

Flushing C of E Primary School Recruitment Policy

1 PURPOSE

To ensure that recruitment and selection activities within the school are carried out fairly and consistently with an aim of appointing the most suitable person to the position while protecting and safeguarding the welfare and needs of every child at the school. Guidelines included in this policy set out current legislation applicable to the process which will enable all schools to comply with statutory obligations. Procedures outline best practice methods that will enable schools to approach recruitment and selection effectively and equitably.

2 SCOPE

This procedure applies to all staff employed at Flushing C of E Primary School.

3 POLICY STATEMENT

The school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

The Governors and Headteacher recognise the importance of devising a recruitment and selection policy which enables the school to attract employees who are willing and able to motivate and encourage pupils to fulfil their educational potential. Human resources are the most valuable and costly resource within an organisation and making the right decisions on staff appointments, through sound recruitment and selection processes is a key factor in raising or maintaining school standards.

Governors will administer the policy and guidance in such a way that ensures all legal provisions identified in the preamble are addressed. This will ensure that every effort will be made by all parties involved in the recruitment process to treat all applicants and candidates in a fair and consistent manner in accordance with the principles of equal opportunities.

Before embarking upon the process of recruitment and selection of a new employee, the Headteacher, Governing Body, or its committees, will ensure that it is aware of the full range of options available to it and the legislative requirements that apply.

When forming a recruitment and selection panel, governors should be aware that following recommendations made by the Bichard Inquiry and the subsequent Department for Education guidance, they are obliged to ensure that at least one member of the panel has undertaken 'safer recruitment' training, as defined by the DFE, with the aim of safeguarding and promoting the welfare of children by identifying unsuitable candidates before appointment.

The implications of a poor recruitment and selection process can have high costs for a school, in terms of finance, performance and the ability of the school to provide a safe environment for children and young people to learn. The overall objective of the recruitment and selection process is to select a candidate whose skills and aptitudes most closely suit those required to achieve optimum performance in the job. The most effective method of making sure the 'best person for the job' is selected, is to ensure that the requirements of the person are clearly specified and no form of bias, stereotyping or other irrelevant factors are taken into consideration when making a selection decision. This will also ensure that all applicants are provided with equality of opportunity throughout the process.

The Model Recruitment and Selection procedure therefore, contains information on best practice for the recruitment and selection of all school based staff in accordance with the requirements of relevant legislation, DFE guidance and with County Council Policies. In addition, this section contains a range of recommended model policies relating to recruitment and selection which schools are encouraged to adopt.

The Model Recruitment and Selection procedure and guidance notes also aims to reflect the responsibilities for the Local Authority, Governing Bodies and Headteachers relating to recruitment practices, as set out in the DFE document 'Safeguarding Children and Safer Recruitment in Education', which came into force 1 January 2007.

The key stages of recruitment and selection for all positions are outlined in a step-by-step guide at the beginning of section 6 with further specific advice on selection of the different categories of school staff contained in appendices. For further advice on any aspect of the recruitment and selection process, please contact CSF Human Resources or the School Improvement Team.

4 SAFER RECRUITMENT

The DFE have issued guidance for Local Authorities, Schools and other education establishments called 'Safeguarding Children and Safer Recruitment in Education', which came into force 1 January 2007.

It is vital that schools and other education establishments adopt recruitment and selection procedures that help deter, reject or identify people who might abuse children, or are otherwise unsuited to work with them. Safer practice in recruitment means thinking about and including issues to do with child protection and safeguarding and promoting the welfare of children at every stage of the process. It starts with the process of planning the recruitment exercise, and, where the post is advertised, ensuring that the application documents make clear the organisation's commitment to safeguarding and promoting the welfare of children. It also requires a consistent and thorough process of obtaining, collating, analysing, and evaluating information from and about applicants.

OFSTED will be including the School's recruitment process when undertaking inspections in relation to the Single Central Record, the training for at least one member of the interview panel and recruitment procedures.

