



# Safer Recruitment Policy and Procedure

To be reviewed in light of new legislation on or before Nov 2019

## Our Commitment

We are committed to taking positive action in the light of the Equality Act 2010 with regard to the needs of people with protected characteristics. These are age, disability, pregnancy and maternity, religion and belief, race, sex, sexual orientation, gender reassignment and marriage and civil partnership.

## Table of Contents

<b>Policy statement</b> .....	<i>Error! Bookmark not defined.</i>
<b>Retention periods</b> .....	<i>Error! Bookmark not defined.</i>
<b>Destruction procedures</b> .....	<i>Error! Bookmark not defined.</i>
<b>Exceptions to destruction procedures</b> .....	<i>Error! Bookmark not defined.</i>
<b>Storage of data</b> .....	<i>Error! Bookmark not defined.</i>

## Purpose

- 1.1 Impress the Examiner recognises that its staff are fundamental to its success and it must therefore attract and retain staff of the highest calibre. This policy is a framework which sets out the requirements of the recruitment process and all relevant employment legislation.
- 1.2 These procedures take into account relevant legislation and guidance, including the Department for Education Working Together to Safeguard Children guidance, the Keeping Children Safe in Education and Safer Recruitment in Education guidance and the Equality Act 2010 Code of Practice.
- 1.3 ItE is committed to safeguarding and promoting the welfare of children and young people in its academies and expects all staff volunteers to share this commitment. It follows a rigorous selection process in order to meet this responsibility.

## Scope

- 2.1 This policy and procedure covers all activities that form part of the recruitment and selection of Freelance Teachers, and these standards should be adhered to all times when recruiting and selecting individuals for all roles within the company. This policy covers all ItE staff and it is essential that any employee involved in any aspect of the recruitment and/or selection of staff is aware of and follows this policy and procedure.

## Equal Opportunities

- 3.1 ItE is committed to eliminating discrimination and encouraging diversity amongst our employees/freelance tutors. We are committed to provide equality and fairness for all of our recruitment and employment practices and not to discriminate on grounds of age, disability, gender assignment, marriage/civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation. We oppose all forms of unlawful and unfair discrimination.
- 3.2 The appointment and recruitment procedure must always be applied fairly and in accordance with employment law.
- 3.3 ItE comply fully with the provisions of the Rehabilitation of Offenders Act.

## Core Principles

- 4.1 ItE has a principle of open competition in its approach to recruitment and will seek to recruit the best candidate for the job. The recruitment and selection process should ensure the identification of the best candidate suited to the role, to ItE and to the institutions we work with.
- 4.2 ItE will ensure reasonable adjustments are made to all stages of the recruitment process as required in order for candidates with a disability to be interviewed and/or appointed to the post.
- 4.3 ItE will ensure that recruitment and selection of staff is conducted in a professional, timely and responsive manner and in compliance with current employment legislation.
- 4.4 If an ItE employee has close personal or familial relationship with an applicant they must declare this as soon as they are aware of an individual's application and avoid an involvement in the recruitment process. If based on this procedure they would normally be involved in the process, then another manager of equivalent or higher seniority will replace them.
- 4.5 All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA) and Data Protection Policy. Applicants will have the right to access any documentation held on them in accordance with the Freedom of Information Act and Data Protection Policy.

## Recruitment & Selection Procedure

- 5.1 This procedure outlines the key stages of recruitment and selection for a vacant post. A commitment to safeguarding should be clear and explicit at all stages of the recruitment and selection process.

### Preparation Stage

- 5.2 The job description must accurately reflect the requirements of the post, and must reference the responsibility for safeguarding and promoting the welfare of children
- 5.3 The person specification should state the essential and desirable criteria in terms of skills, aptitudes, knowledge and experience for the job. The person specification must reference suitability to work with children as an essential criterion. Care must be taken to ensure that criteria used in the person specification does not indirectly discriminate.

### Advertising Following Approval

- 5.4 All adverts must reference our commitment to safeguarding and promoting the welfare of children, including that the successful applicant will need to obtain an enhanced Disclosure and Barring Service check (DBS).

## Shortlisting Candidates

- 5.5 This stage must be carried out by a minimum of two members of staff/Governors, at least one of which has been trained in safer recruitment.
- 5.6 Candidates should be assessed against the selection criteria detailed in the person specification. Only candidates who meet all the essential criteria should be shortlisted. Where possible, candidates not shortlisted should be informed their application has been unsuccessful.
- 5.7 If when shortlisting there is only one applicant that meets the selection criteria then consideration should be given to re-advertising the post in order to allow for a greater pool of candidates to be compared and considered.
- 5.8 Shortlisted candidates should be provided with details of any tests/presentations required, in a reasonable time in advance of the interview. They should also be asked whether there are reasonable adjustments that could be made so that they can fully participate.

## Obtaining References

- 5.9 References should always be obtained directly from the referee, and with the candidate's consent. Copies of references provided by the candidate or references addressed 'to whom it may concern' should not be accepted.
- 5.10 Information sought from referees should be structured around the requirements of the job and a copy of the job description should be provided to referees. Suitability to work with children should be explored.
- 5.11 References should always be scrutinised, and any concerns resolved satisfactorily before the appointment is unconditional. Any discrepancies will be taken up with the candidate or if appropriate, the referee.
- 5.12 References should be obtained prior to the interview date for all shortlisted candidates unless permission to approach referees at this stage of the process has been expressly denied by the candidate. In exceptional circumstances positions may be offered subject to satisfactory references.
- 5.13 If the appointment is urgent then ItE may seek to obtain a verbal reference followed by a written reference.

## Selection & Interview

- 5.14 Interviews will be carried out by a minimum of two staff, at least one of whom must have been trained in safer recruitment. Interview questions and the structure of the interview should be agreed in advance and consistently applied to all candidates. Questions should be based on the person specification.
- 5.15 On arrival at the interview, candidates are required to present proof of their identity, right to work in the UK and any relevant qualifications. The Home Office provides information on [acceptable right to work documents](#). Copies of this information will be taken and added to

the SCR for the successful candidate and destroyed for unsuccessful candidates.

- 5.16 Interviewers should use standardised questions to assess the candidate's suitability for the post against the person specification. All interviews must include questions that explore a candidate's attitude to safeguarding and assess the candidate's attitude, values and behaviours to work with children.
- 5.17 Selection is a two-way process: candidates are assessing the suitability of the role and organisation before making their own decision. Those involved in the selection process should consider how best to convey a positive experience for all candidates.
- 5.18 Any discrepancies or anomalies in the candidate's application/interview must be resolved. This includes unexplained career moves (e.g. frequent moves without progression, or sudden moves to supply teaching or reasons for gaps in employment).
- 5.19 Notes should be taken throughout the interview and passed to HR once the interview process has been completed.
- 5.20 In the event that a candidate requests feedback about their performance in the selection process it should be provided by a member of the panel. Feedback will be based on the candidate's ability to demonstrate their suitability against the person specification.
- 5.21 Both successful and unsuccessful interview candidates should be informed of the outcome of their interview.

### Making the Appointment

- 5.22 Once an appointment decision has been made, a verbal offer of employment should be made as soon as reasonably practicable. No offer should be made until all interviews have been conducted.
- 5.23 Once the candidate has accepted the offer HR will send a written Contract for Services. Offers of contracts are subject to satisfactory references (if not already obtained) and a Disclosure and Barring Service check and any other checks listed in the Pre-Employment Check Policy (Appendix 1). All staff at every level within the establishment will be subject to these checks and checked appropriately.
- 5.24 HR will ensure that a Contract of Employment is provided to the candidate as soon as possible and no later than 8 weeks from the start date of their employment.
- 5.25 All staff should receive thorough induction and relevant training at the earliest possible opportunity. Safeguarding and Health and Safety training must be carried out on the first day of employment and linked to appropriate policies and guidance.

## Appendix 1 – Pre-Employment Checks Policy (Staff and Volunteers)

1	Introduction	10
2	Freelance Teaching Staff	10
3	Board Members	13
4	Reviewing Check Results	14
5	Previously Lived/Worked Abroad	15
6	Single Central Record (SCR)	15

