a disqualifying order

- previously refused registration as a childcarer or have had registration cancelled, unless the cancellation was only for non-payment of fees for continued registration after 1 September 2008
- refused registration as a provider or manager of children's homes or have had registration cancelled.

6.7.6 This information should be recorded on the school's Single Central Record.

6.7.7 The regulations only apply to certain workers in the school (see pink boxes in table below):

	Type of Worker	Children's age	Duties
1	Front line Staff or Manager <i>Directly employed staff, Contractors, Agency, Self employed, volunteers (regular)</i>	Reception or younger	Any front line or management duties at any time
		Above reception but under 8	Caring duties* ONLY such as breakfast/after school club, Meal Time Supervision outside of school hours
		Over 8	Regulations don't apply
2	Support staff <i>caretakers, drivers, cleaners, catering, escorts, office staff</i>	Any age	Regulations don't apply
3	School Governors and Proprietors (unless they are a volunteers in box 1)	Any age	Regulations don't apply

6.7.8 Those staff or new candidates who are subject to a check should be recorded on the SCR and a copy retained in their personal file.

6.7.9 In the rare event that someone is found to be disqualified under the regulations they can apply for a Waiver through Ofsted which, if successful, should be retained in the personal file.

6.7.10 All new starters for whom the regulations apply are required to fill in the disqualification for new starters form (see appendix 15). Staff should be advised that they need to update this information should there be any change

6.8 Medical Clearance

6.8.1 Once an offer has been made, a potential employee must complete a medical questionnaire, which is then assessed by an Occupational Health provider. Occupational Health may request an appointment to confirm fitness. Occupational Health will confirm, in writing, whether the candidate is fit or not to be employed in the proposed post.

6.9 Verification of Qualifications

- 6.9.1 Essential qualifications required to perform a particular role, such as Qualified Teacher Status, Certificate in School Business Management etc., as stated in the person specification, need to be evidenced by the potential employee. A copy of original certificates should be taken and placed on their personal file and logged on the Single Central Record. This should ideally be confirmed at the interview stage.

(See Appendix 16 Appointing Qualified Teachers. A Brief Guide for Employers of Teachers on Checking their Qualifications).

6.10 Qualified Teacher Status – Overseas Workers

- 6.10.1 Teachers trained in European Economic area countries may be eligible for Qualified Teacher Status (QTS) in this country without further assessment. The school must confirm status by contacting the Teaching Regulation Agency (TRA).
- 6.10.2 Teachers who trained outside the EEA will need to be assessed against the Standards for the Award of Qualified Teacher Status in England before they can be awarded QTS. Overseas trained teachers (OTTs) can be employed for up to four years by a school without gaining QTS. They must only be issued with a temporary unqualified teacher contract). To gain a permanent appointment and to progress to the higher pay bands they do need QTS.
- 6.10.3 All new Teachers who qualified in another EEA country or have lived or worked in another EEA country must be checked that they have not been disqualified to work as a teacher in their home country.

6.11 Prohibition Orders

- 6.11.1 The purpose of the regulatory requirement to check prohibition is to prevent a person from working in a role that would contravene any prohibition order in place, i.e. a role that would require them to carry out unsupervised/directed teaching work. A person prohibited from teaching must not be appointed to work as a teacher. Schools are required to check every teacher for a prohibition order. Checks are carried out by logging onto the TRA website. Positive checks are required to be reported to the LA (see Appendix 11).
<https://www.education.gov.uk/employeraccess/LoginAction.do>
- 6.11.2 There is no statutory requirement for a prohibition check to be made on applications for any school staff position unless they will carry out unsupervised/undirected teaching work. This means that you would normally only check all qualified and unqualified Teachers and Higher-Level Teaching Assistants (HLTA). This should include all Supply, Contract or Self-Employed Teachers. Generally, when appointing into teaching assistant (TA) positions, prohibition checks will not be required.

