

Brook Learning Trust Recruitment Policy and



Safer Recruitment Guidance Notes for Managers

Introduction

At Brook Learning Trust we bring together our unique academies in our belief in the power of education to change lives and communities. It is our steadfast purpose to challenge and defy the barriers that constrain the educational progress of any child. We set high aims for aspiration and secure collective responsibility for all our children's achievements. Our work is underpinned by the values of Integrity, Respect, Courage, Optimism, Excellence and Accountability.

It is our aim to recruit the best people, fairly and consistently and based on merit, to contribute to the achievement of our vision and aspirations. Our recruitment and selection processes should ensure the identification of the best person suited to the role based on the abilities, qualifications, experience and skills required.

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

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

All staff, Members, Trustees, Academy Councillors and volunteers are expected to share a commitment to safeguard children and vulnerable groups and, as part of that commitment, follow Safer Recruitment guidance in line with KCSIE 2019.

All staff, Members, Trustees and Academy Councillors involved in recruitment and selection decisions are required to work in ways that are entirely consistent with this policy at all times. The Trust will ensure that training is provided for all staff and those with governance roles in the recruitment and selection of staff, appropriate to their role. At least one member of each interview panel must have successfully completed safer recruitment training.

Scope

The policy applies to all employees of the Trust and those with governance roles. Safer recruitment guidance also applies to volunteering roles.

Equal Opportunities Statement

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

Prior to advertising

When a vacancy arises the Principal or line manager will review the need for the post and consider all options (internal and external) before deciding if there is a need to recruit. All recruitment requires approval from the Finance Director. If there is a need to recruit, the job description and person specification should be reviewed in line with the academy's curriculum-led financial plan or the Trust's workforce plan.

Prior to advertising, consideration should be given to any roles within the Trust that are at risk of redundancy (including staff on fixed-term contracts which are due to expire) and whether the vacancy could be a suitable alternative post which could be ring fenced for at risk staff in the first instance.

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

Job Description

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

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

An up to date job description and person specification should be available for each vacancy advertised. For teaching roles Principals will refer to the Professional Standards for Teachers and to the Teachers Pay and Conditions document which sets out the expected attributes of Main Scale Teachers and refer to the Trust's Pay Policy and documentation which sets out the Post Threshold standards.

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

Person specification

The person specification is a description of the qualifications, experience, knowledge, skills, competencies and other attributes of the ideal person to fill the role. It will classify each attribute as either essential or desirable. All attributes should be measurable and quantifiable and should take care not to unlawfully discriminate against particular groups of people, either directly or indirectly.

Advertising

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

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

"The Trust is committed to safeguarding and promoting the welfare of children and young people and we expect all staff to share this commitment. All posts are subject to vetting checks including an enhanced DBS check and references. An overseas check will be required by candidates who have worked or resided outside of the UK in the last 10 years."

Applications

All applicants must complete the relevant application form in full to enable the panel to shortlist in a fair and objective manner. The application form will include an explanation that all posts in the academies are exempt from the Rehabilitation of Offenders Act 1974, therefore all convictions, cautions and bind-overs (including those regarded as 'spent') must be declared unless they are considered a protected offence. The amendments of the Exceptions Order 1975 (2013) states that certain spent convictions and cautions are 'protected' and not subject to disclosure to employers and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring website:

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

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

The application form should also state that providing false information may be an offence and could result in de-selection. All applicants are required to sign and date the declaration.

The academy may reasonably decide to reject an application where incomplete and/or ambiguous information is provided.

It is not advisable to accept CVs in preference to application forms. CVs give the shortlisting panel no control over the information being provided to them and this will limit the ability to directly compare applicants and may indirectly lead to discrimination.

All applicants for Brook Learning Trust vacancies will receive acknowledgement of their applications and notification that it will be assessed and considered carefully. All applicants are informed that they will be contacted further if shortlisted for interview.

Shortlisting

It is recommended that at least two people shortlist; one of whom should be the line manager. Shortlisting decisions will be made with clear reference to the skills and qualities set out in the person specification and job description using an agreed method of scoring against essential and desirable criteria. The equalities monitoring form will be separated from the main application form to reduce any likelihood of conscious or unconscious bias. Each candidate should be considered on their own merit and shortlisting panels are reminded that positive discrimination (i.e. giving preferential treatment to applicants from under represented or disadvantaged groups regardless of their ability to do the job) is unlawful.