The Recruitment and Selection process should be applied in relation to everyone who works in an education setting where there are children under 18 years of age, who is likely to be perceived by the children as a safe and trustworthy adult. Those are not only people who regularly come into contact with children, or who will be responsible for children, as a result of their work. They are also people who regularly work in a school and an education setting when the pupils are present, who may not have direct contact with children as a result of their job, but nevertheless will be seen as safe and trustworthy because of their regular presence in the school setting. This includes workers not on the payroll eg staff employed by contractors, agencies and unpaid volunteers.

4.2 Safer Recruitment – what does it mean in relation to the recruitment process?

Throughout this policy there are numerous changes to the previous recruitment process used by schools. These changes are briefly outlined below in order to make you aware that there has been an amendment, but they are explained in depth at a later stage in the procedure and guidance notes of this policy. It is advised that you read the amended sections carefully as the recommendations made are especially important. One of the main aspects reinforced by safer recruitment guidance is the need to plan the recruitment and selection process to ensure that sufficient time is given to undertake the necessary vetting checks and to scrutinise the information provided about a person's history.

The recommendations have created the following changes:

- **Advertising the Position** - All external job adverts should now include a statement of child protection (eg Flushing C of E Primary School is committed to promoting and safeguarding the welfare of its pupils). It must also state that applicants will be required to undergo an enhanced CRB disclosure.
- **The Candidate Information Pack** - Should now also include the schools Child Protection Policy. It should also disclose to the applicant that when their references are taken up, the last employer they had in a position where they were working with children will be contacted and asked questions about their suitability to work with children. It should also include a job description and person specification which include responsibilities for safeguarding for all staff in school.
- **Application Form** - This has been redesigned for all vacancies for posts based at a school or within CYPF, to include reasons for leaving past employment and ensuring that applicants provide a full employment history. Candidates who are not currently working with children should also provide a referee from when they have previously

worked with children, as a second referee. Curriculum Vitae (CVs) should not be accepted without a completed application form.

- **Shortlisting** - People carrying out shortlisting will be required to give particular attention to ensuring that applications are fully complete and that the information provided is consistent and does not contain any discrepancies. This will help to identify any gaps in employment history and any details regarding motivation and attitudes which need clarification at interview. If an application form that is received does not have a full employment history, the candidate should be asked prior to interview to fill in the gaps.
- **References** - Taken up for the successful candidate after interview and prior to appointment. Referees should be sent a standard letter which will ask a series of questions. It is essential that if the applicant is currently working with children on either a paid or voluntary basis, his or her current employer should be asked about:
 - i) disciplinary offences relating to children, including any in which the penalty is time expired;
 - ii) whether the applicant has been the subject of any child protection concerns;
 - iii) the outcome of any enquiry or disciplinary procedures.

If the applicant is not currently working with children but has done so in the past, his or her previous employer when working with children should be asked these questions.

- **Interview** - At least one member of the interviewing panel should be Safer Recruitment trained. It is important that the opportunity is taken to explore any areas of discrepancy in the information given by a candidate and to ask further supplementary questions to gain a clear picture of a person's background. Notwithstanding this, the panel must ensure that they are not in any way discriminatory in their approach.
- **Single Central Record** - Schools must keep and maintain a Single Central Record of recruitment and vetting checks including DBS and List 99 checks for all staff, that is paid or unpaid staff, supply/agency/contract staff and all others who have been appointed by the school to work in regular contact with children including governors, placement students, sports coaches and artists.

The example format for this record can be found electronically in both a MS word and excel format on the CYPF website under Policies (Child Protection & Safeguarding issues).

For the record of checks for supply agency staff, the school will need written confirmation from the supply agency that it has satisfactorily completed the recruitment checks including the DBS and qualification checks.

- **Agency workers** - Schools must satisfy themselves that supply staff have undergone the necessary checks to assess their suitability for the post.

- **4.3 DBS Checks**

It is mandatory that all new members of staff in school are subject to a DBS, this includes those who do not work directly with children, for example administration staff, caretakers and other ancillary staff.

