

RECRUITMENT POLICY & GUIDANCE

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Purpose

The purpose of this policy is to ensure that all the academies within BDAT follow a robust, rigorous and fair process when recruiting staff and volunteers, which minimises the risk of appointing people who may pose a risk or harm children.

The policy applies to all staff who work in academies, including staff, governors, volunteers and other engaged by the academy to work with students.

The policy also refers to central Trust officers.

A Vacancy

A vacancy is an opportunity to identify the needs of the required service and to redefine a post to ensure that these needs can be met more efficiently and effectively. When filling a vacancy, the Principal or Trust CEO should take account of current school needs, staffing structure and budget available before simply recruiting to fill a gap left by a departing staff member

Managers must also give reasonable consideration to making changes to physical conditions, supervision, training or job descriptions which could create better opportunities for people such as those with disabilities, maternity returners, young people, and people with other special needs.

Appointing to a vacancy

A Job Description and Person Specification are the key documents in any recruitment and selection process. It is good practice that recruitment and selection is based upon properly drawn up Job Descriptions and Person Specifications. Selectors must therefore use this documentation as an integral part of their procedures.

The Job Description must be clear and reasonably concise and should be a fair representation of the post. It is not necessary or desirable to attempt to produce a highly detailed and definitive description of the post concerned. The Trust would normally match the salary point of any teacher on joining the Trust. Any exception to this must be clearly explained at the advertising stage.

It is recommended that a NINE-POINT plan format for the production of a Person Specifications is used. This includes;

1. EXPERIENCE
2. QUALIFICATIONS
3. TRAINING
4. SPECIAL KNOWLEDGE
5. PERSONAL CIRCUMSTANCES
6. DISPOSITION/ATTITUDE
7. PRACTICAL/INTELLECTUAL SKILLS
8. PHYSICAL/SENSORY
9. EQUALITY

The Person Specification describes the standards and requirements accurately and identifies between the necessary (essential) requirements and those which are desirable for the required role. Never set unnecessary conditions or standards and take particular care when describing experience, qualification and communication requirements. Be aware of the danger of setting standards which may lead, directly or indirectly, to unfair and unlawful discrimination. At all stages in the preparation of Person Specifications, selectors must be mindful of issues which could be construed as unlawfully discriminating.

Before the Person Specification is used for recruitment purposes it should be reviewed and agreed by all members of the selection panel.

Selection Panel

The selection panel has a responsibility to appoint the person who best matches the Person Specification.

It must also ensure that all relevant employment legislation and Trust/Academy policies are followed and that the selection process is managed in an equitable and courteous manner. Each panel should have a Chair acting as an 'appointing officer' who is normally the person responsible for the management of the process as a whole.

It is good practice that any selection panel should have a minimum of two selectors and, recommended as good practice, to have no more than four selectors for all appointments below Senior Management Level. All panels must have at least one member who has had safer recruitment training.

A varied selection panel composition is highly recommended, however should not be tokenistic. It is good selection panel practice to include people from different backgrounds, cultures, genders, ages and, wherever possible, disabled people.

It is good practice that all members of the selection panel are involved in the whole process from the outset of agreeing the Job Description, Person Specification and the method of recruitment, to the short-listing and finally the interviewing and selection. In the event of a complaint to the Industrial Tribunal this could be a matter that the Tribunal may wish to examine.

The panel is responsible for agreeing the specific recruitment documentation and for producing the 'recruitment information pack' which is sent out to all applicants along with application forms. Before preparing the advertisement it is useful to determine the outline of the selection process and to arrange the dates when short-listing and interviewing will take place.

Other Appointments

Temporary Staff: Selectors should apply the same high standards of selection to temporary appointments. There must be an assessment made against the Person Specification criteria and a proper selection process should take place.

Selectors must be sure that any existing temporary member of staff is the best person available to fill the job and should take into account legitimate aspirations of other staff and those needing to be redeployed. Public advertising is recommended as the fairest method of attracting applicants and filling vacancies.