Shortlisting panels should highlight gaps in employment that are apparent without explanation and clarify these at interview.

References

In order to comply with KCSIE it is the policy of Brook Learning Trust that references will be taken up wherever possible prior to interview. This will be done via the Trust's template reference form seeking to verify the skills, experience, competencies and employment history of the applicant.

References will be sought from the current or most recent employer and references will only be obtained directly from the referee. Testimonials or open references (those addressed 'To whom it may concern') will not be considered. Referees will be provided with a copy of the job description and person specification to assist them in their response.

Where a candidate is not currently working in a school or childcare setting but has done so in the past, one reference should be from their most recent children's workforce employer in line with Safer Recruitment guidelines.

Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving should be obtained from the organisation at which they were employed.

On receipt, references will be checked to ensure that all specific questions have been answered satisfactorily. If there are any concerns line managers are advised to contact the referee for further clarification. Where possible this should be done via email so that an audit trail exists and where possible led by a manager who has completed safer recruitment training. Specific questions should be included to explore the applicant's suitability to work with children. Any discrepancies will be checked, noted and addressed during the interview process.

In order to comply with the Equality Act 2010, reference requests sent prior to an offer of employment will not request details of absence however; further information may be requested and compared with the medical history questionnaire following the applicant's acceptance of an offer of employment

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

cases where there have been disciplinary concerns involving children or safeguarding, and where these concerns have been substantiated, the referee will be required to confirm details.

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

Interview and Selection

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

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

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

The interview panel will include at least one member who has undertaken safer recruitment training in accordance with Working Together to Safeguard Children in Education 2015.

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

The notes for all interviewees will be retained for a minimum of six months to enable constructive feedback to be given to unsuccessful candidates.

Safer Recruitment Questions

In addition to there being a trained safer recruitment panel member on each interview panel, a separate set of questions around safeguarding will be asked to each candidate at the end of the formal panel interview. The person asking the questions will have received safer recruitment training. Notes will be taken and retained by the HR Department.

Pre-employment Checks and Offers of Employment

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

Offers of employment may be made verbally by the Principal or Line Manager but should always be put in writing and must always be conditional. Verbal offers are legally binding, so care should be taken to ensure the terms offered are correct and accurate. Care should be also taken when discussing terms at interview since any offers made or implied could be regarded as binding.

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

- Enhanced DBS check
- DBS Barred list check where applicable (i.e. if working in regulated activity)
- Verification of identity including date of birth
- Verification of entitlement to work in the UK
- Verification of any relevant qualifications
- Receipt of two satisfactory references
- Satisfactory pre-employment health clearance
- Prohibition checks for those in teaching work and those with previous teaching experience (including unqualified teachers, HLTAs etc)
- A section 128 Prohibition from Management check, where appropriate

- Overseas checks as appropriate.
- Digital footprint and social media checks

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

Right to Work

In order to comply with the Asylum and Immigration Act 1996 – Prevention of Illegal Working – candidates will be asked to bring certain documentation to the interview which shows their eligibility to work in the UK. No offer of employment can be made unless one of the original documents listed on the Home Office Right to Work Checklist is produced. For further information on acceptable right to work documentation please see visit: <https://www.gov.uk/government/publications/right-to-work-checklist>

Employers need to check the right to work of job applicants from EU citizens in the same way as now until 30 June 2021.

A new immigration system will apply to people arriving in the UK from 1 January 2021 and EU citizens moving to the UK to work will need to get a visa in advance.

The candidate's original documents must be checked, and a signed and dated copy retained by the HR Department. Documents relating to unsuccessful candidates will be retained with the interview papers and destroyed six months from the date on which the interview took place.

DBS and Barred List Checks

As part of our commitment to safeguarding children and vulnerable groups, enhanced DBS checks and/or Barred List checks on all posts must be carried out where they are required. More information about posts which require an enhanced DBS check and how to check the Barred List can be found at www.gov.uk/disclosure-barring-service-check

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

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

In cases where we are notified that a DBS check contains criminal convictions, cautions, warnings etc. the contents of the certificate will be considered by the Principal or CEO and a record retained around the decision making process.