This also includes volunteer staff and casual staff, eg supply staff, sports coaches or artists who will regularly work in school ('regular' has been defined by the DFE as 3 or more occasions in a 30 day period) or who are involved with an overnight stay or who will have unsupervised access with children.

It is up to individual governing bodies to decide if governors will have to have a DBS check. This body has decided that all governors must have a check.

For agency staff and contractors, these should be subject to the same checks using the same judgement as explained above. However, where the school are not the employer,

the school should receive written assurance from the agency or as part of the contractual arrangement that appropriate vetting checks have been done. Please see Appendices 2 and 3 for further details in relation to agency workers and the Single Central Record.

For checks on other public sector staff coming into school – it is not necessary for the school to undertake separate checks as the DBS and other vetting checks will have been carried out by the employing organisation. However, as with any other visitor you are not familiar with, you should check the person's identity to ensure they are the person you expected. If they are coming into school on a regular basis (as defined above) their details should be recorded in the Single Central Record.

4.4 NCSL Safer Recruitment training and assessment

Safer Recruitment training and the assessment is available for Headteachers and Governors through an online training course provided by the National College for School Leadership (NCSL). The NCSL training is a 'highly recommended' activity by the DFE and Headteachers and Governors should commence this as soon as possible.

To carry out training online, Headteachers should register with the NCSL to obtain a password to access the training and they should register a governor in the same way. Headteachers may also register other appropriate individuals to undertake the training (ie other staff involved in the recruitment process). You can contact the NCSL via www.ncsl.org.uk.

For further information regarding a locally delivered safer recruitment workshop based on the NCSL training, which would not include the authorised assessment, is available to be delivered at your school for a wider audience. To arrange this please contact Nicky Cook on 01872 324438 or e-mail Nicky at ncook@cornwall.gov.uk.

5 LEGISLATION RELEVANT TO THE RECRUITMENT PROCESS

5.1 Discrimination and Equal Opportunities

In all schools, the entire recruitment and selection process must comply with anti-discrimination laws. It is unlawful to discriminate against people in advertising, in terms of employment or refusing or omitting to offer employment, eg on the grounds of sex.

The following legislation makes it unlawful to discriminate against people:

- i) Race Relations Act 1976 / Race Relations (Amendment) Act 2000
- ii) Sex Discrimination Act (1975) amended (1986)
- iii) Equal Pay Act (1970) amended (1983)
- iv) Disability Discrimination Act (1995) amended (2005)
- v) Gender Recognition Act 2004
- vi) The Employment Equality (Religion or Belief) Regulations
- vii) The Employment Equality (Sexual Orientation) Regulations (2003)
- viii) The Employment Equality (Age) Regulations 2006

- **Direct Discrimination**

This takes place where a person or group of people is treated less favourably than other people. For example, choosing not to employ somebody who meets the requirements of the job because they are black constitutes direct racial discrimination.

- **Indirect Discrimination**

This takes place where a requirement or a condition has the effect of discriminating unfairly or unjustifiably between one group or individual. For example, insisting upon an 8.30 am start at a school may be indirect discrimination against women as they are more likely to be taking their children to school in comparison with their male counterparts.

- **Victimisation**

This is when an individual is treated detrimentally because they have made a complaint about discrimination or harassment or have given evidence relating to the complaint about discrimination or harassment. They may become labelled 'troublemaker' by their colleagues. If the employer fails to take reasonable steps to prevent it from happening they will be liable and may be ordered to pay compensation. Individuals who victimise may also be ordered to pay compensation.

- **Genuine Occupational Qualifications (GOQ)**

There are some exceptions under the relevant legislation where an employer can recruit, train, promote or transfer a person of a particular gender or racial group by claiming that a particular gender or race amounts to a 'genuine occupational qualification' for the post in question. For example: the recruitment of a female is essential due to privacy where a female PE teacher is required to go into the female changing rooms.

You should discuss any potential GOQ inclusion within vacancies with CSF Human Resources.