Advertising and Attracting Candidates

The aim of recruitment advertising is;

- To attract the right person for the post.
- To promote your school as an interesting and attractive place to work.
- To project a public image of efficiency and effectiveness.

When choosing external media and preparing advertisements it is important to remember to take into account the School's Equal Opportunities Policy and the need to reach disadvantaged groups. Managers should compose advertisements in a way which makes them as attractive as possible to candidates of all ages, sex, ethnic origin, disability etc. Restate your commitment to equal rights/race equality in your advert or information pack.

Adverts must be non-discriminatory and aim to be of a high standard which will help to enhance your school image but need not always be 'conventional'. Descriptions of jobs must reflect accurately the data set out in the Job Description and the Person Specification and should not be changed.

- > **Informal channels:** Never recruit by using 'word of mouth' or from those whose access to the job information is by personal association and not 'open' access. Beware that localised advertising may restrict access to the full range of suitable candidates.
- > **Responses:** Applicants should be made clearly aware of the contact point for enquiries by telephone and all application forms sent out must show the closing date and clearly specify the person to whom the form should be returned.

Positive Action

Positive Action is designed to achieve a better and fairer use of human resources. It is not reverse discrimination and should never be about tokenism or the lowering of standards.

Specific under-represented groups should be encouraged to apply for available posts and should always be considered for inclusion in advertisement wording. Appropriate specialist media must be considered.

It is lawful to advertise for members from certain racial groups (e.g African-Caribbean) or from persons of a particular gender under certain specified circumstances (Genuine Occupational Qualifications). BDAT also reserves the right to classify a role as requiring a practising Christian or a speaker of a particular language. Please contact your HR Advisor for further guidance in this area of recruitment.

Other Recruitment Sources

Casual Staff: It is recommended that, where used, all those employed in this way should first be subject to some form of assessment in order to determine their suitability for the post. The equality aspects of any such arrangements must be very carefully monitored.

Employment Agencies: Employment Agencies can be used for various types of staff.

Please contact your HR Advisor (Fusion) for any further guidance in these particular areas.

Recruitment Information for Candidates

This information should aim to encourage suitable candidates to apply for the position and should help others to decide for themselves whether completing and returning an application is appropriate (i.e. to self-select). As a minimum, this information should include;

- A copy of the advertisement.
- Job Description.
- Person Specification.
- Job information.
- Equal Rights material.

It is recommended that the selection panel inform candidates that they have the right to bring to the attention of the panel any concerns that they may have in relation to the recruitment and selection procedures - especially if they feel that discrimination has occurred or may have occurred during the process. Candidates may be reminded that selectors are also glad of any positive feedback.

Application Forms

It is recommended that application forms should be used for all appointments. All forms, whether 'complete' or 'incomplete', must be considered by the selectors. The panel must arrange to have a completed application matrix for use in the final selection process.

Closing Dates

Closing dates and response arrangements should be clearly indicated;

- On the advertisement.
- On the application form.
- In any covering letter.

Always ensure that applicants are aware and understand what will happen after their application form is received (e.g. timescale/notification of rejection).

Short-Listing

All members of the selection panel should be equally involved and should contribute to the short-listing process - otherwise selectors have advisory status.

The use of a 'Matrix' system for short-listing will assist recruiters to be systematic when short-listing for vacant posts. It is a relatively simple and objective technique which has been found to be useful within this process and therefore selectors may wish to use it when drawing up a shortlist.

Assessment

When drawing up a short-list, selectors must assess applicants solely against the Person Specification criteria. Selectors should only ever shortlist candidates who fully meet the essential Person Specification requirements and, from the application form at least, appear to be appointable.

It is good practice to read through all the material presented by candidates. This part of the process can be completed by privately working through your assessment and then sharing your view with other selectors in a group session.

Selectors must draw up their shortlist systematically, measuring candidates' experience and qualities methodically against the Person Specification. The candidates' experience, qualities, qualifications etc must be carefully assessed against the Person Specification and copies of the selectors' assessment placed on file.

