

Recruitment Policy December 2022



**ORCHARD ACADEMY
TRUST**

1. Policy Statement

This policy has been adopted by the Trust Board of Orchard Academy Trust to provide a policy framework for the recruitment and selection of staff to all posts within the approved staffing structure of its schools – Allington Primary School and Barming Primary School. Our schools are committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to share and demonstrate this commitment.

The Governors and Trustees of our schools fully understand their responsibilities in ensuring that recruitment procedures are free from unlawful discrimination in line with the Equality Act 2010

The Governors and Trustees also fully appreciate the importance of fair, open, and effective procedures to enable the school to recruit people with the right skills, aptitudes, and attitudes.

The Governors and Trustees of our schools will 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), Disqualification under the Childcare Act (DUCA) 2006 and related updates, the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS).

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

All staff, governors, trustees 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 the Keeping Children Safe in Education – statutory guidance for schools and colleges.

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.

All staff, governors and trustees involved in recruitment and selection decisions are required to work in ways that are entirely consistent with this policy.

The trust/schools will ensure that training is provided for all staff and governors involved in the recruitment and selection of staff and that it is appropriate to their role.

It is a statutory requirement for maintained schools that all selection panels must include at least one member who has successfully completed safer recruitment training. This forms part of the School Staffing (England) Regulations 2009.

Guidance Note:

More information about posts which require an Enhanced DBS and how to check the Barred List can be found at www.gov.uk/dbs-check-applicant-criminal-record

2. Scope

This Policy applies to all employees of Orchard Academy Trust.

3. Adoption Arrangements and Date

This policy was adopted by the Trust Board of Orchard Academy Trust on 7th December 2022 and supersedes any previous Recruitment Policy.

This policy will be reviewed by the Trust Board each year or earlier if there is a need. This will involve consultation with the recognised unions.

4. Equal Opportunities Statement

This schools are committed to ensuring that each stage of the recruitment and selection process is accessible to all. We will review the recruitment policy and procedure 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.

5. 'Prevent'

The schools have a duty under section 26 of the Counter-Terrorism and Security Act 2015 ("the CTSA 2015") to have "due regard to the need to prevent people from being drawn into terrorism". This duty is known as the 'Prevent' duty.

In carrying out its obligations under 'Prevent' the schools will assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. The schools will not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex, or sexual orientation, marital or civil partnership status, disability, or age.

6. Prior to Advertising

When a vacancy occurs the line manager will review the need for the post and consider all options (internal and external) before deciding that there is a need to recruit. If there is a need to recruit the job description and person specification should be reviewed in line with the school workforce plan prior to seeking the approval of the Headteacher to commence recruitment.

Consideration 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 possible and practical.

7. 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 will be available for each vacancy advertised and consideration may be given to whether bench-marking is appropriate.

Managers will refer to the Professional Standards for Teachers and to the School Teachers' Pay and Conditions Document (which sets out the expected attributes of Main Scale, Post Threshold, Advanced Skills and Excellent Teachers) when creating job descriptions for teaching posts.

All job descriptions, person specifications or adverts should clearly state to what extent the role will involve contact with children, whether they will be engaged in regulated activity relevant to children, and the post holder's responsibility for promoting and safeguarding the welfare of children and young people.

8. 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 can classify each attribute as either 'Essential' to do the job or as a 'Desirable' attribute for the post holder to have and indicate how each attribute will be assessed e.g. application form, interview, reference, test etc.

All attributes should be measurable and quantifiable and should take care not to unlawfully discriminate against particular groups of people, either directly or indirectly.

9. Advertising

All vacant posts will be advertised in a fair, open, and honest manner and will be advertised by means of a formal notice on the staff notice board as a minimum. In most cases, vacant posts will be advertised externally. All adverts need to ensure that shortlisted candidates are informed that they will be subject to an online check, following the changes to KCSIE.

The advert should include the safeguarding responsibilities of the post as set out in the job description and person specification and state whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. This means that when applying for certain jobs and activities, some spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Guidance about whether a conviction or caution should be disclosed can be found on the [Ministry of Justice website](#).

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:

Our School and all its personnel are committed to safeguarding and promoting the welfare of the children. This post is subject to an Enhanced Disclosure Application to the Disclosure and Barring Service.

