



Bright Futures

EDUCATIONAL TRUST

The best *for* everyone, the best *from* everyone

Safe and Fair Recruitment and Appointment Policy and Guidance

This is a Trust-Wide Policy
which applies to all the schools within the Trust

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Safe and Fair Recruitment and Appointment Policy

Bright Futures Educational Trust's (BFET or the Trust) Strategy underpins all aspects of this policy and the way in which it will be applied. These elements are:

- Our vision, the best **for** everyone and the best **from** everyone;
- Two of our values; Integrity: We do the right things for the right reasons and Passion: We take responsibility, work hard and have high aspirations;
- Five of our commitments: Collaboration and strong relationships; supportive, challenging and fair; strong governance and accountability, united behind decisions and effective communication.

What is the Policy for?

The over-arching purpose of this Policy is to:

- To create and maintain a culture of safer recruitment
- To ensure that recruitment and selection policies meet the requirements of employment and equal opportunities legislation
- To enable the rigorous and unbiased appointment of staff
- To provide systems and procedures for safe practice in recruitment, in order to safeguard and promote the welfare of all children and young people
- To ensure the best staff available are appointed and deployed in the most effective way to the benefit of all children and young people

Who is the Policy for?

The policy applies to all staff employed by the educational establishments which form part of Bright Futures Educational Trust (BFET), as well as members of the Local Governing Bodies of those establishments, Trust Head Office staff, Members and Directors.

Policy Standards

Roles and Responsibilities

The governing body of each academy will:

- Ensure that the Academy has effective procedures in place to adhere to the Trust's policy to ensure the safe, fair recruitment and selection of staff and volunteers in accordance with the Department for Education guidance and legal requirements;
- Monitor the Academy's compliance with the above;
- Ensure the appropriate staff and governors have completed the safer recruitment training.

The Principals and other senior leaders involved in recruitment will:

- Ensure that each Academy operates safe, fair recruitment and selection procedures which are regularly reviewed and up-dated to reflect any changes in Trust policy, legislation and statutory guidance;
- Ensure that all appropriate checks are carried out on staff and volunteers in the Academy;
- Monitor the compliance of any contractors and agencies used by the Academy;
- Promote the safety and wellbeing of children and young people at every stage of this process.

Bright Futures Educational Trust will:

- Through audit procedures, ensure that all Academies within the Trust follow the guidance set out in this policy;
- Ensure the safe and fair recruitment and selection of Leadership positions of AVP and above.

Delegation of Appointments and Selection Panels

BFET and the Governing Body of each school delegates the power to offer employment for all posts in the school below Assistant Vice Principal (AVP) to the Principal/Head of School or College. The Principal of each school will therefore have the authority to advertise, select and appoint to all positions within their school below AVP.

Positions within the school of AVP or above will be Trust appointments and the Trust's director of HR and Strategy/Director of Education will work in conjunction with the Principal and the Governing Body to advertise, select and appoint in to such posts.

Selection panels will comprise a minimum of two people. In accordance with the statutory requirement, every selection panel will have at least one member who has undertaken Safer Recruitment Training. It is expected that safer recruitment training will be refreshed every two years. Some vacancies may require interview by more than one selection panel.

The Recruitment Procedure

Advertising

1. Before an advertisement is placed, all relevant documentation i.e. job description, person specification will be in place. These should be reviewed before an advert is placed to ensure content and requirements are valid and up to date.
2. All advertisements of any position, whether in a newspaper or online will include the following statement:

“Bright Futures Educational Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Any successful applicant will be required to undertake an Enhanced Disclosure by the Criminal Records Bureau. The post is exempt from the Rehabilitation of Offenders Act 1974.”

3. In addition, all relevant documentation, including the job description and person specification will make specific reference to the BFET commitment to safeguarding and suitability to work with children and young people.
4. To ensure equality of opportunity, each Academy will advertise all vacant positions to encourage as wide a field of candidates as possible; normally this will entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates or

where staff are at risk of redundancy, an internal advertisement will be considered. In addition, where a temporary post and or temporary TLR opportunity is being made permanent and the original temporary position was advertised, it may be appropriate to appoint the temporary post holder.

5. Posts will be advertised on the Academy website, the BFET website and in other relevant publications/bulletins as deemed appropriate. It is not Trust policy to use agencies as a matter of a course for any positions.
6. Prospective applicants will be supplied, as a minimum, with the following:
 - A job description and person specification;
 - An application form;
 - Information about Bright Futures Educational Trust;
 - Information about the Academy which has a vacancy.
7. All prospective applicants must complete, in full, and return a signed application form. Candidates submitting an application form on line will be asked to sign the application form if called for an interview.
8. Curriculum vitae cannot be accepted in place of a completed application form for any position.
9. The application form will require the applicant to sign a declaration regarding convictions and working with children, and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974.
10. The application form will also state that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected. The matter may also be referred to the police and other professional regulatory bodies.

