

# RECRUITMENT AND SELECTION (of employees and volunteers) POLICY

## Lewannick, Boyton and Callington Primary Schools

This policy was adopted on	February 2022
This policy is to be reviewed on	February 2026
Category	Statutory
Applies to	Each school, TDAT

### 1. Introduction:

Recruiting the best people for the three schools within **The Duchy Academy Trust** is vital for our continued success in providing the highest standards of education and welfare for our children and the purpose of this policy is to set out our processes for any employees who apply to work within our Trust

- Recruiting
- Selecting
- Appointing

Additionally, sections 13 and 14 on **Disclosure and Barring Service (DBS) checks** will also apply to all volunteers within our Trust.

Recruitment, selection, and appointment of the Senior Leadership Team, such as the Executive Headteacher, Headteachers of each school, and Assistant Headteachers will be the responsibility of the Board of Trustees. The Executive Headteacher along with the Headteacher of each school is responsible for deciding the arrangements to recruit to any other post within the three schools.

### 2. Reference to other Policies:

In carrying out our recruitment processes we

- Are committed to maintaining a safe environment for our pupils by operating Safer Recruitment practices in line with the statutory requirements and guidance of **Keeping Children Safe in Education 2021** (and future presentations of this document) and will observe the updates to this annually.
- Will comply with the requirements of **Data Protection Legislation** and any national implementing laws, regulations and secondary legislation as amended or updates from time to time in the UK and then any successor legislation to the **GDPR** or the **Data Protection Act 1998**. Our Trust **Data Protection Policy** sets out how we will comply with Data Protection legislation.
- Will comply with the requirements of the **Equality Act 2010** and our Trust **Equality Policy** and we are committed to ensuring that, throughout our recruitment and selection process, no applicant is disadvantaged, or discriminated against, due to any protected characteristic in the Act; age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or

maternity, race, religion or belief, and sexual orientation. In the very exceptional circumstance where we are required to discriminate due to an occupational requirement this must be approved by the Board of Trustees who will provide reasons for this requirement.

- Recruitment will be solely on the applicant's abilities and individual merit as measured against the criteria specified for the job, with qualifications, knowledge, experience and skills assessed at the level relevant to the job that is being applied for.
- If an applicant makes the Trust aware, at any stage in the recruitment process, that they have a disability then reasonable adjustments must be considered to ensure the applicant is not disadvantaged by the process.

### 3. Safer Recruitment:

- i) 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.
- ii) The recruitment of all job applicants and volunteers to the Trust must follow the processes of Safer Recruitment and all offers of employment will be subject to being satisfied that the applicant or volunteer is a suitable person to work with children.
- iii) All recruitment must be planned to ensure there is adequate time available to recruit safely.
- iv) Any person involved in recruiting to The Duchy Academy Trust (TDAT) must read **Keeping Children Safe in Education 2021** (or updated statutory guidance ) produced by the Department for Education and the **Safeguarding and Child Protection Policy** for the school in question.
- v) Any person who becomes aware that this policy is not being followed during recruitment must inform the Headteacher of the school or the Executive Headteacher of TDAT immediately.
- vi) All the checks described in Sections 12 and 13 must be carried out satisfactorily *before* an applicant can start their employment in the Trust.

### 4: Advertising:

- i) Any vacant position will normally be advertised via the appropriate channels to ensure the most appropriate field of candidates is obtained. The Trust will advertise any vacancy for Headteacher or Assistant Headteacher in such a manner as it considers appropriate unless it has good reason to not do so.
- ii) **ALL** advertisements will have the following statement about **safeguarding children** "The Duchy Academy Trust is committed to safeguarding and promoting the welfare of its pupils and expects all those working in the Trust to share this commitment."
- iii) ALL advertisements will also note the requirement to undergo a DBS check.
- iv) Under **Part 7** of the **Immigration Act 2016** the Public Sector Fluency Duty requires state funded schools in England to ensure candidates for public-facing roles have the necessary standard of spoken English. Adverts should make clear the necessary standard of spoken English required for the role.

## 5: Job description:

A job description will be required for all posts which describes the

- Duties
- Responsibilities

of the post. It must be up-to-date, accurate, and specific to the role. The job description must include a person specification which outlines the necessary skills, experience, qualifications, and knowledge requirements for the post.

ALL job descriptions and person specifications must make reference to the responsibility for safeguarding and promoting the welfare of children.

## 6: Application Form:

All applicants are required to fill out our standard TDAT application form. CVs will not be accepted as a substitute.

All applicants will be provided with a copy of our **Recruitment Privacy Notice** which sets out how we will gather, process, and hold personal data on individuals during and after the recruitment process.

## 7: References:

All offers of employment will *be conditional* upon receipt of at least two satisfactory written references. References will:

- a) Be requested for all short-listed applicants, including internal applicants
- b) Include the applicant's current or most recent employer. Where the application is for a teaching post and the applicant is not currently employed as a teacher, it 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.
- g) Be requested before the interview.
- h) Be explored further with the referee and with the applicant during the interview if necessary.
- i) Where it has not been possible to obtain references before the interview any concerns that are raised subsequently need to be resolved *before* the appointment has been confirmed.
- j) 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: Short-listing:

- i) The same people should carry out the short-listing and the interviews.
- ii) Applicants will be short-listed against the requirements of the person specification.