- 6.11.3 Schools can, however, choose to undertake additional checks to those required by legislation to ensure an individual's suitability and might want to do this, for example, where someone applying for a TA role indicates that they have qualified teacher status or have previously worked as a teacher. If schools are intending to do this, they should be open about this in the application process, so that it is fair and transparent.
- 6.11.4 Prohibition from teaching would not automatically preclude someone from being considered for another role in the school. Some of the reasons for prohibiting someone from teaching can be viewed: www.gov.uk/government/publications/teacher-misconduct-the-prohibition-of-teachers--3.
- 6.11.5 When determining the suitability of a prohibited teacher to be appointed to a non-teaching position, schools may wish to consider the circumstances surrounding the misconduct as set out in the relevant published decision. This detail may help inform any subsequent risk assessment that the school chooses to carry out.
- 6.11.6 From 1 January 2021 the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanctions. For applicants that have lived or worked outside of the UK, schools must make any further checks they think appropriate so that relevant events that occurred outside the UK can be considered, including obtaining an enhanced DBS certificate with barred list information (even if the teacher has never been to the UK). Teachers may be able to provide proof of their past conduct as a teacher, issued by the professional regulating authority in the country in which they worked. Where available, such evidence can be considered alongside other information obtained through other pre-appointment checks to help assess their suitability.
- 6.11.7 It is the Headteachers and Governors responsibility to ensure that all of these checks are being carried out.

Right to Work in the UK

- 6.12** All candidates must provide evidence of their right to work in the UK. Relevant checks must be undertaken for the successful candidate.
- 6.12.1 (Appendix 17- Applicant guide to illegal working), Asylum and immigration Act 1996 section 8 checks – guidance for schools and applicant.
- 6.12.2 A copy of the document checked must retained in the personnel file. *This check should apply to all categories of workers, including your volunteers and Governors*

7.0 PRE-EMPLOYMENT CHECKS FOR TRAINEES, AGENCY/SUPPLY,REGULAR CONTRACT WORKERS AND THE SELF EMPLOYED

7.1 Schools should always seek verification from the Training Provider, Agency or Contractor, in writing that they have carried out all the same checks that the schools would have undertaken, were they their own staff. This information must be recorded on the school's SCR.

7.2 Regular and frequent self-employed workers, such as Sports Coaches, Music or Dance Teachers must also undergo all the same relevant pre-employment checks as for directly employed staff and, unlike Contract and Agency staff, it is the school's responsible for carrying out these checks and of course recording them on the SCR.

7.3 Schools have the right to view the original copy of the Disclosure from the worker if it contains any relevant information.

8 UNSUCCESSFUL CANDIDATES

8.1 Unsuccessful candidates should be contacted as soon as possible. It is good practice to provide feedback where requested. The feedback should aim to help the candidate in future interviews and not damage confidence.

9 SAFER RECRUITMENT TRAINING

9.2 A minimum of one member of any recruitment panel must have completed accredited safer recruitment training and be apprise of any current updates.

9.3 The LA schools traded HR service will be able to assist schools in identifying appropriate training providers.

10.0 INDUCTION / PROBATION

10.1 There should be an induction programme for all new staff and newly appointed workers in the school regardless of previous experience. The induction/probation scheme must be carried out in accordance with the school's policies and procedures. It should:

- a) support individuals in a way that is appropriate for the role for which they have been engaged;
- b) confirm the conduct expected of staff within the school; and,

- c) provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities; and,
- d) enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately.
- e) Include appropriate child protection training

11.0 MONITORING

It is not sufficient purely to have a policy statement on Equal Opportunities and Safer Recruitment. The school is required to collect and analyse equalities data relating to job applicants, shortlisted and appointed candidates.

- 11.1 To allow for future recruitment practices to be better informed, the monitoring should also cover attendance of new staff at safeguarding training, staff turnover and exit interviews. (Appendix 19 Exit interview form).