



**Extend Learning**  
Academies Network

# **Recruitment and Selection and Ex-Offenders Policy and Procedure**

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### Version Control

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1.0	November 2021	HR Lead	New Policy Combined recruitment and selection with existing Recruitment of Ex-offenders Policy and Procedures
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## **1. Introduction**

Recruiting the best people to the ELAN Trust is vital for our continued success in providing the highest standards of education to our pupils.

It is vital that we appoint the right people to our roles as to not do so, can have a negative impact on the performance of our Academy/Trust.

The Head Teacher is accountable for deciding on the arrangements to recruit to any post, with the exception of the Head Teacher role where the Governing Body/Board will be responsible.

ELAN will promote a “pull” strategy that attracts talent to our Trust because of its reputation to deliver extraordinary education for our children and a great place to work. We will deliver according to our shared values of individuality, doing the right thing and working together.

### **Our recruitment processes are driven by the following principles:**

- Commitment to attract and retain the right talent to our schools
- Commitment to the creation of a safe environment for our pupils by operating safer recruitment practices in line with the statutory requirements and guidance e.g. Keeping Children Safe in Education 2021
- Compliant with the requirements of Data Protection Legislation being the General Data Protection Regulation ((UK) 2016/679 - 2021) as set out in our Data Protection Policy
- Will comply with the requirements of the Equality Act (2010) and are committed to seeking out a diverse workforce through targeting and ensuring that throughout our external and internal recruitment and selection processes no applicant is disadvantaged or discriminated against because of the protected characteristics of age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation.

In the very exceptional cases where we are required to discriminate due to an occupational requirement this must be approved by the Board/Governing Body who will provide reasons for this requirement.

Recruitment both internally and externally will be solely on the basis of the applicant's abilities and individual merit as measured against the criteria for the job. Qualifications, knowledge, experience and skills will be assessed at the level that is relevant to the job.

If an applicant makes ELAN aware, at any stage of the recruitment process, that they have a disability then reasonable adjustments must be considered to ensure the applicant is not disadvantaged by the process.

## **2. Scope and Purpose**

The purpose of this policy is to set out our processes for recruiting, selecting externally primarily but also internally and appointing any employee to work within our Trust

Sections 13 and 14 on Disclosure and Barring Service checks also applies to everyone including governors, trustees and volunteers in our Trust.

## **3. Safer Recruitment**

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.

The recruitment of all applicants and volunteers to ELAN must, without exception, follow the processes of safer recruitment.

Any person involved in recruiting to ELAN must read the "Keeping children safe in education" (2022) guidance (or updated statutory guidance) produced by the Department of Education (DfE) and our Trust's child protection policy. These can be obtained from our website or from the HR central team. At least one member of the interview panel must have carried out up to date Safer Recruitment in Education Training and hold a current certificate confirming this.

All recruitment must be planned to ensure that there is adequate time available to recruit safely.

Any person who becomes aware that this policy is not being followed during recruitment must inform the Head Teacher/ and /or Designated Safeguarding Lead immediately.

All of the checks described in Sections 12 and 13 must be carried out and have been determined as satisfactory before an applicant can start their employment in ELAN

#### **4. Advertising**

Any vacant position will normally be requested by the **Vacancy /Advert Form** with approval from HR, operations, and finance advertised via the appropriate channels to ensure the most appropriate field of applicants is obtained. Internal advertising for a role is acceptable before going to external advertising or at the same time as appropriate to ELAN needs.

The ELAN central team will advise and support their schools with advertising and selecting fairly and equitably, including budgeting and monitoring.

A referral system using individual's networks and social media, and internal succession planning is a valuable tool as long as the perception of equality of opportunity and zero discrimination is managed openly and with evidence to support a fair, objective selection process if challenged.

All advertisements will show the requirement for enhanced DBS check and references in order to comply with safeguarding children and young people and safer recruitment. Also the new recommendation to complete online social media checks on all shortlisted candidates.

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

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

#### **5. Job Description**

An ELAN job description stating ELAN values will be required for all posts which describes the duties and responsibilities of the post. It must be up to date, accurate and specific to the role. The job description must also include a person specification which outlines all of the necessary skills, experience, qualifications and knowledge requirements for the post.

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

Any New or revised job descriptions should be job evaluated by HR before being processed.

## **6. Application form**

All applicants are required to fill out our standard application form.

CVs may be accepted for senior level roles only but it will be made clear that a full job history is vital to ensure safeguarding and that the CV will not replace the application form which will be required as a condition for interview, if not already filled in. An online system is in development.

School/Central Administration teams should ensure that any personal information e.g. name, gender, age, education, address, dates (such as GCSE/degree etc.), photos, citizenship etc. are redacted from application materials, before sharing with the hiring team. This is to help increase the diversity of candidates and the potential (real and/or perceived) of recruitment bias.