In addition to those in paid employment it is important to note that all volunteers having unsupervised, frequent or intensive contact with children (i.e. regulated activity) must obtain an enhanced disclosure with barred list check. Academies may obtain an enhanced DBS certificate (not including barred list information) for volunteers who are not engaged in regular activity, but who have the opportunity to come into contact with children on a regular basis e.g. supervised volunteer. Volunteers undertaking other one-off contact such as helping on sports day are not required to have an enhanced DBS check however, adequate supervision must be in place.

Academy Councillors, Members and Trustees are required to have an enhanced DBS check on appointment.

Prohibition of Teachers

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

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

Overseas Checks

In accordance with KCSIE (2019), overseas checks, as the Trust considers appropriate, will be undertaken where, by reason of the individual living or having lived overseas, obtaining an enhanced DBS certificate is not sufficient to establish his or her suitability to work. As a general rule it is advisable to request all who have lived / worked abroad for 6 months or more over the past 5 years to provide an overseas check as the DBS service can only check records in the UK.

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

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

Applicants are responsible for obtaining criminal record checks or 'certificates of good character' from the relevant country/ies. The application process for criminal records checks or 'Certificates of Good Character' for someone from overseas varies from country to country. Further guidance for applicants can be found at: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Section 128 Management Checks

Section 128 checks are made by the Secretary of State under section 128 of the Education and Skills Act 2008, barring individuals from taking part in the management of independent schools, academies and free schools. The Trust will undertake a Section 128 check for those staff taking up management positions, or Governance roles, to ensure they are not prohibited under the provisions.

Proof of Qualification

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

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

Overseas Trained Teachers

In addition to teachers who have been awarded QTS, and completed the basic skills tests in England and Wales, the following may apply to have their qualifications recognised via the DfE:

- Teachers who qualified in Scotland and Northern Ireland
- Teachers who qualified in European Economic Area
- Teachers trained in US, Canada, Australia and New Zealand.

Overseas trained teachers other than those who qualified in the EEA, US, Canada, Australia and New Zealand can only work as unqualified teachers in the UK for a maximum of 4 years before requiring UK Qualified Teacher Status.

Where employing a teacher from overseas, academies should check that the applicant has the appropriate permissions / visa to work in the UK.

Pre-employment Medical History Questionnaire

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

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

Withdrawal of Offers

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

Unsuccessful candidates

Unsuccessful interview candidates should be notified verbally or in writing of the outcome of the selection process. It is good practice for candidates to be offered the opportunity to request feedback. Feedback should be constructive and evidence-based and should reference the person specification criteria.

Single Central Record

In accordance with the terms of the Schools Staffing (England) Regulations (as amended) Brook Learning Trust will retain details of recruitment and vetting checks undertaken in a Single Central Record (SCR). This data will be collated, used, stored and deleted in line with GDPR.

Complaints

An individual who feels that their treatment during the recruitment and selection process is unfair may raise a complaint. This can be done by writing to the Clerk to the Trustees setting out the key points of their complaint. The complaint will be investigated in line with the Trust Complaints Procedure Policy.

Existing employees should raise their concerns through the Employee Grievance Procedure Policy. Please see the Brook Learning Trust's website for the relevant policies:

<https://www.brooklearningtrust.org.uk/trustpolicies>

Induction

Induction is essential in ensuring that new employees are properly equipped for work and feel part of the Brook Learning Trust community. An effective induction helps the new starter to understand their role and how they fit into the school / department, become fully effective in their role in the shortest possible time and establish effective working relationships, leading to improved performance and effectiveness.

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

POLICY REVIEW AND RATIFICATION

Policy reviewed annually and ratified by the BLT Board in March

This review by HR Manager February 2020

Summary of amendments Reference to forthcoming changes regarding Right to Work and immigration regulations for EU citizens. NB no changes included to QTS for overseas teachers as Gov.UK has not finalised advice.

Ratified by BLT Board March 2020

Next review March 2021