



# **Tove Learning Trust**

## **TLT 2.1.1 Recruitment and Selection Policy**

**Reviewed September 2021**

**Date Approved:** 20 September 2021

**Date of Next Review:** September 2022

## Control Sheet

<b>Version number</b>	02
<b>Date approved</b>	20 <sup>th</sup> September 2021
<b>Date of next review</b>	September 2022
<b>Status</b>	Draft
<b>Policy owner</b>	CEO
<b>Policy location</b>	TLT Policies
<b>Target group</b>	All staff, trainees, applicants, volunteers, contractors, governors and trustees
<b>Consultation period</b>	

<b>Document History:</b>			
<b>Version</b>	<b>Date of review</b>	<b>Author</b>	<b>Note of revisions</b>
02	16/09/2021	J Clarke	Updated based on KCSIE 2021 revisions

## **2.1.1 Recruitment and Selection Policy**

### **1. Introduction**

- 1.1. Tove Learning Trust is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to demonstrate this commitment in every aspect of their work. TLT regards its staff as its most important asset. It is the policy of the Trust to ensure an adequate supply of suitably qualified and experienced staff to meet the Trust's requirements and to deliver the TLT improvement plan.
- 1.2. The appointment of all staff at schools within the Trust will be made on merit and in accordance with the provisions of Employment Law, the Education Act 2002, the School Staffing (England) Regulations 2003 and the statutory guidance, Safeguarding Children: Safer Recruitment and Selection in Education Settings and the school's equal opportunities policy.
- 1.3. The Trust fully recognises that applicants of both sexes and of all racial groups have a right to equal opportunity in employment. The Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995, as each amended, make it unlawful to discriminate against an applicant for employment, or an existing employee, on the grounds of sex, marital status, sexual orientation, race, religious belief, or of disability. The Trust will not discriminate on the grounds of age.

### **2. Delegation of Appointments**

- 2.1. All senior post appointments must be discussed with the CEO who will decide on the format for the appointment. The Trust delegates all support staff appointments and all teaching appointments below the level Assistant Head/Deputy Head to the Headteacher and Local Governing Body within the Trust schools. The Headteacher is expected to involve at least one member of the Local Governing Body in all teaching staff or senior support staff appointments, and all governors who wish to be considered for involvement will be expected to undertake recruitment selection training, including "Safer Recruitment" training, before participating in the process.
- 2.2. A selection panel will be drawn from all local governors who have undertaken recruitment training and who have advised the Clerk to the Governors of his/her wish to be involved in staff appointments as required by the Headteacher..
- 2.3. The Headteacher may appoint alone but only in the following circumstances or for the specified categories of staff: e.g. supply teachers, fixed term appointments, midday supervisors, cleaners, exam invigilators
- 2.4. The Headteacher may not delegate the final decision of appointment to any other senior manager or governor.

### **3. Recruitment and Selection Process**

- 3.1. The recruitment steps outlined below are based on part 3 of Keeping Children Safe in Education.

- 3.2. To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training.
- 3.3. We have put the following steps in place during our recruitment and selection process to ensure we are committed to safeguarding and promoting the welfare of children.

#### **4. Information for Applicants**

When advertising roles, we will make clear:

- 4.1. Our commitment to safeguarding and promoting the welfare of children
- 4.2. That safeguarding checks will be undertaken
- 4.3. The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children
- 4.4. 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.

Our application forms will:

- 4.5. Include 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)
- 4.6. Include a copy of, or link to, the relevant child protection and safeguarding policy and our policy on the employment of ex-offenders.

#### **5. Short Listing and Referencing**

- 5.1. Our shortlisting process will involve at least 2 people and will:
  - 5.1.1. Consider any inconsistencies and look for gaps in employment and reasons given for them
  - 5.1.2. Explore all potential concerns.
- 5.2. Once we have shortlisted candidates, we will ask shortlisted candidates to:
- 5.3. 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:
  - 5.3.1. If they have a criminal history
  - 5.3.2. Whether they are included on the barred list
  - 5.3.3. Whether they are prohibited from teaching

- 5.3.4. Information about any criminal offences committed in any country in line with the law as applicable in England
- 5.3.5. Any relevant overseas information
- 5.4. Sign a declaration confirming the information they have provided is true.
- 5.5. We will obtain references before interview. Any concerns raised will be explored further with referees and taken up with the candidate at interview.
- 5.6. When seeking references we will:
  - 5.6.1. Not accept open references
  - 5.6.2. Liaise directly with referees and verify any information contained within references with the referees
  - 5.6.3. 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
  - 5.6.4. Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed
  - 5.6.5. Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children
  - 5.6.6. Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate
  - 5.6.7. Resolve any concerns before any appointment is confirmed.

## **6. Interviews**

- 6.1. When interviewing candidates, we will:
  - 6.1.1. Probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this
  - 6.1.2. Explore any potential areas of concern to determine the candidate's suitability to work with children
  - 6.1.3. Record all information considered and decisions made.

## 7. Pre-appointment Vetting Checks

- 7.1. 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.
- 7.2. **New staff**
- All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks. When appointing new staff, we will:
- 7.2.1. Verify their identity
- 7.2.2. 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
- 7.2.3. Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
- 7.2.4. Verify their mental and physical fitness to carry out their work responsibilities
- 7.2.5. 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
- 7.2.6. Verify their professional qualifications, as appropriate
- 7.2.7. Ensure they are not subject to a prohibition order if they are employed to be a teacher
- 7.2.8. Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. Where available, these will include:
- For all staff, including teaching positions: [criminal records checks for overseas applicants](#)
  - For teaching positions: obtaining a letter of professional standing from the professional regulating authority in the country where the applicant has worked
- 7.2.9. 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.
- 7.3. For schools with pupils aged under 8, 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.

**7.4. Regulated activity** means a person who will be:

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

**7.5. 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:

- 7.5.1. There are concerns about an existing member of staff's suitability to work with children; or
- 7.5.2. An individual moves from a post that is not regulated activity to one that is; or
- 7.5.3. 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:

- 7.5.4. We believe the individual has engaged in [relevant conduct](#); or
- 7.5.5. 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
- 7.5.6. 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
- 7.5.7. The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left.

**7.6. 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.

**7.7. 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 will be:

- 7.7.1. An enhanced DBS check with barred list information for contractors engaging in regulated activity
- 7.7.2. 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.
- 7.7.3. We will obtain the DBS check for self-employed contractors.
- 7.7.4. We will not keep copies of such checks for longer than 6 months.
- 7.7.5. Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.
- 7.7.6. We will check the identity of all contractors and their staff on arrival at the school.
- 7.7.7. For schools with pupils aged under 8, 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.

#### **7.8. Trainee/student teachers**

- 7.8.1. Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.
- 7.8.2. 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.
- 7.8.3. For schools with pupils aged under 8, in both cases, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

#### **7.9. Volunteers**

We will:

- 7.9.1. Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- 7.9.2. Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- 7.9.3. 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.

7.9.4. For schools with pupils aged under 8, 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

#### **7.10. Trustees, Members and Governors**

All governors (including trustees and members) will have an enhanced DBS check without barred list information.

7.10.1. They will have an enhanced DBS check with barred list information if working in regulated activity.

7.10.2. The chair of the board will have their DBS check countersigned by the secretary of state.

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

7.10.3. A section 128 check (to check prohibition on participation in management under [section 128 of the Education and Skills Act 2008](#)).

7.10.4. Identity

7.10.5. Right to work in the UK

7.10.6. Other checks deemed necessary if they have lived or worked outside the UK

## **8. Wider aspects**

### **8.1. Staff working in alternative provision settings**

Where we place a pupil with an alternative provision provider, we obtain written confirmation from the provider that they have carried out the appropriate safeguarding checks on individuals working there that we would otherwise perform.

### **8.2. Adults who supervise pupils on work experience**

When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.

We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

### **8.3. Pupils staying with host families**

Where the school makes arrangements for pupils to be provided with care and accommodation by a host family to which they are not related (for example, during a foreign exchange visit), we will request enhanced DBS checks with barred list information on those people.

Where the school is organising such hosting arrangements overseas and host families cannot be checked in the same way, we will work with our partner schools abroad to ensure that similar assurances are undertaken prior to the visit.