## **7. References**

All offers of employment will be conditional upon receipt of at least two satisfactory written references. ELAN's Reference Request Form, follows safer recruitment practices, will:

- Be requested for all shortlisted applicants, including internal applicants;
- Include the applicant's current or most recent employer and where an applicant for a teaching post is not currently employed as a teacher, will include the applicant's most recent employer as a teacher;
- Ask the current employer for details of any history regarding evidenced issues of performance in the previous two years, and the reasons for this;
- Be directly from the referee;
- Not be accepted if they are 'to whom it may concern' letters;
- Request information on the applicant's suitability to work with children and young people;
- Be requested before the interview, if possible; and
- Not contain any discriminatory statements
- Be explored further with the referee and with the applicant during the interview if necessary.

Where it has not been possible to obtain references before the interview any concerns that are subsequently raised will need to be resolved before the appointment is confirmed.

In order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after an employment offer has been accepted as part of the on boarding documentation process with emphasis on wellbeing action planning.

## **8. Short-listing**

Applicants will be short-listed against the requirements of the person specification. The same people should carry out the short-listing and the interviews. The outcome of the short-listing process will be recorded and retained.

All shortlisted candidates will undergo a social media check, in line with the new KCSIE guidance, from September 1st 2022 (please refer to separate guidance document). This check is to ensure that, on any publically accessible platforms e.g. Google, Facebook, Instagram etc, they do not hold extremist views e.g. racist or homophobic, are not using offensive/inappropriate language or photographs, there is no evidence of drug/alcohol misuse etc..

The equal opportunities monitoring form is voluntary and must be separated from the application form and not provided to the short-listing panel. Equality and diversity monitoring will be anonymised and used for legal compliance only.

The short listing panel are responsible for scrutinising the application forms and identifying any gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. A satisfactory explanation for any concerns must be obtained from the applicant during the interview process.

## **9. Interviews**

A face to face interview must take place for all applicants to all posts. The use of video conferencing, MS Teams, Skype, Facetime or other similar technologies is also acceptable for this purpose.

All those involved in interviewing must be properly prepared to undertake the role, which may involve appropriate interview training. At least one person on the interview panel must have passed the appropriate safer recruitment training. Headteacher interviews will usually involve governors and other Trust members, as laid out in the ELAN Scheme of Delegation.

The purpose of the interview is to assess the merits of each applicant against the job description and person specification to establish their suitability for the post and to work with children and young people.

Interviews should be conducted with a minimum of two interviewers on the panel ideally with an equal gender balance and enable one interviewer to assess the applicant, observe and make notes whilst the applicant talks to the other interviewer.

Before the interview commences the interview panel should have:

- Prepared appropriate questions for the role and other follow on questions as may be required to drill down to evidence of competence;
- Prepared appropriate questions to test the applicant's suitability to work with children and young people;
- Identified any areas for further probing, e.g. if a criminal record has been declared or if there are gaps in employment etc;
- Agreed assessment and scoring criteria which reflects the person specification; and
- Decided a structure to the interview and established which member of the panel will ask which questions.

A set of common open, value and behaviourally-based questions relating to the requirements of the post will be asked of each applicant. Their response will determine whether that is followed up through further questioning in order to obtain evidence of essential criteria.

Any gaps in employment history must be explored during the interview process.

Candidates shortlisted for interview will be asked about their suitability to work with children. They will also be required to disclose and then discuss criminal convictions and/or cautions which are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) that may deem them unsuitable (see Appendix 1).

## **10. Other selection methods**

In addition to a face to face interview with the interview panel a variety of other selection methods may be used, such as:

- Observation of teaching practice in an Academy school or in the applicant's current school or academy;

- One or more additional panel interviews (for example, a panel made up of pupils from our academy)
- A presentation showing current work evidence, or how they dealt with a similar role challenge;
- In-tray exercises for example an analysis and comment of data and information ; and
- Psychometric testing.

Those responsible for deciding the arrangements for recruitment to a specific post will determine the selection method(s). They will be relevant and appropriate to the role and will be based on the requirements for the particular post as set out in the job description and person specification.

Candidates will be informed in advance if any selection methods are to be used in addition to a face to face interview and what these are.

It is a good idea to involve as many people as possible in the recruitment process in order to gain an overall assessment.

### **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 are fluent in English. Public facing roles are those members of teaching and support staff who, as a regular and intrinsic part of their role, are required to speak to members of the public (including children in schools).