Short Listing

Applicants will be shortlisted against the Job Description, Person Specification and advert for the post. The criteria for selection will be consistently applied to all applicants.

If the field of applicants is felt to be weak, the post may be re-advertised.

References

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should be scrutinised and any concerns resolved satisfactorily, before any appointment is confirmed. On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate and the answers should be compared for consistency with the application form.

1. Where possible, references will be taken up before the selection stage so that any discrepancies can be probed during the selection stage.
2. References will be sought directly from the referee. The referee provided should be a senior person in the organisation and not a colleague. Open references will not be accepted. References provided by the candidate will not be accepted.

3. A minimum of two references will be obtained, one of which should always be obtained from the most recent or current employer. Current employment referees will only be approached when the candidate consents.
4. Where a candidate is not currently employed, verification of their most recent period of employment and the reason for leaving should be obtained from the employer.
5. Referees will always be asked specific questions about:
 - Employment dates, post held and reason for leaving
 - the candidate's suitability for working with children and young people;
 - any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children;
 - the candidate's suitability for the post
6. Any information about past disciplinary action or allegations should be considered carefully when assessing the applicant's suitability for the post.
7. Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. A detailed written note will be kept of any such exchanges.
8. Where two referees are provided from the same employment, previous employers should be contacted instead, where a previous employment was within five years.
9. If an applicant is not currently employed in a post working with children, in addition a reference will be sought from the most recent employment in which the applicant has worked with children to confirm details of the applicant's employment and his/her reasons for leaving.
10. Where the individual has not had two employers, academic references should be sought as an alternative for the second reference, where it is practical to do so.
11. Academy employees are entitled to see and receive, if requested, copies of their references, unless they have been provided in strictest confidence to the Academy/BFET. In these instances, the candidate should be referred to the reference provider to request a copy. Any queries regarding this should be referred to dataprotection@bfet.uk
12. Where a reference is received by email, it should be checked to ensure it's from a legitimate source. The covering email along with its electronic signature should be retained with the reference as evidence of its authenticity.

Selection and Interview

1. Candidates will be provided, in advance, with an overview of the selection activities to be used on the day of the interview.
2. Selection activities are likely to include a range of assessment situations which are deemed to be relevant, for example:
 - All appointments to teaching posts will include a lesson undertaken by the applicant and observed;

- All Leadership appointments will include the applicant observing a lesson and then providing feedback to the teacher;
 - All candidates will have the opportunity to tour the school;
 - Pupil/Student panels will usually be incorporated into the interview process for leadership posts.
 - Practical tasks relevant to the vacancy will be incorporated into the selection processes for associate staff posts.
3. The questions asked by the panel will be aimed at obtaining evidence of how each applicant meets the requirements of the Job Description and the Person Specification. The same areas of questioning will be covered for each applicant and no questions which would discriminate directly or indirectly on protected characteristics under the Equality Act 2010 will be asked.
4. Candidates will be required to:
- Explain any gaps in employment;
 - Explain satisfactorily any anomalies or discrepancies in the information available to the panel;
 - Declare any information that is likely to appear on the DBS disclosure.
5. In addition, all interviews will explore issues relating to safeguarding and promoting the welfare of children and young people including:
- Motivation to work with children and young people;
 - Ability to form and maintain appropriate relationships and personal and professional boundaries with children and young people;
 - Emotional resilience in working with challenging behaviour/situations;
 - Attitudes to authority and maintaining discipline.

Pre-employment Checks

1. An offer of appointment to a successful candidate will be conditional upon the successful completion of pre-employment checks. When appointing new staff, the Trust will:
- Have obtained two references, which are deemed to be satisfactory by the Academy. Please remember to determine if they are satisfactory. Considerations should include content such as previous disciplinary record, any allegations made, the standard of performance in post, confirmation of employment dates etc;
 - Verify a candidate's identity, preferably from current photographic identification and proof of address (in line with the requirements of the Immigration, Asylum and Nationality Act 2006). It is recommended that this check is carried out as part of the selection process. More information can be found on the government's website:
<https://www.gov.uk/government/publications/dbs-identity-checking-guidelines>;
 - Obtain an enhanced DBS disclosure certificate with a barred list information where the candidate will be engaging in a regulated activity, which is likely to be all employed posts in schools and the central trust;

In exceptional circumstances, with agreement from the Principal, a school may allow a candidate to start prior to receipt of a full DBS if they obtain a separate barred list check and if, after carrying out a risk assessment, an individual is judged as suitable to start work in a regulated activity before the DBS certificate is available.