Test out only those criteria assessable from a screening of the forms at this stage.

Consistent Practices

- Selection criteria must be applied consistently to all candidates.
- All application forms should be processed in exactly the same way.
- Remember the importance of adopting the same criteria for both internal and external applicants.
- Beware of short-listing 'known' candidates - especially those within the section/workplace - for the sake of 'interview experience' or to meet their 'heightened expectations'.
- Never take account of pressure to shortlist a particular candidates - this can potentially be a discriminatory action which is unlawful.

Rejecting Candidates

All candidates not short-listed should normally be told at this stage, formally and in writing, that they are unsuccessful.

Declaration of Interest

Any member of a selection panel should make a declaration to the panel if any applicant is a relative or a friend from outside the work environment.

Objectives of the Selection Process

The final selection is not just a test of the candidates, it is also important that interviewers approach the selection process fairly and objectively. An interviewer should have the ability to:-

- Listen, probe, assess and, above all, to be objective and fair.
- Deal with all the candidates equally.
- Deal ONLY with the candidate's ability to carry out the job.
- Determine each candidate's suitability for the job as measured against the Person Specification.
- Maintain the image of the school as a good employer.
- Select the right person for the job and thus contribute to the effective delivery of services to the organisation and community.

Selection Methods

The role and function of the Chair of the selection process is absolutely crucial to its effective management.

The interview is the most commonly used method of assessing candidates for appointment but there may be some aspects of the job requirements which cannot be tested in interview and for which different forms of assessment are necessary, e.g. presentations, practical activities, specific skills exercises.

Inform candidates by providing to them an outline of the process which they will be expected to undertake.

Be objective and seek to identify each candidate's abilities and potential contribution. Set exactly the same standards for all candidates and assess against these agreed scoring ratings/criteria. Never make generalised assumptions about individuals based on your perception of their racial or national origin/religion, or gender, disability or age.

Each individual should be assessed according to his/her personal capability to carry out the particular role. It should not be assumed that certain kinds of candidate are more or less able or more or less suitable to perform certain occupations or duties.

Always focus on questions which relate to the specific job and to the requirements set out in the Person Specification.

It is important that selectors are aware of cross-cultural communication issues such as language culture and non-verbal behaviour which may affect candidates from varied backgrounds and/or cultures.

The questions to be asked at the interview should, therefore, be well thought out and decided upon and prepared beforehand. As far as possible, the same questions should be put to all the candidates in order to avoid treating one candidate less favourably than another. Ensure that you do not ask any questions which could be constituted as discriminatory.

It is most important that all those involved in interviewing should be trained in the principles of discrimination law and equal opportunities. Many complaints of discrimination have arisen because of the questions asked, or the attitude taken, by one 'renegade' member of an otherwise properly conducted panel.

Testing

Certain occupational tests must only ever be used by trained and qualified administrators. Poorly designed tests may leave BDAT open to allegations of unfair procedures and practices where they are not validated against job-related skills and specifically linked to the Person Specification criteria.

The use of psychometric (or personality profile) tests require professional expertise within the selection process and therefore should never be used as a cut-off device to reject candidates.

Seek advice from your HR Advisor where you are intending to apply practical/vocational or other testing techniques to your recruitment process.

Decision Making

Relevant and objective selection criteria should be used, and information accurately recorded from which it should be clear how the final decision was reached. Records will also be useful if the decision is later challenged on the grounds of discrimination.

The final decision must be based on the Job Description and Person Specification, using agreed criteria and defining the standards required to perform the job. Each candidate must be measured against these benchmark requirements.

Selectors must ensure they have sound and accountable reasons why all candidates were not selected at any stage and must take into account all the evidence they have collected. The selection panel should normally unanimously agree their final selection and formally record this.

The selection panel should also record reasons for rejection based on the Person Specification requirements. All selection assessment records should be handed to the Chair of the panel.