ELAN will accept a range of evidence of spoken English language ability as follows:

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

### **12. Pre-employment checks**

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

- receipt of at least two satisfactory written references (one of which must be their current or most recent employer);
- verification of the applicant's identity, preferably from current photographic ID and proof of address;
- verification of qualifications where relevant;
- 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;
- satisfactory enhanced DBS check (see Section 13);
- for management positions (Applicable to governors/trustees, Headteachers, members of the Senior Leadership Team and department leads only), verification that they are not subject to a section 128 direction by checking the Teacher Services System. <https://teacherservices.education.gov.uk/>
- for teachers and other employees who hold QTS who are working in non-teaching roles, verification that they are not subject to a prohibition order by checking the Teacher Services System;



- for teachers, satisfactory check to determine any restrictions/sanctions that have been imposed in other EEA member states, through the provision of a letter of professional standing from the professional regulating authority in the country that they qualified. <sup>1</sup>
- a clear children's barred list check (except supervised volunteers);
- verification of right to work in the United Kingdom; any further checks where the applicant has lived or work outside of the UK including receipt of criminal record information from overseas; <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- confirmation that the applicant is not disqualified from providing childcare for, our before or after school clubs or provides education for children up to the age of 5

All checks must be confirmed in writing, retained on the personnel file and recorded in the school's or central team single central records (SCR).

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

ELAN will carry out a risk assessment to determine if a DBS check is required for each volunteer in accordance with Annexe E of Keeping Children Safe in Education 2022. If a volunteer is assessed as requiring a DBS check, 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 an educational institution which is exclusively or mainly for the provision of full-time education to children, ELAN is an establishment specified in the relevant legislation. Activity carried out in this establishment will therefore be regulated activity relating to children if it meets the definition in the relevant legislation, including that it is carried out:</p> <p>Frequently by the same person (for example once a week or more); or</p> <p>On more than three days in any period of 30 days.</p> <p>Note – personal care of a child because of age, illness or disability including physical help with eating, toileting, washing, bathing or dressing is always regulated activity regardless of how frequently it is carried out.</p>	An enhanced DBS check with children's barred list check will be obtained

<sup>1</sup> EEA regulator restrictions do not prevent an individual from taking up teaching positions in England, however, employers should consider the circumstances leading to the restriction when assessing a candidate's suitability to be employed.

Unsupervised volunteers	As above	<p>An enhanced DBS check with children's barred list check will be obtained</p> <p>Those applying for Chair of Trustee posts (after 01.04.17) must also have their identity verified for a stipulated professional as part of their DBS check as per the below link:</p> <p><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></p>
Supervised volunteers	<p>Where an individual is a volunteer (e.g. carrying out activity that is unpaid) they will not be engaging in regulated activity if:</p> <ul style="list-style-type: none"> <li>• They are being supervised by someone that is in regulated activity; and</li> <li>• The supervision is regular and day to day (e.g. it is ongoing); and</li> <li>• The supervision is reasonable in all the circumstances to ensure the protection of children (this may take into account for example, the age (including the variation in ages), number and vulnerability of children the individual is working with, the nature of the work and opportunity for contact with children, whether other individuals are helping to look after them and how many workers a supervisor is supervising).</li> </ul>	<p>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.</p>

Only In exceptional circumstances a new employee or unsupervised volunteer may be able to start before the enhanced DBS check has been received, but not before the children's barred list check has been completed. ELAN must ensure a declaration check is done, potentially a risk assessment if there are any issues noted or that appropriate supervision is in place until the DBS check has been received.

DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR). We are not required to take a copy of your DBS certificate, however we may choose to do so for decision making purposes. Any copy will be held for no longer than necessary, and up to a period of six months and be processed in line with Data Protection Legislation.

Any applicant who refuses to produce their DBS disclosure will not be able to start work at an ELAN Academy and the conditional offer will be withdrawn as satisfactory checks are not in place. Any volunteer who refuses to produce their disclosure will not be able to volunteer in any ELAN Academy

Applicants can have their DBS certificate kept up to date and take it with them from role to role where the same type and level of check is required. Applicants or volunteers should be asked if they have subscribed to this service. The cost of this service is £13 per year (free for volunteers). The expectation is that individuals personally fund this if required. Where the applicant or volunteer has subscribed they should provide ELAN with the original disclosure document to be verified and the ELAN will check the online update service for any changes.

Applicants will only be asked to declare convictions and cautions that are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) See the ELAN statement below policy

Information relating to an individual's criminal record will only be shared with the relevant people to enable the School/Academy/Trust to make a decision about their suitability to work with children and young people.

#### **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 or young people has increased from that at their time of appointment.

An enhanced DBS and children's barred list check may be carried out on any existing employee or unsupervised volunteer (subject to risk assessment) where ELAN has concerns about an individual's suitability to work with children and young people. An enhanced DBS (no barred list check) may be carried out on any supervised volunteer (subject to risk assessment) where ELAN has concerns about their suitability to work with children and young people.