- **Equal Opportunities: Positive about Disabled People - Two Ticks Symbol**



As part of the [Disability Employment Policy](#) the Local Authority is committed to the 'two ticks' standard. Part of the commitment is specifically in relation to recruitment in that job applicants who consider themselves to have a disability and who meet the minimum (essential) criteria for a post must be given the opportunity to attend an interview. Contact CSF Human Resources for further guidance as required.

5.2 **Asylum and Immigration Act 1996**

This Act obliges employers to ensure that they do not employ anyone who is not legally entitled to work in the UK. Allowing employees to work illegally can result in heavy fines.

5.3 **Working Time Regulations 1998**

The Working Time Regulations (1998) introduced a weekly hours limit and various other entitlements, such as rest breaks and paid annual leave to 'workers'.

5.4 **Data Protection Act 1998 and Code of Practice on Recruitment and Selection**

The Data Protection Act 1998 requires that employment records should be handled in a way which respects data protection principles.

OTHER LEGISLATION EFFECTING EMPLOYMENT IN SCHOOLS

5.5 **Education (School Staffing)(England) Regulations 2003**

The main staffing functions of the governing body are set out in the Education (School Staffing)(England) Regulations 2003. These Regulations are made under Sections 35 and 36 of the Education Act 2002. The requirements under this legislation for appointing staff are incorporated within each of the relevant sections contained in this policy for each different category of school based staff.

5.6 **The Rehabilitation of Offenders Act (1974) (Exceptions) (Amendment) Order 1986**

It is important that the Local Authority and Governing Body only apply for Disclosures for positions which are included in the Exceptions Order to the Rehabilitation of Offenders Act. It may be an offence under section 123 (2) of the Police Act 1997 to apply for a disclosure in respect of a position not included in the Exceptions Order. Applicants for exempted posts are not entitled to withhold information about convictions which for other purposes

are "spent" under the provisions of the Act. Positions which are exempted posts are as follows:

- any work in a school; or
- any position involving unsupervised contact with a child under arrangements made by the child's school or a registered day care provider; or
- a position as a governor of a school, including sixth form college, which involves regular work in the presence of, or care for, children, or training, supervision or being in sole charge of children.

OTHER LEGAL REQUIREMENTS

5.7 Police Act 1997

This Act, amongst other things, allows employers to access information about a job applicant's criminal record (with the applicant's consent) through the Criminal Records Bureau (CRB). It allows for the provision of 3 levels of certificate (called 'Disclosures') depending on the type of job for which the job applicant is applying.

5.8 DBS

The School Staffing (England) (Amendment) Regulations 2006 and the intended School Staffing (England) (Amendment) (No 2) Regulations 2006 make it mandatory for an DBS to be obtained on all newly appointed school staff, this includes those who do not work directly with children, for example admin staff, caretakers and other ancillary staff. DBS checks will only take place on the successful candidate for a post and the appointment will be subject to satisfactory DBS clearance.

6.0 MODEL RECRUITMENT & SELECTION PROCEDURE AND GUIDANCE NOTES

The Governing Body has overall responsibility for staffing matters at a school. Many staffing functions may be delegated by the governing body to the headteacher and the normal expectation is for the headteacher to lead the process of making appointment outside the leadership group (ie other than headteachers, deputy headteachers and assistant headteachers).

The Model Safer Recruitment and Selection Procedure is outlined in the flowchart in section 6.1 overleaf and guidance notes for each of the procedural steps are set out in the following sections. This procedure and guidance has been produced in accordance with the DCSF guidance called 'Safeguarding Children and Safer Recruitment in Education'.

In the case of Headteacher and Deputy Headteacher appointments the governors must adhere to the specific requirements under the Education (School Staffing)(England) Regulations 2003 and sections 35 and 36 of the Education Act 2002. These are also explained in the guidance notes.

Time and effort spent in planning each stage of the process should help minimise the risk of making an unsuitable appointment.

It is important that the recruitment and vetting checks are undertaken for all workers in school, paid and unpaid. Further detail is provided in the guidance notes specifically in relation to volunteers and contract workers.

The updated guidance from County is attached to this policy.

Monitoring/Review

This policy will be reviewed according to the policy document cycle.

Signed.....

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