



Recruitment & Selection Policy

Document provenance

This policy was approved as follows –

Board of Trustees – Personnel Committee

Date: September 2018

Frequency of review: Three years

ELT Owner: Director of Corporate Services

Author: Director of Corporate Services

Summary of changes at last review:

- Provided information on the recruitment process in line with E-ACT's guidance
- For teaching positions, reference to be signed off by the applicant's current headteacher
- Revised the content relating to criminal checks; enhanced DBS which is covered in SCR policy
- Included information on the Certificate of Sponsorship process
- Updated to make relevant for GDPR referencing Staff Privacy Notices

Related documents:

- E-ACT recruitment guidance (available on Insight)
- Equality & Diversity Policy
- Safer Recruitment Policy
- Reference Policy
- Information and Records Retention Policy

This policy will be interpreted and applied in accordance with the employers' duty to respect the rights of employees under the Human Rights Act, particularly the rights to freedom of speech, privacy, freedom of religion and belief and the right to freedom of association.

Recognised trade unions have been consulted on this policy

1. Introduction and purpose

1.1 E-ACT 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.

1.2 This policy is designed to ensure that:

- 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, membership or non-membership of a trade union. E-ACT meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

2. Scope

2.1 This policy applies to all recruitment activities carried out at E-ACT.

3. Legislation and regulation

3.1 This policy complies 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**)

3.2 A number of our posts may meet the definition of '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.

3.3 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;

3.4 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.

3.5 A fact sheet is available on the following Government link, [here](#)

4. Safer Recruitment Training

4.1 At least one member of the recruitment panel **must** have undertaken appropriate and current safer recruitment training. All staff must undertake online training to retain the status of being safer recruitment trained.

5. Responsibilities

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

6. Pre-advertising

6.1 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 a “footer” on the document.

6.2 The line manager should check the job description to make any updates to the role. Consideration should be made as to whether a post can be part-time. It is important that the wording of the ‘Skills, Knowledge and Experience’ section in the job description is not discriminatory. For example, do not include reference to X years’ experience as this can block out candidates who may meet all the other criteria and be constituted as age discrimination. It is important that all knowledge is relevant to the role.

6.3 Interview dates for the panel should be agreed ahead of advertising in order to minimise delays in the recruitment process.

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

7. Advertising

7.1 Job roles should be advertised for a minimum of two weeks on E-ACT’s website. Current vacancies are included within internal Trust communication to all staff. All job roles must include details of ‘How to Apply’ and if appropriate, contact details for a potential applicant to discuss the vacancy.

7.2 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. All job advertisements must include that a CV will not be accepted in place of a completed application form.

7.3 A job description and person specification for the role will be made available for all job roles. Template job descriptions are available on the HR page of Insight. Job descriptions should avoid acronyms and abbreviations, unless they have been explained, to ensure they are understandable to potential applicants for a post.

7.4 Application forms, job descriptions, person specifications and the Academy's Safeguarding Children Policy (Child Protection) are available to download from the E-ACT or academy website. These can be printed and forwarded to applicants on request.

7.5 Adverts must clearly state the salary and scale point for all positions.

7.6 E-ACT will not conduct searches on candidate's social media profiles unless they have specifically shared the link on their application.

8. Internal applications

8.1 Internal applicants who wish to apply for a vacancy need to complete an application form and attend an interview, as with external applications. They will be subject to the same recruitment practices as external applications.

9. Shortlisting

9.1 Any completed Equal Opportunities Form must be kept separate from the application form and not forwarded to the shortlisting panel.

9.2 Shortlisting must not be done by a single person. Where possible the shortlisting panel must be a **minimum** of two people. Assumptions will not be made about someone's suitability to do a job. All shortlisting will be based on the requirements set out in the job description. When invites for interviews are sent, applications should be checked for whether any reasonable adjustments needs to be made.

10. Interviews

10.1 The recruiting manager should liaise with HR to prepare a set of interview questions based on the competencies required for the role. Questions relating to health must not be asked at interview stage.

10.2 Interviews should not be conducted by one person. Where possible an interview panel should include three people including the immediate line manager of the vacant post. Panels should, where possible, be diverse and avoid single sex panels.

10.3 At least one member of the interview panel must be Safer Recruitment trained (see Point 4).

10.4 For Headteacher interviews, the Chair of the AAG should be on the panel.

10.5 All candidates must be asked the same questions in addition to a safeguarding question and questions on E-ACT's values. See E-ACT's Recruitment Guidance for examples.

10.6 Shortlisted candidates will be asked to bring evidence of their right to work and DBS documentation when they attend an interview (see 15.1).

10.7 All candidates must be scored based on their answers and notes retained on file. For unsuccessful candidates, interview notes will be destroyed after six months.

11. Selection tests

11.1 Consideration will be given by the interview panel as to whether candidates will be required to undertake any testing as part of the selection process. Where tests are used, candidates should be informed in advance if they need to prepare. All candidates for a vacancy will be asked to undertake the same tests. Candidates will be asked whether they require any reasonable adjustments to be made.

12. Unsuccessful at interview

12.1 Feedback does not need to be provided to candidates who have not been shortlisted.

12.2 For shortlisted candidates who are unsuccessful, feedback should be offered and provided either verbally or via email without undue delay. Unsuccessful internal candidates should be met with face to face.

12.3 The ID documentation of an unsuccessful candidate will be destroyed after interview and interview notes retained on file for six months.