DBS certificates will only be issued to the applicant. ELAN expects all applicants to produce the disclosure when requested to do so. Any existing employee who does not produce their DBS disclosure will be managed through the disciplinary procedure.

All existing employees are required to inform their Head teacher of any change in their criminal record. This includes convictions, cautions, arrests and police investigations which are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020). ELAN require all employees to sign a declaration on an annual basis that there has been no change in their criminal record. Action may be taken as a result of any change or any failure to inform ELAN or their head teacher of any change.

#### **15. Agency staff**

In the case of agency staff, ELAN must ensure that the arrangement with the agency imposes an obligation on the agency to carry out all recruitment checks as set out in section 12,

including DBS and children's barred list checks, that ELAN would otherwise complete for its staff. ELAN 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).

Upon the engagement of an agency worker, the agency must be supplied with a copy of ELAN's Disciplinary Policy and Procedure unless they have previously been provided with the most recent version of this procedure.

### **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 ELAN disciplinary/ complaints policy or grievance policy for existing employees.

### **17. Record keeping and data protection**

All written records of interviews, application forms and reasons for appointment or non-appointment will be kept by ELAN in line with our Privacy Notice, our Retention Policy (for appointed candidates), and in line with the requirements of Data Protection Legislation.

### **18. Review of policy**

This policy is reviewed every two years by ELAN and Advisory Board of Head Teachers and ratified by Governors in consultation with trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

### **19. Links to other documents**

- Data Protection Policy and Retention Schedule
- Privacy Notice guidelines

## **Appendix 1: Disqualification from Childcare information for new employees [See our Staff Annual declaration of criminal record].**

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 late 2014.

Your role within our school has been identified as one to which the disqualification declaration applies.

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

We need to make you aware that there are certain things that may mean that you are automatically disqualified from providing childcare (affecting your role within this school) by you having committed a disqualifiable offence or a disqualifying event. These broadly fall into the four below categories:

1. That you have a caution/conviction for certain violent/sexual offences
2. Grounds relating to the care of children
3. That you have had registration refused/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 United Kingdom.

Ofsted have provided a list of disqualifiable offences/events in tables A & B of the below guidance

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006>

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 of a specific offence/event is applicable after reading the Ofsted lists, then please let us know so that we can advise you appropriately.

You should also be aware that from this point forward if your circumstances change relating to the disqualification guidance, you are obligated to inform us of this 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 do make sure that you ask any questions that you are unclear on. If you wish to do this, please speak with the Head in person.

If you require additional information or help with any aspect of this, then please let the Head know so that we can take advice from the central HR team HR provider on your behalf.

I have read and understood the information in this document.

Signed

Print name

Date

## Appendix 2: Recruitment of Ex-Offenders Statement

- 1.1. As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), ELAN complies fully with the code of practice and undertakes to treat all applicants for positions fairly and equitably.
- 1.2. This process applies to all employees of ELAN, regardless of the role they hold or for which they are applying. It also applies to some voluntary roles within the organisation.

### Equal Opportunities

- 2.1. ELAN is committed to the fair treatment of its staff, potential staff or users of its services, and no discrimination will be made on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation or offending background.
- 2.2. ELAN actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.
- 2.3. ELAN selects all candidates for interview based on their skills, qualifications and experience and undertakes not to discriminate unfairly against any subject of a criminal record check based on a conviction or other information revealed.

### Information Required

- 3.1. An individual can only be asked to provide details of convictions and cautions that ELAN, as an organisation, are legally entitled to know about.
- 3.2. The position you are appointed to is exempt from the Rehabilitation of Offenders Act 1974, which means that all convictions and cautions in relation to specified offences and any custodial sentences on your record need to be disclosed. Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice Website and on the websites of charities NACRO and UNLOCK.
- 3.3. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended), ELAN can only ask an individual about convictions and cautions that are not protected.

### Applications for an Enhanced DBS Certificate

- 4.1. An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. **However, given the nature of the organisation, it is a requirement that every member of staff working for ELAN must have an enhanced DBS certificate with a barred list check as a condition of employment.**

### Recruitment

- 5.1. This requirement for an enhanced DBS certificate is identified as being necessary, on all application forms, job adverts and recruitment briefs which will contain a statement

explaining that an application for an enhanced DBS certificate will be submitted in the event of the individual being offered the position, and that all job offers made are conditional on this.

- 5.2. At interview, or in a separate discussion, ELAN ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought by the candidate could lead to withdrawal of an offer of employment.
- 5.3. ELAN undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

### **Checking Applications**

- 6.1. ELAN ensures that all those within the organisation who are involved in the recruitment process, in particular the criminal records checking, have been suitably trained to identify and assess the relevance and circumstances of offences.
- 6.2. ELAN also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- 6.3. ELAN makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.