

## Recruitment & Selection Policy

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<b>Department Owner</b>	Operations (National)
<b>Section Owner</b>	HR
<b>Approver</b>	E-ACT Education & Personnel Committee
<b>Date Approved</b>	July 2015
<b>Review Date</b>	July 2017

## 1. Introduction

E-ACT (the Employer) is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. In order to achieve these aims, we recognise that it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share our commitment.

## 2. Purpose

### To ensure:

- the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- that people who might abuse children are identified and rejected
- all job applicants are considered equally and consistently;
- no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability, age, gender re-assignment, pregnancy or maternity.
- 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**) Statutory Guidance for Schools and Colleges 2015 which includes reference to: Childcare Disqualification Regulations 2009 and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**)
- the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

## 3. Responsibilities

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy:

At least one member of the recruitment panel **must** undertake appropriate and current safer recruitment training.

## 4. Policy and Content

Current job descriptions and person specifications must be available for all posts, to include the date created or reviewed. Existing job descriptions; person specifications and the grade of the post will be reviewed and the date of the review will be inserted as “footer” on the document.

Consideration will be given as to whether the post amounts to a regulated activity.

Posts that are not exempt from the Rehabilitation of Offenders Act should be identified.

All applicants for employment will be required to complete an **application form** containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. A curriculum vitae will not be accepted in place of the completed application form.

Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, person specifications and the Academy's Safeguarding Children Policy (Child Protection) are available to download from the E-ACT website or can be printed and forwarded to applicants on request.

For all those applicants seeking employment in a regulated activity references will be taken up at the time of shortlisting.

4.1 Any job offer will be conditional on the following:

- agreement of a mutually acceptable start date and the signing of a contract incorporating the E-ACT 's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- Receipt of two references (one of which must be from the applicant's most recent employer and be provided by their line manager) which the Academy considers to be satisfactory.
- for teaching positions, confirmation from the National College for Teaching and Leadership that the applicant is not subject to a prohibition order;
- Sight of an enhanced disclosure from the DBS which the Academy considers to be satisfactory. A new check must be conducted when an employee has a gap in service of three months or more. For new employees and employees such as invigilators who may incur a three month gap in employment, it will be necessary to apply for a new DBS clearance or encourage them to sign up for the DBS update service <https://www.gov.uk/dbs-update-service>. Their status must then be checked online and a record made in the Single Central Register that this has been done. A paper copy must also be provided by the employee and again an entry must be made in the SCR that this has been done. Details of the Safeguarding documentation can be found in the Policies portal on [Insight](#)
- If the position amounts to "regulated activity" and the enhanced disclosure from the DBS is not currently available confirmation that the applicant is not named on the Children's Barred List administered by the DBS\* will be obtained
- verification of the applicant's medical fitness for the role (see section 5 below); and
- verification of the applicant's right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK in the last 5 years; and
- verification of professional qualifications which the Academy has specified as a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

**\*A check of the Children's Barred List is not permitted if an individual will not be undertaking "regulated activity". Whether a position amounts to "regulated activity" must therefore be considered by the Academy in order to decide which DBS checks are appropriate. It is however likely that in nearly all cases a Children's Barred List check will be carried out.**

## **5. Medical fitness**

E-ACT is legally required to verify the physical and mental capacity for the specific roles of anyone it employs, **after** an offer of employment has been made but **before** the appointment can be confirmed.

All applicants to whom an offer of employment is made must complete a Health Questionnaire which should be returned directly to E-ACT's occupational health provider. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed timetable, extra-curricular activities, layout of the workplace etc. If necessary the Occupational Health provider will make recommendations to mitigate the impact of any physical or medical condition on the applicant's ability to carry out the duties of the post in consultation with them. The Employer may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

No job offer will be withdrawn because of medical and physical impairment without first consulting with the applicant, obtaining medical evidence, considering reasonable adjustments and suitable alternative employment.

## **6. Pre-employment checks**

In accordance with the recommendations set out in the KCSIE and associated guidance, E-ACT will carry out a number of pre-employment checks in respect of all prospective employees.

### **a. Verification of identity and address**

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/326537/ID\\_Checking\\_Guidance\\_v1\\_2\\_July\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/326537/ID_Checking_Guidance_v1_2_July_2014.pdf)

- one document from Group 1; and
- two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address; and
- original documents confirming any educational and professional qualifications referred to in their application form.

Where an applicant claims to have changed his / her name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) he / she will be required to provide documentary evidence of the change.

All applicants are required to provide their date of birth (and proof of this) in accordance with the Guidance and KCSIE. Proof of date of birth is necessary to verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. E-ACT does not discriminate on the grounds of age.

## **b. References**

For all regulated activities references will be taken up on short listed candidates prior to interview. No questions will be asked about health or medical fitness prior to any offer of employment being made.

All offers of employment will be subject to the receipt of a minimum of two satisfactory references. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, an additional reference should if available be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children.

All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, sickness\* and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures including complaints/investigations/hearings, formal and informal sanctions involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated, unfounded or malicious; and
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated, unfounded or malicious.

(\*questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.)

References must be obtained directly from the referee and not references or testimonials provided by the applicant or on open references or testimonials.

The School will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

The school will contact referees directly upon receipt of the reference to authenticate it's validity.

## **c. Criminal records check**

**Due to the nature of the work, E-ACT applies for an enhanced disclosure from the DBS in respect of all prospective staff members, governors and volunteers.**

Prior to 29 May 2013 an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to undertaking a regulated activity.