## Introduction

- 1.1 As a business it is vital that we safeguard pupils in our care from harm and only offer contracts to those with a right to work in the UK. In order to identify, deter and reject people who might harm children; all employees, Governors, volunteers, agency staff and contractors are subject to a vetting process.
- 1.2 Commencement of employment is subject to a satisfactory enhanced Disclosure and Barring Service (DBS) check for everyone employed by ItE (both paid and unpaid) who has the opportunity to come into contact with children. In exceptional circumstances, where the business requires a post-holder to commence before DBS clearance is received, a safeguarding risk assessment should be carried out. This will only be acceptable if all other pre-employment checks have been completed and both the ItE safeguarding lead and HR department have been consulted. A safeguarding risk assessment must not replace the DBS check and clearance should be sought at the earliest opportunity. In addition, those employed in regulated activity must also be checked against the barred list using the Employer Access Online service. References and a right to work in the UK check are also undertaken.
- 1.3 Once contracted, and all pre-employment checks have been satisfactorily completed, no further vetting checks are required to be undertaken in relation to a member of staff, unless there is a reason to suspect that they have received a conviction or caution. It is a contractual obligation for employees to advise ItE if they are subject to a police investigation, receive a conviction or caution. Failure to notify ItE will result in immediate termination of their contract.

## Freelance Teaching Staff

- 2.1 All freelance teaching staff are involved in regulated activity and therefore, their appointment is subject to satisfactory completion of:
  - An enhanced DBS check
  - A children's barred list check
  - Employer Access Online service check (checking to ensure they are not subject to a prohibition order issued by the Secretary of State)
  - Two written references, at least one from their current/most recent employer
  - Proof of their right to work in the UK
  - An overseas criminal record check (if they have worked or lived abroad in the last 5 years)

## Board Members

3.1 All Board members are required to satisfactorily complete the following prior to appointment:

- An enhanced DBS check
- Proof of their right to work in the UK
  
- A children's barred list check
- Declaration of Business Interest Form.

## Reviewing Check Results

4.1 If the enhanced DBS check is clear, the individual is not on the barred list and in the case of teachers the information they provided on their application form matches the information on the Employer Access Online service (e.g. they are not prohibited from teaching and their qualifications are correct), then the individual should be issued a contract.

### Barred List

4.2 If the barred list check has been completed and the individual is included, they should not be issued a contract.

### Employer Access Online Service

4.3 If a teacher is prohibited from teaching, they should issue a contract. If the information they provided on their application form does not match the information on the Employer Access Online service, this should be discussed with the teacher. Where the individual has intentionally lied on their application form, they should not be issued a contract. For all other explanations, it is for the Managing Director to determine whether or not they should be issued a contract based on the circumstances. A copy of the minutes from any meetings with the teacher should be included on their personnel file, along with the rationale used to determine whether or not they were issued a contract.

### Enhanced Disclosure and Barring Service (DBS) Check

4.4 Where an enhanced DBS check is not clear the following questions should be considered:

- Was the information declared on their application form (for paid staff)?
- Was the information discussed prior to submission of the DBS check?
- How long ago was the caution/conviction?
- Is the caution/conviction relevant to the position for which the check was carried out?

4.5 If the caution/conviction was discussed prior to the return of the completed DBS check then it is assumed that consideration has been given to the circumstances surrounding the caution/conviction and it has been determined that the individual should be issued a contract.

- 4.6 If the caution/conviction was not discussed prior to return of the completed DBS check then a meeting needs to take place with the individual to discuss why they did not declare it and the circumstances surrounding the caution/conviction.
- 4.7 When considering whether or not to employ an individual with a caution/conviction, the DBS risk assessment should be completed.

### Proof of right to work

- 4.8 Proof of right to work in the UK needs to be checked for all freelance contractors and employees, ANDS volunteers. The two documents which should be checked are:
- Passport
  - Visa
- 4.9 UK, EEA and EU citizens have a right to work in the UK, the exception of those from Bulgaria. Citizens for all other countries (and Bulgaria) will require an appropriate visa.
- 4.10 If the individual does not have the right to work in the UK then they cannot be employed/volunteer.

### Previously Lived/Worked Abroad

- 5.1 If an individual has lived/worked abroad in the last 5 years then additional checks will need to be undertaken.
- 5.2 The Home Office provides a country by country guide for the application processes for foreign national criminality information. The appropriate check listed in that guide should be conducted.
- 5.3 The same consideration should be given to any cautions/convictions identified by this check as those identified on an enhanced DBS check.

### Single Central Record (SCR)

- 6.1 The Single Central Record (SCR) should contain a list of all staff and volunteers, the checks carried out, date they were carried out and who by.
- 6.2 The Single Central Record should list which category the individual was checked under (e.g. teacher, volunteer etc.) and should only contain details for current volunteers, Freelance workers and contractors.

6.3 For former freelance contractors, their records should be transferred to a separate record. This record should contain the date on which the record was transferred as records should be held for 6 years after their contract ended and then permanently deleted.