Confidentiality

Information obtained within the whole selection process must be treated as confidential. Comments relating to specific candidates' performance must not be revealed outside the process (except, of course, personal feedback to individual candidates).

DBS Checks

Enhanced update checks or DBS disclosures should be sought for staff who are employed by the school and volunteers who undertake 'regulated activity'. Regulated Activity' may depend in many cases on whether it is supervised or not. 'Regular' means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period. Regulated Activity for work with children and young people is:

- Unsupervised activities: teaching, training, instructing, caring for or supervising children, or providing advice / guidance on well-being, or driving a vehicle only for children
- Work for a limited range of establishments ('specified places'), with opportunity for contact, for example schools, children's homes, childcare premises (but not work by supervised volunteers).
- Relevant personal care, for example washing or dressing; or health care by or supervised by a professional, even if done once.

Update checks or online DBS applications should be completed by all successful applicants who require a DBS check.

Schools should recheck existing staffs DBS disclosures or check their status on the update service every five years. The DBS Update Service enables police checks and annual reviews to be processed without the need for issuing further paperwork; this is an optional service open to all academies.

Newly appointed staff that have lived outside the United Kingdom must undergo the same checks as all other staff in schools. This includes a DBS Disclosure or update service check. Applicants who have lived outside the UK in the past five years will need to provide Criminal Convictions Clearance from the country or countries they were residing in, because the DBS cannot generally trace individuals abroad. If the school recruits an individual from overseas, or an individual who has lived abroad in recent years prior to appointment, and needs to check their overseas criminal record, a DBS check may not provide a complete picture of the criminal record. The applicant must contact the relevant Embassy to obtain a disclosure which should not be dated more than 6 months ago at time of receipt.

A similar recruitment process should be used for volunteers, as for staff, including pre-employment checks. Volunteers in school (including governors) should not automatically be subject to DBS checks. A DBS check or Update Service check can only be requested if the volunteer will have regular unsupervised access to children (see below for a definition). For the majority of school governors this will not apply and therefore a DBS check is not required.

When determining whether to apply for a DBS check or check the update service for a volunteer, Head teachers/Principals should decide whether the individual will regularly be undertaking regulated activity on an unsupervised basis:

- 'Supervision' must be regular i.e. on-going and day-to-day; and which is reasonable in all circumstances for the purpose of protecting the children concerned; and carried out by an individual who is engaging in regulated activity relating to children and has a DBS disclosure with barred list check.
- The definition of 'regulated activity' is "teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children".
- The definition of 'regular' activity is where a regulated activity is undertaken by the same individual as follows either once a week or more; on four or more days in a 30 day period; at least once, overnight and with the opportunity for face-to-face contact with children.

Where appropriate, volunteers should be subject to an enhanced DBS check or Update Service check and should not start work prior to receipt of a satisfactory check.

A DBS check or Update Service check is required for all supply teachers who are engaged directly by the school and those working via an agency.

Schools who engage supply teachers directly are responsible for undertaking all of the required pre-employment checks including the DBS check/update service check. Where a supply teacher does no supply work for three months or more a new DBS check should be completed.

Before taking on a member of supply staff provided by a supply agency, the school must obtain written confirmation from the agency that all necessary pre-employment checks have been carried out and are satisfactory. In relation to DBS Disclosures the written notification from the agency must confirm that a relevant DBS check has been requested, whether or not the disclosure has been received and if received whether the disclosure was clear or not. In the instance where a disclosure is not clear, details should be obtained from the agency and the individual as to the reasons for any convictions, reprimands or warnings. The candidate should be requested to provide their DBS certificate and explain any relevant details, where a candidate refuses to do this they should not be used. If you want to engage the individual on a permanent basis a repeat check must be carried out by the MAT. The individual must not undertake any work until the DBS disclosure has been received.

Head teachers/Principals should check with any agency used that there are secure arrangements for DBS checks in place before accepting the member of agency staff.

Schools must ensure that contractors, agencies providing temporary staff and all those providing services to the school have clear vetting procedures. Such procedures should include overseas checks for each country that a worker has lived in. Where possible these procedures should be specifically written into a service level agreement or contract by the school or Multi Academy Trust.

Electronic completion of DBS checks and the DBS update service means it is very unlikely that a school will need a staff member to start work before it has received the outcome of the check. In rare cases where a DBS check is required and an application has been submitted but is delayed or outstanding, the individual may be allowed to work in school, subject to the Head teacher's/Principal's discretion and the following requirements:

- The Head teacher/Principal has conducted a risk assessment and does not have any concerns regarding a person's background
- The risk assessment includes reviewing the individual's employment history and reasons for any broken work history or career changes and checking all references have been received, are satisfactory and have been checked against the work history records. Advice on carrying out a risk assessment can be sought from HR.
- All other pre-employment checks have been completed.
- The individual is supervised until full DBS clearance has been received.

If the Head teacher/Principal has any doubts regarding a person's background, such as broken service, then the risk must be addressed. For example, arrangements may be made for the member of staff to undertake alternative work or to refrain from starting work. It is recommended that Head teachers/Principals contact the Human Resources team for clarification and advice.

Supervision requires the Head teacher/Principal to ensure that individuals are not allocated duties that put them in an unsupervised situation with students, that they are accompanied when working

by a member of staff with DBS clearance, that their whereabouts are known to a senior member of staff when they are not working (e.g. during break times), and that the individual fully understands their personal responsibility not to put themselves in a situation where they are alone with students and what to do if this situation arises

A written record should be made and retained when a Head teacher/Principal decides it is appropriate to allow an individual to work where a DBS check has been requested but remains outstanding (following a risk assessment by the Head teacher/Principal).

A positive disclosure from the Disclosure and Barring Service will indicate that the staff member's Disclosure and Barring Check is not clear. The DBS will provide the candidate with details of the convictions, reprimands and warnings, however the MAT will not be provided with this information. The candidate should therefore be asked to share details of the reasons as to why their disclosure is not clear and should be asked to provide their Disclosure Certificate. If the staff member is not prepared to explain details of their convictions, reprimands and/or warnings and are not prepared to provide a copy of their disclosure then the likely outcome is that the MAT will not employ the candidate.

Before a decision is reached on whether to offer or confirm employment to an individual, the individual should be offered the opportunity to discuss the contents of the disclosure with the Head teacher/Principal. A balanced decision to appoint should be based on:

- whether they are barred from appointment
- whether the conviction is relevant to the position
- the circumstances surrounding the offence, and any explanations provided by the applicant
- the seriousness of the offence
- the length of time since the offence occurred
- whether there is a pattern to the offending behaviour, or whether it was a one-off
- whether the applicant's circumstances have changed

Further discussion should take place regarding:

- whether the applicant disclosed the conviction(s)/cautions, warnings or reprimands at application or at interview stage
- what level of supervision the will post-holder receive
- whether the post involves responsibility for finance or items of value
- whether the nature of the role allows the applicant to potentially re-offend

The Head teacher/Principal will make the overall decision about whether or not to employ the person. All positive disclosures must be discussed with HR. Disclosures which raise child protection issues must be discussed with the schools designated Director for Child Protection. Where a decision to appoint is taken the information will be recorded and be stored on the person's file.

If an applicant has made a false declaration on the application form, or anywhere else, about convictions and cautions (or lack of them), this may render the offer of a contract of employment void.

It is an offence for a person who is on the barred list to apply for a role working with children.
It is an offence for an employer (the school or the Multi Academy trust) to employ a person who is on the barred list.

Single Central Record of Recruitment Vetting Checks

As part of an Ofsted inspection, inspectors will want to view the school's single central record of recruitment checks. It is therefore important that such a record is kept and maintained. A school is expected to have a record of:

- All staff employed to work at the school,
- Staff employed as supply whether employed directly or through an agency.
- Other staff who work in regular contact with children such as volunteers or specialist instructors.

The record must indicate whether or not the following checks have been completed:

- Identity
- Qualifications legally required
- Right to work in the United Kingdom
- Enhanced DBS
- Overseas checks where appropriate.

The record should also indicate the date on which each check was completed or the relevant certificate obtained and who carried out the check.

The date of the DBS check should be recorded on the central record of pre-employment checks. The Head teacher/Principal should place a copy of the email that confirms whether or not the disclosure is clear on the staff member's file. If the disclosure was not clear and a risk assessment was completed, a copy of the risk assessment should be placed in the staff file.

References

The selection panel should not seek to obtain any references for candidates at an early stage in the process for use as an aid to short-listing.

The use of references is best restricted to the identification of contra-indicators, in other words, information as to why a particular candidate might not be suitable for appointment. If an appointment is not to be confirmed due to "unsatisfactory" references the panel should ensure that the decision is fair and reasonable and is based on justifiable grounds.

It is not advisable to make offers of employment until satisfactory references have been received.

It is not good practice to request references for some of the short-listed candidates (unless they have so requested), and not for others, as this could lead to perceptions that some candidates are being treated more or less favourably than others. It is a breach of the applicant's confidentiality to

seek references, or to make informal enquiries, from any person other than the applicant's nominated referees.

Where the reference is unclear or where there may be hints at problems, it is advisable to telephone the referee in order to clarify this information. Notes from the telephone conversation should be recorded.

Criminal Convictions

If the candidate has revealed information about a criminal background the panel must decide whether, in relation to the post in question, the nature of their background is sufficiently serious enough to justify non-selection for the post. In the event of the panel deciding not to select on the grounds of a declared criminal background, advice must be sought from your HR Advisor before any further action is taken.

It is important to note that the possession of a criminal background does not automatically debar an applicant from employment.

The selection panel should be made aware that all information in relation to previous convictions given by applicants must be treated in the strictest confidence. However, the applicant has a right to be informed of the contents of a police report.

Candidates should be made aware that failure to disclose previous offences or pending legal action for posts which are exempt from the Rehabilitation of Offenders Act could lead to the offer of employment being withdrawn or dismissal if the successful candidate has already commenced employment in post.

Medical

Where medical screening does take place, all clinical information is confidential and will not be released to management unless there is a specific need, and the consent of the applicant has been obtained. Systems set up for pre-employment screening, in line with the Equality Act 2010, will protect confidentiality at all times.

Notification of Results of Selection Process

Inform short-listed candidates as quickly as possible about the outcome of the selection process and then determine your options concerning salary and terms for the successful candidate(s).

Please note that differential terms must be justifiable and any negotiations within normal parameters. Ensure you can justify offering different terms and conditions (e.g. salary point) where more than one candidate is appointed.

Feedback to Candidates

All short-listed candidates must be told of the outcome of their interview, and any unsuccessful applicants seeking information about why they were not selected, should be given honest, constructive and thorough feedback in relation to their application.

To ensure consistency, one member of the interview panel should be designated to give such feedback or, alternatively, the interview panel must reconvene to meet the candidate(s) concerned. There should be an agreed 'message' determined at the end of the selection process final decision.

Review and Monitoring

At the end of each selection process, those responsible should review the decisions made and the procedures used in order to ensure that they are confident that the approach adopted has reflected BDATs commitment to equal rights and to positive action. Selectors should be able to justify every decision taken and the process which has been adopted to arrive at their selection.

A note of the reason for rejection for each unsuccessful candidate must be made on the back of the application form. The reasons should relate to a specific area or areas of the Person Specification.

The Recruitment 'master file' must be kept for at least 6 months and should contain key documentation which should include all interviewers' notes.

It is always important to review the whole recruitment and selection process on completion to ensure equality of opportunity has been observed and to set out, for future exercises, more proactive steps where candidates from under-represented groups may not have applied/or have not performed as expected within the selection process.

Induction

A systematic induction programme should be prepared to help the new staff member adjust to their new social and working environment and to become effective in their role as soon as possible.