As of 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

**For those aged 18 or over at the time of an offence**

An adult conviction will be removed from a DBS disclosure if:

- eleven years have elapsed since the date of conviction;
- it is the person's only offence; and
- it did not result in a custodial sentence.

It will not be removed under any circumstances if it appears on a list of "**specified offences**" which must always be disclosed. If a person has more than one offence on their criminal record, then details of all their convictions will always be included.

A caution received when a person was aged 18 or over will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

**For those aged under 18 at the time of an offence**

A conviction will be removed from a DBS disclosure if:

- five and a half years have elapsed since the date of conviction; and
- it is the person's only offence; and
- it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record.

A caution received when a person was aged under 18 will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

**The list of "specified offences" which must always be disclosed**

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

An enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the School which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List maintained by the DBS.

### **Regulated Activity**

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

Any position undertaken at, or on behalf of, E-ACT (whether paid or unpaid), will amount to "regulated activity" if it is carried out regularly:

teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,

work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

relevant personal care, or health care provided by or provided under the supervision of a health care professional:

personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;

health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

A fact sheet is also available on the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/249435/dbs-factsheet-regulated-activity-children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249435/dbs-factsheet-regulated-activity-children.pdf)

It is for the Employer to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances.

### **The DBS disclosure certificate**

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to the Employer. It is a condition of employment with E-ACT that the **original** disclosure certificate is provided to the HR Academy lead for school based employees or Head Office HR for other employees within two weeks of it being received by the applicant or as soon as is practicable.

Original certificates should not be sent by post. Applicants must instead bring the original certificate to the place of work

A convenient time and date for doing so should be arranged with the Academy HR lead as soon as the certificate has been received.

Applicants who are unable to attend at the place of work to provide the certificate are required to send in a certified copy by post or email within two weeks of the original disclosure certificate being received.

Certified copies must be sent to the Academy HR lead for those working in Academies and Head Office HR for other employees.

Where a certified copy is sent, the original disclosure certificate must still be provided prior to or on the first day of work. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory.

If there is a delay in receiving a DBS disclosure the Principal has discretion to allow an individual to begin work pending receipt of the disclosure. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction(s). <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

## **7. Contractors and agency staff**

Contractors engaged by E-ACT must complete the same checks for their employees that E-ACT is required to complete for its staff. HQ or the relevant Academy requires confirmation that these checks have been completed before employees of the Contractor can commence work at any E-ACT facility.

Agencies who supply staff to E-ACT must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, we require confirmation that these checks have been completed before an individual can commence work at the School.

We will independently verify the identity of staff supplied by contractors or an agency in accordance with section 6.a above.

## **8. Policy on recruitment of ex-offenders**

### **a. Background**

E-ACT will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. E-ACT makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar him / her from employment at E-ACT. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 8.b below.



Most positions within E-ACT are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except for those to which the DBS filtering rules apply (see paragraph 6.c above). A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to attempt to apply for a position at the School. E-ACT will make a report to the Police and / or the DBS if:

- it receives an application from a barred person;
- it is provided with false information in, or in support of an applicant's application; or
- it has serious concerns about an applicant's suitability to work with children.

#### **b. Assessment criteria**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is considered a high risk to employ anyone who has been convicted at any time of any of the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
- serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is considered to be a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is considered a high risk to employ anyone who has been convicted of drink driving within the last ten years.

### **c. Assessment procedure**

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Principal and the Director of Education before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he / she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, E-ACT will, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

### **d. Retention and security of disclosure information**

E-ACT observe the guidance issued or supported by the DBS on the use of disclosure information, but is under no obligation to do so.

In particular we will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to Senior officers
- Not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. The School will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and
- Prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

## **9. Retention of records**

E-ACT is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the School will retain on his / her personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to discharge our obligations as an employer e.g. to consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained in the employees personal file for the duration of the successful applicant's employment. It will be retained for a period of six years after employment terminates after which it will be securely destroyed.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

### **10. Referrals to the DBS and National College for Teaching and Leadership (NCTL)**

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks we also has a legal duty to make a referral to the DBS in circumstances where an individual:-

- has applied to work in a regulated activity despite being barred from working with children; or
- has been removed by from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a teacher, the School must refer to the Director of Education for advice.

**Appendix 1****Group 1: Primary identity documents**

<b>Document</b>	<b>Notes</b>
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence – photocard	UK, Isle of Man, Channel Islands and EU (full or provisional)
Birth certificate - issued at time of birth	UK and Channel Islands – including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands

**Group 2a: Trusted government documents**

<b>Document</b>	<b>Notes</b>
Current driving licence – photocard	All countries (full or provisional)
Current driving licence – paper version	UK, Isle of Man, Channel Islands and EU (full or provisional)
Birth certificate – issued after time of birth	UK and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

All driving licences must be [valid](#).

**Group 2b: Financial and social history documents**

<b>Document</b>	<b>Notes</b>	<b>Issue date and validity</b>
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in last 3 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, eg pension or endowment	UK	Issued in last 12 months
P45 or P60 statement	UK and Channel Islands	Issued in last 12 months
Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date

Document	Notes	Issue date and validity
Letter of sponsorship from future employment provider	Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit statement, eg Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, eg from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EU National ID card	-	Must still be valid
Cards carrying the PASS accreditation logo	UK and Channel Islands	Must still be valid
Letter from head teacher or college principal	UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided	Must still be valid