- iii) The **Equal Opportunities Monitoring form** must be removed from the application and not provided to the short-listing panel.
- iv) The short-listing panel are responsible for scrutinising the application forms and identifying any gaps in employment or other areas that may affect the applicant's suitability to work with children. A satisfactory explanation of any concerns must be obtained from the applicant during the interview process.
- v) The outcome of the short-listing process will be recorded and retained

## 9: Interviews:

- i) A face-to-face interview must take place for all applicants to all posts.
- ii) All those involved in interviewing must be properly prepared to undertake the role, which must involve appropriate interview training.
- iii) *At least one person on the interview panel must have passed the appropriate Safer Recruitment training.*
- iv) 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.
- v) Interviews should be conducted with a minimum of two 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 speaks to the other interviewer.
- vi) Before the interview commences the interview panel should have prepared appropriate questions for the role, to test the applicant's suitability to work with children, and to question any other areas that need further probing, such as any gaps in employment or if a criminal record has been declared.
- vii) *Any gaps in employment history or declaration of a criminal record or caution MUST be explored further during the interview process.*
- viii) The interview panel should have agreed assessment criteria which reflects the person specification
- ix) The interview panel should have decided a structure to the interview and established which member of the panel will ask which questions.
- x) The common questions asked will relate to the requirements of the post and are asked to each applicant, but the response of each candidate will determine whether that is followed with further individual questioning.

## 10: Other selection methods:

In addition to a face-to-face interview with an interview panel, a variety of other selection methods may be used

- Observation of teaching practice in a TDAT school or in the applicant's current school or Trust.
- One or more additional panel interviews, such as a panel of pupils from our Trust.
- A presentation
- An in-tray exercise.
- Psychometric testing.

Those responsible for deciding the arrangements for recruitment to a specific post will determine the selection method/s. These will be appropriate to the role and will be based on the requirements of the particular post as set out in the job description and person specification. Candidates will be informed in advance of any selection methods that will be used in addition to a face-to-face interview.

## **11: Level of language proficiency:**

Under the Fluency Duty (**Part 7 of the Immigration Act 2016**) public authorities are required to ensure that workers in public-facing roles in England are fluent in English. Public-facing roles are those members of teaching or support staff who, as a regular and intrinsic part of their role are required to speak to members of the public, including children in schools.

The Trust will accept a range of evidence of spoken English ability

- 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 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:**

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

- a) Receipt of at least two satisfactory written references, one of which must be from their current or most recent employer.
- 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:  
<https://teacherservices.education.gov.uk/>
- f) Satisfactory enhanced DBS check (see Section 13)
- g) For management positions (Trustees, Headteachers, members of the Senior Leadership Team and departmental heads) verification that they are not subject to a Section 128 direction by checking the Teacher Services System: <https://teacherservices.education.gov.uk/>
- h) For teachers and other employees who hold Qualified Teacher Status (QTS) who are in non-teaching roles, verification that they are 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 by EEA member states through the Teacher Services System
- j) A clear Children's Barred List check (except for supervised volunteers)
- k) Verification of right to work in the United Kingdom#

- l) Any further checks where the applicant has lived or worked outside of the UK including receipt of criminal record information from overseas
- m) Confirmation that the applicant is not disqualified from providing childcare.

All checks must be *confirmed in writing, retained on the personnel file and recorded in the Single Central Record.*

### 13: Disclosure and Barring Service (DBS) Checks- new employees and volunteers:

The Trust will carry out a Risk Assessment to determine if a DBS check is required for each employee or volunteer in accordance with guidance from **Keeping Children Safe in Education 2021** or later editions and updates. The following DBS checks will be undertaken for new appointments before the employee or volunteer starts work:

Who?	Definition	Type of check
Employees who will be engaging in regulated activity	<p>As each school in the Trust is an educational institution which provides full-time education to children, activity will be regulated activity relating to children if an employee works with children</p> <ul style="list-style-type: none"> <li>i) Frequently, for example at least once a week or more OR</li> <li>ii) More than 3 days in any period of 30 days</li> </ul> <p>ANY personal care of a child due to age, disability, or illness including physical help with eating, toileting, washing, bathing, or dressing is always regulated activity regardless of how frequently it is carried out</p>	An <b>enhanced DBS check</b> with Children’s Barred List must be obtained.
Unsupervised Volunteers	As above	An <b>enhanced DBS check</b> with Children’s Barred List must be obtained. Those applying for Chair of Trustee posts must also have their identity verified for a stipulated

		professional as part of their DBS check following this link: <a href="https://www.gov.uk/government/publications/identity-verification-for-new-chairs-of-trustees">https://www.gov.uk/government/publications/identity-verification-for-new-chairs-of-trustees</a>
Supervised Volunteers	Where an individual is a volunteer (i.e. carrying out an activity that is unpaid) they will not be engaging in regulated activity if they are being supervised by someone who is in a regulated activity and the supervision is regular and day-to-day (i.e. it is ongoing). The supervision is reasonable in all the circumstances to ensure the protection of children (this may take into account for example the age, number, and vulnerability of children the individual is working with and whether other individuals are helping to look after them.)	We are unable by law to obtain a barred list check on a supervised volunteer. We will however obtain an enhanced DBS check (with no barred list check) for supervised volunteers.