10. Applications

All applicants must be asked to complete the relevant application form in full to enable the panel to shortlist in a fair and objective manner. Applicants will no longer be asked to complete a separate Criminal Convictions Self Disclosure form as part of their application. Due to changes in Keeping Children Safe in Education, this will be done at the shortlisting stage to ensure that processing of criminal data is targeted and proportionate. Please see 11. Shortlisting for more information.

The schools may reasonably decide to reject an application where incomplete and/or ambiguous information is provided. As now stated in Keeping Children Safe in Education applications by CV should not be considered. All Applicants are required to sign and date a copy of their application form

The school should include a statement in the application form, or elsewhere in the information provided to applicants, that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children. Schools should also provide a copy of the school's child protection policy and practices, and policy on employment of ex-offenders in the application pack or refer to a link on its website. Please see the accompanying Recruitment Guidance Notes for more information on the Employment of Ex-Offenders policy.

11. Shortlisting

Shortlisted candidates will be asked to complete a separate Criminal Convictions Self-Disclosure form and must be signposted to publicly available guidance and support on which cautions or convictions they must disclose and be given time to obtain advice. This information is available [here](#) and on the Ministry of Justice website.

Candidates will be required to declare any unspent convictions or conditional cautions, any spent adult cautions (simple or conditional) or convictions that are not protected as defined by either the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended in England, Scotland and Wales, or the Rehabilitation of Offenders (Northern Ireland) Order 1978 as amended in Northern Ireland.

They will also be asked to declare:

- Whether they have ever been known to any Children's Services department or Police as being a risk or potential risk to children.
- Whether they have ever been the subject of any investigation and/or sanction by a professional body due to concerns about their behaviour towards children.
- Whether they have any overseas convictions; and
- Whether they are included on the DBS Children's Barred List

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.

A new addition to Keeping Children Safe in Education 2022 is for shortlisted candidates to be subject to an 'online' search. Applicants should have been made aware of this requirement prior to or at the time of application. Such checks can be carried out via online search engines and social media platforms; however, this is only with regards to information that is within the public domain. The aim of the search is to ensure there is no information held in the public domain relating to the candidate that would make the school question their suitability to work with children and/or could harm the reputation of the school should the candidate become part of the school's workforce. The search can be carried out by a member of staff who is not part of the recruitment process, with any information collated being recorded and passed to the recruitment panel. The candidate should be asked to explain any findings by the recruitment panel either prior to (if deemed appropriate), or during the interview process. The recruitment panel will then carry out a risk assessment as required. This process will be carried out for all shortlisted staff regardless of the job role being applied for.

All applicants are required to sign and date the declaration to confirm that the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview.

It is recommended that at least 2 people are involved in the shortlisting process, one of whom should be the line manager.

All shortlisting decisions will be made with clear reference to the skills and qualities set out in the person specification using an agreed method of scoring against the essential and desirable criteria. Each candidate will be considered on their own merit.

The equal opportunities monitoring form will be separated from the main application form to reduce any likelihood of conscious or unconscious bias.

12. References

In order to comply with Keeping Children Safe in Education, it is the policy of Orchard Academy Trust that all references will be obtained, and concerns resolved, before confirming an appointment. This will be done either by letter seeking to verify the skills, experience, competencies, and employment history of the applicant, or by a standard reference form.

It is the schools' practice, with the consent of the applicant, to take up references before interview. If applicants have indicated that they do not consent to references being sought prior to interview, further information should be sought, and agreement obtained where possible.

On receipt, references will be checked to ensure that all specific questions have been answered satisfactorily. Any discrepancies or anomalies should be noted and addressed during the applicant's interview.

Specific questions should be included to explore the applicant's suitability to work with children and, if the referee has any concerns, they should be asked to give their reasons.

In order to comply with the Equality Act 2010, reference requests sent prior to an offer of employment will not request details of attendance or absence however, further information will be requested and compared with the medical questionnaire following the applicant's acceptance of a conditional offer of employment - see 14 below.

Applicants will be required to specify the details of 2 referees, one of which should be 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.

References for staff working in an education setting will be sought from the Headteacher in order to ensure that information about disciplinary investigations is accurate and, in other settings, it would be appropriate to seek a reference from the line manager of the applicant.

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.

We reserve the right to request that the applicant provides alternative referees where the initial referees are deemed inappropriate for our purposes e.g. where the current or most recent employer is not provided.

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 which involved children or safeguarding that have been substantiated, the referee will be required to confirm details.

In accordance with Keeping Children Safe in Education, cases in which an allegation is proven to be false, unsubstantiated, or malicious should not be included in employer references.

When recruiting to teaching posts we will seek to confirm whether candidates have been subject to formal capability proceedings in the past 2 years as part of our appointment process.

In the case of recruitment to all other posts we will ask referees to confirm whether

candidates are currently subject to any live capability warnings as part of our appointment process.

13. Interview and Selection

The school 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 letter of invitation will encourage applicants to contact the school if they require any adjustments to enable them to attend the interview.

Candidates are required to bring evidence of relevant qualifications to interview where the original documents must be checked, and a signed and dated copy retained. When attending for interview, each candidate should be asked to sign a copy of their application form and their self-declaration form in the presence of the person undertaking the document and identity checks.

The interview panel will include at least one member who has undertaken safer recruitment training in accordance with the School Staffing (England) Regulations 2009 and should not include an Employee where one of the applicants is a relative, partner or close friend.

The panel will take notes during the interview to enable a scoring matrix 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.

14. Pre-employment Checks

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 questionnaire.

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 (Following Brexit, further information on immigration changes can be found at <https://www.gov.uk/check-job-applicant-right-to-work>)
- Verification of any relevant qualifications including checking the TRA's Employer Access Service to verify Qualified Teacher Status
- Receipt of 2 satisfactory references
- Satisfactory pre-employment health clearance
- Prohibition checks for those in teaching work and those with previous teaching experience (including unqualified teachers, HLTA's etc.)
- A section 128 Prohibition from Management check (Independent/free schools/academies only). Whilst they are not employees, from September 2019, Keeping Children Safe in Education also recommends that maintained school governors have section 128 checks because a section 128 direction prohibits someone from serving as a maintained school governor.
- Overseas checks as appropriate including
 - obtaining an enhanced DBS certificate with barred list information even if the teacher has never been to the UK. From 1st January 2021, the Teacher Regulation Agency will no longer maintain a list of EEA teachers with sanctions.
criminal records checks for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions
 - obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.
- Disqualification checks under the 2018 Childcare Disqualification Regulations for individuals employed to work in reception classes, or in wraparound care for children up to the age of 8 in schools providing childcare. Further information can be found in the Guidance Notes which accompany this policy and in the Disqualification under the Childcare Act 2006 statutory guidance on Gov.UK

- Online search to identify if there are any concerns which would lead the school to question the candidate's suitability to work with children, which will have been discussed with the candidate either before or at the interview

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

14.1. Right to Work

In order to comply with the Asylum and Immigration Act 1996 - Prevention of Illegal Working - interview candidates must 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.

The interview candidate's original documents must be checked, and a signed and dated copy retained for at least six months or in line with the school document retention policy if longer. Documents relating to unsuccessful candidates will be retained with the interview papers and destroyed six months from the date on which the position was offered and accepted by the successful candidate.

The Home Office Right to Work Checklist shows the acceptable identity documentation as currently defined by the Home Office and further information on establishing an individual's right to work can be found at:

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide/an-employers-guide-to-right-to-work-checks-31-august-2021-accessible-version>

14.2. DBS and Barred List Checks

All those directly employed by Schools and Academies in paid positions are required to obtain an enhanced Disclosure and Barring Service (DBS) 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 schools practice that individuals obtain a satisfactory enhanced 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 is positive for criminal convictions, cautions, warnings etc, the contents of the certificate will be discussed with our HR Consultant/Provider.

For further details of what constitutes regulated activity and guidance on DBS checking for unpaid positions, including Governors and volunteers, please refer to Part 2 - Guidance Notes for Managers.

14.3. Prohibition of Teachers

The School will verify that anyone appointed to carry out teaching work (including HLTA's and unqualified teachers) 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.

A person who is prohibited must not be appointed to a role that involves teaching work.