13. Offer of employment

13.1 Any job offer will be conditional on the following:

- agreement of a mutually acceptable start date;
- 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;
- An enhanced disclosure from the DBS. A new check must be conducted when an employee has a gap in service of three months or more even if they have been previously employed by E-ACT. 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>. Please refer to E-ACT's Single Central Record (SCR) guidance.
- 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 14 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)¹.

***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.**

13.2 A standard E-ACT contract will be issued only once pre-employment checks have been returned satisfactorily. Please refer to E-ACT's Scheme of Delegation for authorisation on who is able to sign employment contracts.

14. Medical fitness

14.1 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.

14.2 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.

14.3 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.

15. Pre-employment checks

15.1 Verification of identity and address

15.1.1 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) available <https://www.gov.uk/government/publications/dbs-identity-checking-guidelines>

15.1.2 Where an applicant has 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.

¹ In exceptional circumstances, if original certificates are not available, the applicant should make E-ACT aware as soon as possible for certain provisions to be made. E-ACT will ensure that it complies with all safeguarding responsibilities.

15.1.3 All applicants are required to provide their date of birth (and proof of this) in accordance with the Guidance and Keeping Children Safe in Education (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.

15.2 References

15.2.1 For all regulated activities references will be taken up on short listed candidates prior to interview.² No questions will be asked about health or medical fitness prior to any offer of employment being made.

15.2.2 All offers of employment will be subject to the receipt of a two satisfactory references. One of the references must be from the applicant's current or most recent employer. If the position applied for is a teaching vacancy, the reference must be signed off by the head teacher of their current 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.

15.2.3 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.

15.2.4 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 and disciplinary record;
- whether the applicant has had disciplinary action taken involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), 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.

15.2.5 Questions about health or sickness records will only be included if a reference request is sent out after the offer of employment has been made.

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

² Please note that in exceptional circumstances, for non-academy based roles **only**, a reference from their current employer may be deferred until an offer of employment has been made to the candidate. All offers of employment are subject to two satisfactory references being received.

15.2.7 E-ACT 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.

15.2.8 E-ACT will contact referees directly upon receipt of the reference to authenticate its validity.

15.2.9 In certain circumstances it may be a referee's policy to provide factual information only (i.e. to confirm name, job title and dates of employment). When requesting references, the referee will be asked by E-ACT to state that they only provide factual information if this is the only information they are providing.

15.3 Criminal records check

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

15.4 Enhanced DBS

15.4.1 An enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) is required 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.

15.4.2 DBS disclosure certificates are sent to the subject of the check only, rather than to the Employer. It is a condition of employment that the original disclosure certificate is brought in and shown 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 reasonably practicable.

15.4.3 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.

15.4.4 If there is a delay in receiving a DBS disclosure the Head teacher 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. The line manager with support from HR must complete a risk assessment in this circumstance.

15.4.5 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). Guidance on these checks are available

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

16. Contractors and agency staff

16.1 Contractors engaged by E-ACT must complete the same checks for their employees that E-ACT is required to complete for its staff. The contractors' details will be recorded on the SCR.

16.2 Agencies who supply staff to E-ACT must also complete the pre-employment checks which E-ACT would otherwise complete for its staff.

16.3 E-ACT may independently verify the identity of staff supplied by contractors or an agency in accordance with section 6 above.

17. Certificate of Sponsorships

17.1 E-ACT hold a Tier 2 (General) visa sponsorship account. If the person you are appointing is a national of a non-EEA country, a Certificate of Sponsorship (CoS) may be required. If a CoS is required, the recruiting manager must speak with their Regional Operations Director to approve.

17.2 There are two types of certificates 'unrestricted' or 'restricted'. More information is available on the Government website [here](#)

17.3 The Regional HR Lead should, if needed, liaise with E-ACT's procured HR provider before submitting the information to the visa lead to make an application. Forms are available on Insight.

18 Recruitment of ex-offenders

18.1 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 18.2 below.

18.2 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 15.4 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.

18.3 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 E-ACT. 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.

19 Assessment criteria

19.1 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, E-ACT 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.

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

19.3 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.

19.4 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.

20 Assessment procedure

20.1 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, E-ACT will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Head teacher and the Regional Education Director / Regional Safeguarding lead before a position is offered or confirmed. Once the assessment is complete, the National Director of Education should be informed of the outcome.

20.2 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.

21 Retention and security of disclosure information

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

21.2 In particular we will:

- store disclosure information and other confidential documents issued by the DBS securely which will be restricted to senior personnel
- Not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. E-ACT 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.

22 Retention of records

22.1 E-ACT is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, E-ACT will retain on an employee's 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.

22.2 This scanned 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.

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

22.4 All written records of interviews, application forms and reasons for appointment or non-appointment will be kept by the Academy in line with our Recruitment Privacy Notice, our Workforce Privacy Notice (for appointed candidates), in line with the requirements of Data Protection Legislation.

23. Referrals to the DBS and National College for Teaching and Leadership (NCTL)

23.1 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 have 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 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.

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

24. Review

24.1 E-ACT will consult with recognised trade unions on this policy every three years.

Appendix 1

Group 1: Primary identity documents

Document	Notes
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

Document	Notes
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

Document	Notes	Issue date and validity
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

Document	Notes	Issue date and validity
Work permit or visa	UK	Valid up to expiry date
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