In an *exceptional circumstance* 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 carried out. The Trust MUST ensure that appropriate supervision is in place until the DBS check has been received.

DBS certificates are only issued to the applicant. All applicants must produce the disclosure when requested to do so. This 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)** We are not required to take a copy of the DBS certificate, however we may do so for decision-making purposes. Any copy will be held no longer than necessary and after a period of 6 months maximum will be processed in line with Data Protection legislation.

Any applicant who refuses to produce their DBS disclosure will not be able to start work in the Trust schools and the conditional job offer will be withdrawn. Any volunteer who refuses to produce their DBS disclosure will not be able to volunteer in our Trust.

Applicants or volunteers can have their DBS certificate kept up to date and take it with them from role to role where the same type of and level of the check is required. Applicants or volunteers should be asked if they have subscribed to this service, which they can fund if they require. Where the applicant or volunteer has subscribed to this service, they should provide the Trust with the original disclosure document to be verified and the Trust will check the online update for any changes.

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.

#### **14: Disclosure and Barring Service (DBS) Checks- existing employees and volunteers:**

An **enhanced DBS check** and a **Children's Barred List check** will be carried out for all existing staff and unsupervised volunteers (subject to Risk Assessment) where their contact with children has *increased* from their time of appointment.

An **enhanced DBS check** and a **Children's Barred List check** may be carried out on any employee or unsupervised volunteer (subject to Risk Assessment) where the Trust has concerns about an individual's suitability to work with children. An **enhanced DBS check** (no barred list check) may be carried out on any supervised volunteer (subject to Risk Assessment) where the Trust has concerns about an individual's suitability to work with children.

DBS certificates will only be issued to the applicant. The Trust expects all applicants must 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**.

All existing employees are required to inform the Trust of any changes in their Criminal Record, including 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 because of any change or of any failure to inform the Trust of any change.

#### **15: Agency staff:**

In the case of Agency Staff, the Trust must ensure that the arrangement with the Agency imposes an obligation on the Agency to carry out all the 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:**

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

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: Record Keeping and Data Protection:**

All written record of interviews, application forms, and reasons for appointment or non-appointment will be kept by the Trust in line with our **Recruitment Policy Notice**, our **Workforce Privacy Notice** (for appointed candidates) our **Retention and Destruction Policy** and in line with the requirements of **Data Protection** legislation.

## **18: Review of policy:**

This policy will be reviewed in 4 years but monitored for annual updates from **Keeping Children Safe in Education** or other statutory guidance on Safer Recruitment, or any other relevant policies. It will also be checked to monitor application and outcomes of the policy to ensure it is working effectively.

## Appendix 1: Disqualification from Childcare Information for new employees

This information is to make you aware of your obligations relating to disqualification under the **Childcare Act 2006** which came into force in schools and Academies in 2014. Your role within our school has been identified as one on which the Disqualification Declaration applies to.

### So, what does this mean in practice?

We need to make you aware that there are certain actions that may mean you are automatically disqualified from providing childcare and which will, therefore, affect your role within this Trust. These fall into four categories:

1. You have a conviction or caution for certain violent or sexual offences.
2. That there are grounds relating to the care of children
3. That you have had registration refused or cancelled in relation to childcare
4. That you have committed an offence overseas which would constitute an offence regarding disqualification under the 2009 Regulations if it had been done in any part of the UK

Ofsted have provided a list of disqualification offences/events in tables A and B of their guidance

[https://gov.uk/government/uploads/systems/uploads/attachment\\_data/file/414345/disqual\\_stat-guidance\\_Feb\\_15\\_3\\_.pdf](https://gov.uk/government/uploads/systems/uploads/attachment_data/file/414345/disqual_stat-guidance_Feb_15_3_.pdf)

You need to read through this and report to the Head without delay if there is anything to declare under the disqualification guidance. It is only the offences/events on this list that we require you to declare. If you are unsure whether a specific offence/event is applicable after reading the Ofsted lists then please let us know so that we can advise you appropriately.

From this point forward, if your circumstances change relating to disqualification guidance, you are obliged to inform us without delay.

You will be required to sign to confirm that you are clear relating to your obligations regarding disclosure pertaining to disqualification under the **Child Care Act 2016** so please ask your Headteacher if you are unclear about this, or if you need any additional help, so that we can take advice from our HR provider on your behalf.

I have read and understood the information in this document.

Signed

Print Name:

Date: