

# Orchard Learning Alliance Recruitment Policy

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## 1. Introduction and Purpose

This policy provides the approach to recruitment and selection of staff and volunteers in all schools within the Orchard Learning Alliance. This policy is also designed to ensure that people who are unsuitable to work with children, young people and their families are deterred and prevented from working within the school environment. This policy directly endorses and supports the mandatory guidance in the latest nationally published Keeping Children Safe in Education Document. Safeguarding and promoting the welfare of children an integral factor in recruitment and selection is an essential part of creating safe environments for children. Therefore recruitment and selection at Orchard Learning Alliance will focus on safeguarding children by reducing the risk of harm through the employment of suitable, appropriately screened, vetted and checked individuals.

- Orchard Learning Alliance will be the employer of all staff and has overall responsibility for staffing matters including recruitment.
- Orchard Learning Alliance will actively promotes equality, diversity and inclusion, and we to
  eliminate discrimination, and will promote a positive attitude to disabled people, taking
  account of of disabilities in any staffing dealings, including recruitment.

## 2. Policy Statement

Orchard Learning Alliance is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers of the Trust to share this commitment.

Orchard Learning Alliance aims to ensure that recruitment effectively and efficiently supports the provision of high quality education. The Trust settings objective in carrying out recruitment is to fill vacancies with people of the highest quality, drawn from the widest possible 'pool', cost effectively and without undue delay, whilst adhering to principles of fairness and equality.

No employee, potential employee or applicant will be unlawfully disadvantaged on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity, sexual orientation, religion or belief or pregnancy and maternity.

In adopting this policy, Orchard Learning Alliance is committed to:

- Developing and promoting our schools and other learning provisions.
- Appointing on merit.
- Being open and transparent.
- Valuing all individuals involved in the recruitment process.
- Valuing existing staff and helping them realise their potential.
- Working towards developing a workforce that embodies our values and our mission statement.
- Giving appropriate and proper consideration to all applicants.
- Working towards developing a workforce that in its diversity can provide an appropriate and professional education to the children.
- Actively engaging with under-represented sectors of the community where possible.
- Using flexible working arrangements, where appropriate, to encourage a diversity of applicants.
- Ensuring that assessment techniques and tests are free from any bias that might unlawfully discriminate.
- Giving consideration to making reasonable adjustments at all stages of the recruitment process for applicants with a disability.

Those with delegated responsibility to recruit and select will design recruitment campaigns, selection activities and induction programmes that attract, identify, highlight and support the behaviours in candidates that underpin our core values. We will ensure those delegated with the responsibility to recruit will be equipped to carry out these responsibilities.

# 3. Key Legislation, Policy and Guidance

This Policy is underpinned by:

- Legislation specifying employment rights
- Equality Legislation
- Legislation and guidance for the protection of children
- Legislation, policy and guidance giving rights of access to information at of all stages of the
- recruitment process.

A full list of this legislation can be found at Appendix 1.

The Equality legislation applies to everyone, including:

- employees including apprentices;
- workers who are not employees but who work under a contract for services;
- applicants for jobs;
- volunteers;
- agency workers;
- contract workers;
- trainees undertaking or seeking vocational training;
- students/pupils.

In addition to the other forms of discrimination set out in the Equality Act, people with a disability, as defined in the Equality Act 2010, are protected from:

- Unfavourable treatment due to something connected with their disability this differs from direct/indirect discrimination because there does not have to be anyone to compare the treatment of the disabled person with;
- Failure to make "reasonable adjustments" these must be made if a disabled candidate is placed at a substantial disadvantage, i.e. anything that is not minor or trivial, by any aspect of the recruitment process. What is reasonable will depend on the effectiveness of the adjustment in overcoming the disadvantage and the ability of the employer to make the required changes. Changes may have to be made to the recruitment process, duties, working practices and terms and conditions of employment, even when that involves treating disabled people more favourably.

# 4. Recruitment Principles

The following principles are encompassed in this policy:

- All applicants will receive fair treatment and a high quality service
- The job description and person specification are essential tools and will be used throughout the process
- Employees will be recruited on the knowledge, experience and skills needed for the job
- Selection should be carried out by a diverse panel with at least two members. At least one panel member MUST have received safer recruitment training. Schools/the Trust may choose

- appropriate training. The training should cover, as a minimum, the content of the 'Keeping children safe in education' statutory guidance.
- Selection should be based on a minimum of completed application form, shortlisting, interview and two satisfactory references.
- Monitoring and Evaluation are essential for assessing the effectiveness of the process
- The Equality Act makes it a requirement to make reasonable adjustment to the recruitment process if an applicant makes the employer aware that they have a disability. This applies to the entire recruitment process, from advertisement to appointment.

## 5. Advertising

When advertising roles, we will make clear:

- Our school's commitment to safeguarding and promoting the welfare of children.
- That safeguarding checks will be undertaken.
- The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children.
- Whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the
  amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent
  convictions and cautions are 'protected', so they do not need to be disclosed, and if they are
  disclosed, we cannot take them into account

All posts will normally be advertised internally (those on maternity leave and long term absence must be made aware of all suitable vacancies) and externally where appropriate.

Occasionally the decision may be taken not to advertise a post. This may occur, for example, when a similar post has recently been advertised and an appointment can be made from the subsequent interviewees, or because a temporary appointment needs to be made as soon as possible to ensure continuity within a post.

In certain circumstances a post or promotion opportunity will be ring-fenced for current staff in the first instance. Any such ring-fencing will be done in a consistent and transparent manner.

For all posts, information packs will be sent, or made available electronically. The information pack will generally consist of:

- A job description and person specification
- An application form, including an equal opportunities monitoring form
- A statement of terms and conditions relating to the post (location, hours, grade)
- Information about the recruitment process (interview format and dates)
- Any other relevant information regarding the post and the school
- A statement saying that it is an offence to apply for the role if an applicant is barred from
  engaging in regulated activity relevant to children (where the role involves this type of
  regulated activity)
- A copy of, or link to, our child protection and safeguarding policy and our policy on the employment of ex-offenders

Applications received after the closing date will not be considered unless by prior agreement with the selection panel.

Applications made through means other than application forms will not be considered unless a reasonable adjustment has been made to accommodate the needs of an applicant with a disability.

## 6. Shortlisting

Our shortlisting process will involve at least 2 people and will:

- Consider and explore any inconsistencies and look for gaps in employment and reasons given for them
- Consider and explore repeated changes of employment without any clear career or salary progression, or a mid -career move from a permanent post to supply teaching or temporary work
- Explore any other potential concerns

Once we have shortlisted candidates, we will ask shortlisted candidates to complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so that they have the opportunity to share relevant information and discuss it at interview stage. The information we will ask for includes:

- If they have a criminal history
- Whether they are included on the barred list
- Whether they are prohibited from teaching
- Information about any criminal offences committed in any country in line with the law as applicable in England and Wales
- Any relevant overseas information
- To sign a declaration confirming the information they have provided is true

We will also consider carrying out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online.

The equal opportunities monitoring form will be removed prior to shortlisting. If an applicant has requested any reasonable adjustments this will be notified to the chair of the selection panel.

# 7. Seeking references and checking employment history

We will obtain references **before interview.** This will apply to all staff, including internal applicants. Any concerns raised will be explored further with referees and taken up with the candidate at interview. In exceptional circumstances it might not be possible to obtain references prior to interview, either because of delay on the part of the referee, or because a candidate strongly objects to their current employer being approached at that stage, but that should be the aim in all cases.

When seeking references, we will:

- Not accept open references (i.e. addressed to "Whom It May Concern")
- Liaise directly with referees and verify any information contained within references with the referees
- Ensure any references are from the candidate's current employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed
- Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children
- If all questions have not been answered or the reference is vague or unspecific, the referee should be telephoned and asked to provide written answers or amplification as appropriate
- Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate.

- Agreed references which have resulted from a settlement agreement will be carefully scrutinised.
- Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.
- If an applicant is not currently employed in a role working with children, but has done so in the past, it is strongly advised that a reference is requested from the school/education establishment they were last employed in and reasons for leaving.
- Employers are only able to ask about a candidate's health and attendance at work following a job offer being made. A follow-on reference request for this purpose is recommended

## 8. Invitation to interview

In addition to the arrangements for interviews - time and place, directions to the venue, membership of the interview panel - the invitation should remind candidates about how the interview will be conducted and the areas it will explore including suitability to work with children. Enclosing a copy of the person specification can usefully draw attention to the relevant information.

All candidates should be instructed to bring with them documentary evidence of their identity that will satisfy DBS requirements, i.e. either a current driving licence or passport including a photograph, or a full birth certificate, plus a document such as a utility bill or financial statement that shows the candidate's current name and address, and where appropriate change of name documentation.

A copy of the documents used to verify the successful candidate's identity and qualifications must be kept for the personnel file. The photocopy of any original document must be signed and dated by the person viewing it noting that they certify this is a true copy of the original.

## 1.1 Interview process

- Interviews should be with a minimum of two interviewers, and a larger panel for senior roles
- The panel must be appropriately trained and have the necessary authority to make appointments. At least one member MUST have undertaken Safer Recruitment training
- Ahead of the interview, the panel should meet beforehand to:
  - o Reach consensus about the requirements of the standard of the job being appointed
  - o Consider issues to be explored during the interview process
  - o Agree assessment criteria including scoring matrices where applicable
- During the interview, the panel should:
  - Probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this
  - Explore any potential areas of concern to determine the candidate's suitability to work with children
  - Take notes, and ensure these are kept confidentially for at least six months, but may be retained for up to one year

Where a candidate is known personally to a member of the selection panel it should be declared before shortlisting takes place. It may then be necessary to change the selection panel to ensure that there is no conflict of interest and that equal opportunities principles are adhered to.

## 1.2 Interview Scope

In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel should also explore:

- the candidate's attitude toward children and young people
- his/her ability to support the authority/establishment's agenda for safeguarding and promoting the welfare of children
- gaps in the candidate's employment history
- concerns or discrepancies arising from the information provided by the candidate and/or a referee
- ask the candidate if they wish to declare anything in light of the requirement for a DBS check.

If, for whatever reason, references are not obtained before the interview, the candidate should also be asked at interview if there is anything they wish to declare/discuss considering the questions that have been (or will be) put to the referees. It is vital that the references are obtained and scrutinised before a person's appointment is confirmed and before they start work.

All copies of any notes relating to your shortlisting and interview decisions must be retained for at least 6 months.

# 9. Pre-appointment vetting checks

We will record all information on the checks carried out in the school's single central record (SCR).

Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

#### 11.1 New staff

All offers of appointment will be conditional until satisfactory completion of the necessary preemployment checks. When appointing new staff, we will:

- Verify their identity
- Obtain (via the applicant) an enhanced DBS certificate, including barred list information for
  those who will be engaging in regulated activity (see definition below). We will obtain the
  certificate before, or as soon as practicable after, appointment, including when using the DBS
  update service. We will not keep a copy of the certificate for longer than 6 months, but when
  the copy is destroyed we may still keep a record of the fact that vetting took place, the result of
  the check and recruitment decision taken
- Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
- Verify their mental and physical fitness to carry out their work responsibilities.
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- Verify their professional qualifications, as appropriate (e.g. QTS, NPQH)
- Ensure they are not subject to a prohibition order if they are employed to be a teacher
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. These could include, where available:
  - For all staff, including teaching positions: criminal records checks for overseas applicants
  - For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach
  - Check that candidates taking up a management position\* are not subject to a prohibition from management (section 128) direction made by the secretary of state

- Management positions are most likely to include, but are not limited to, headteachers, principals and deputy/assistant headteachers.
- In our Primary Schools, we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Regulated activity means a person who will be:

- Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or
- Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not

## 11.2 Existing staff

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

- There are concerns about an existing member of staff's suitability to work with children; or
- An individual moves from a post that is not regulated activity to one that is; or
- There has been a break in service of 12 weeks or more.

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- We believe the individual has engaged in relevant conduct; or
- We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009; or
- We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

## 11.3 Agency and third-party staff

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

#### 11.4 Contractors

We will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

An enhanced DBS check with barred list information for contractors engaging in regulated activity

- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children
- We will obtain the DBS check for self-employed contractors.
- We will not keep copies of such checks for longer than 6 months.

- Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.
- We will check the identity of all contractors and their staff on arrival at the school.
- In our Primary schools, for self-employed contractors such as music teachers or sports coaches, we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

#### 11.5 Trainee/student teachers

Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

In our Primary schools in both cases stated above, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

### 10.Volunteers

#### We will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment

In our Primary schools we will:

• Ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought

## 11. Governors and Trustees

All trustees, local governors and members will have an enhanced DBS check without barred list information.

- They will have an enhanced DBS check with barred list information if working in regulated activity.
- The chair of the board will have their DBS check countersigned by the secretary of state.

All proprietors, trustees, local governors and members will also have the following checks:

- A section 128 check (to check prohibition on participation in management under section 128 of the Education and Skills Act 2008). [Section 128 checks are only required for local governors if they have retained or been delegated any management responsibilities.]
- Identity
- Right to work in the UK
- Other checks deemed necessary if they have lived or worked outside the UK

# 12. Monitoring

In accordance with our obligations under the Equality Act 2010, Trustees and Local Governing Committees will ensure regular monitoring of all recruitment activity. This will be undertaken with a view to improving future recruitment practices and thereby achieving the aims of this policy.

# 13. General Data Protection Regulation (GDPR)

Records relating to recruitment and selection activities will remain confidential and accessible only to those who require information either as part of the recruitment decision-making process or for the administration of the process (including monitoring activities for the purpose of this policy or equality policies). Records relating to successful candidates will be placed in personnel files. Records for unsuccessful candidates will be retained in a secure place for six months, after which time they will be destroyed.

If you would like more information about how the Trust, or each individual school uses your data, please see our Privacy Notice, which is available on our website.

## Appendix One – Key Legislation, Policy and Guidance

## Legislation specifying employment rights:

- Employment Rights Act 1996
- Employment Act 2002
- Fixed Term Employee Regulations 2002
- Part-time Workers Regulations 2000 (Amendment) 2002
- Education Act 2002
- Equality Act 2010
- Immigration Act 2016, Part 7 Fluency Duty

## **Equality legislation:**

Equality legislation covers all aspects of the recruitment and employment process and protects applicants with "protected characteristics" against discrimination. "Protected characteristics" are:

- Age
- Disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion of belief
- sex
- sexual orientation

Legislation and guidance for the protection of children:

- Children Act 1989
- Education Act 2002
- Children Act 2004
- Rehabilitation of Offenders Act 1974
- Working together to safeguard children March 2015
- Keeping children safe in education DfE (latest nationally published version)

Legislation, policy and guidance giving rights of access to information at of all stages of the recruitment process:

- Data Protection Act 2018
- Freedom of Information Act 2004
   Equality Standard for Local Government
- Best Recruitment Practice
- Conditions of Service