14.4. Section 128 Management Checks

Section 128 directions are made by the Secretary of State under s. 128 of the Education and Skills Act 2008, barring individuals from taking part in the management of Independent schools, Academies and Free Schools. The schools will undertake a section 128 check for those taking up management positions at Independent Schools, Academies and Free Schools to ensure they are not prohibited under the provisions. This includes Governors, Directors and Trustees.

14.5. Overseas Checks

In accordance with Keeping Children Safe in Education, this school will ensure that individuals who have lived or worked outside the UK will undergo the same checks as all other staff in schools or colleges. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK

In addition, we will make any further appropriate checks so that any relevant events that occurred outside the UK can be considered. Orchard Academy Trust will apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world. This should include

- obtaining a criminal record check for time spent abroad. Further information on how to obtain such a check can be found at: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants/guidance-on-the-application-process-for-criminal-records-checks-overseas>
- for teaching positions obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of

regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

The overseas checks will be carried out in addition to obtaining an enhanced DBS check as the DBS check alone is not sufficient to establish the candidate's suitability to work with children.

From 1 January 2021 the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanctions.

14.6. Proof of Qualifications

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 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/>

In the event of any concerns regarding the validity of the qualification, a candidate may be required to obtain confirmation or clarification in writing from the exam board or awarding institution.

14.7. Follow-up References

Following a written conditional offer of employment to the successful candidate, a supplementary reference request will be sent to their original referees. This is an opportunity to request information about sickness absence and attendance records which cannot be requested prior to an offer of employment in order to comply with the Equality Act 2010.

The offer of employment is conditional of both parts of the reference being satisfactory.

14.8. Pre-employment Medical History Questionnaire

The school will require all successful applicants to complete a medical history questionnaire to verify their medical fitness. There is also a requirement for schools 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 then 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 Occupational Health. In order to comply with the Equality Act 2010, reasonable adjustments will be explored to enable a candidate to take up their role.

In circumstances where the candidate is assessed as medically unfit to carry out the role, or where it is not possible to make reasonable adjustments, an offer of employment may be withdrawn.

15. 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, (name of school) 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 may be sought from the school's HR Consultant/Provider

16. Single Central Record

In accordance with the terms of the School Staffing (England) Regulations (as amended) Orchard Academy Trust will retain details of recruitment and vetting checks undertaken in a Single Central Record (SCR), held by each school. This data will be collated, used, and stored and deleted in line with GDPR. Further details of the information required can be found in Part 2 - Guidance Notes for Managers.

17. Complaints

An individual who feels that their treatment during the recruitment and selection process is unfair may raise a formal complaint. This can be done by writing to the Headteacher/Chair of Governors / Trustees setting out the key points of their complaint. The complaint will be investigated in line with the school's Complaints Procedure.

Existing employees of the school should raise their concerns through the Grievance Procedure.

18. Induction

Induction is essential in ensuring that new employees are properly equipped for work, their role in the life of the school and feeling part of the school community.

Our schools will put in place an induction programme for all staff joining the school. 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.

19. Record Keeping

Accurate and contemporaneous records including copies of application forms, shortlisting and interview notes, details of any online check and any resulting risk assessments carried out and details of scoring will be kept throughout the process and will be retained for a minimum of 6 months from the appointment date in line with the school's document retention schedule.

At the end of the appointment process all copy identity documentation (passport/birth certificate etc.) relating to unsuccessful candidates should be securely destroyed however, copies of application forms, shortlisting and interview notes, details of any online checks and any resulting risk assessments carried out and details of scoring and references should be retained for six months from the date that the post is offered and accepted. All personal data will be stored and destroyed in line with GDPR.

Please note that original and copy DBS forms must not be retained on personal files and that the details should, instead, be recorded on the Single Central Record. Details of any online checks do not need to be recorded on the Single Central Record.

20. Confidentiality and Data Protection

This school recognises its obligations under the General Data Protection Regulation and associated legislation, and the rights of Employees with regards to the personal data held on them.

All records relating to the recruitment process will be gathered, processed, held, and shared in accordance with the requirements of the General Data Protection Regulation and Data Protection Act.

Please refer to the School/Academy's Data Protection Policy and Privacy Notice for further details.