- Require the candidate to provide proof of professional status and actual certificates of qualifications as appropriate for the post, for verification. If the original documentation is not available, the Academy will require sight of a properly certified copy. It is recommended that this check is carried out as part of the selection process;
- Verify the candidate's evidence of the right to work in the UK, in accordance with government guidance. See Further Information below. This identification then has to be held as a copy of the staff file of the candidate appointed;
- Verify that a candidate to be employed as a teacher is not subject to a Prohibition Order by the Secretary of State using the Secure Access Portal via the Teacher Services web page: <https://sa.education.gov.uk/idp/Authn/UserPassword>;
- For leadership posts, ensure that the 'Prohibition from management' (Section 128) check is completed, using the same Secure Access Portal;
- Receive a completed medical questionnaire from the candidate and agreement that the candidate will attend an occupational health appointment if necessary, in order to understand any recommended adjustments;
- Carry out any further checks if the candidate has lived or worked outside of the UK. The Home Office guidance on criminal records checks for overseas applicants can be found: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>. These checks should include a check for information about any teacher sanction or restriction that a European Economic Area (EEA) professional regulating authority has imposed, using the Teacher Services system (above). The department has also issued guidance on the employment of overseas trained teachers, which should be referred to: <https://www.gov.uk/government/publications/employing-overseas-trained-teachers-from-outside-the-eea>.

2. All checks will be:

- Confirmed in writing.
- Documented and retained on the individual's personnel file.
- Recorded on the Academy's appropriate systems.
- Followed up if they are unsatisfactory, or if there are any discrepancies in the information received.

3. Employment will only commence once all the checks and procedures have been satisfactorily completed.

Disclosure and Barring Service (DBS) checks

1. All staff, governors, directors and volunteers appointed will be required to undertake an Enhanced DBS check with barred list information, prior to commencing their employment/appointment. This applies to all those engaged in regulated activity and those with unsupervised access to children, which is likely to be all staff employed in an academy and the central trust team.
2. Contractors and employees of contractors, who work at a BFET academy, where their work allows them an opportunity for unsupervised contact with children, will be required to have an enhanced DBS check, ahead of working for BFET. The onus is on the contractor to undertake this and provide evidence to the academy.

3. All information regarding the DBS and barred list including Name, Date, DBS number and person who checked the DBS must be recorded on the academy's, or Trust's Single Central Record.
4. Where a DBS check identifies a concern, this should be referred to the Principal/Head of School. The Principal will risk assess the situation. If the Principal decides that the individual can have DBS clearance, he or she will email the person responsible for the Single Central Record (SCR) confirming that they have conducted a risk assessment and are satisfied to confirm employment. (No details of the content of the risk assessment will be sent to or held by the SCR holder). The SCR will hold a field confirming that the Principal has seen the outcomes of the DBS check.
5. As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, BFET comply fully with the Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.
6. The government's guidance on DBS checks for existing staff is set out in Keeping Children Safe in Education revised guidance July 2018. If a person moves from a post which is not regulated, to a regulated post, then a DBS check or a barred list check will be undertaken at this time.
7. Once in our employment, there is no requirement to undertake routine DBS checks on existing staff however it is important that 'active safeguarding' takes place and any observed concerns are reported to the Principal/Head of School and investigated and documented; annual safeguarding refresher training takes place and staff are vigilant at all times.
8. The DBS offers an update service; which individuals can join at the point of application for a new DBS check. This enables future status checks to be carried out to confirm that no new information has been added to the certificate since its issue. This allows portability of a certificate across employers. BFET academies can use this service with the consent of the applicant and once they have confirmed that the certificate matches the individual's identity. The certificate must be for the appropriate level of workforce and level of check i.e. enhanced including barred list information.
9. DBS certificates should not be retained on a staff file due to data privacy regulations. The letter of confirmation received from the electronic service should be retained on the file, with a note of the initials of the member of staff who verified the original certificate and the date it was seen.

Disqualification under the Childcare Act

1. These regulations apply to early year's provision within school and include education and any supervised activity for a child from birth until the 1 September following their fifth birthday. It applies to all provision for children in that age range during and outside school hours, including in school nursery and reception classes. The relevant regulations also apply to later year's provision (i.e. children under age 8) in the more limited circumstances of childcare that is provided outside of school hours including breakfast clubs and after school care.
2. Recruiting staff need to be made aware of the document 'Disqualification under the Childcare Act July 2018 update – statutory guidance for schools' in order to understand its potential impact on the recruitment process and in particular within a primary school setting.
3. In brief schools may not employ people to work in these early or later years' settings or allow them to be directly concerned in their management, if they are "disqualified". The grounds for disqualification are not only that a person is barred from working with children (included on the children's barred list) but also include, in summary, that:

- They have been cautioned for, convicted of or charged with certain violent and sexual criminal offences against children and adults, at home or abroad
 - Other orders have been made against them relating to their care of children.
 - They have had their registration cancelled in relation to childcare or children's homes or have been disqualified from private fostering.
4. In line with the relevant regulation and as part of the pre-advertising preparation, the Academy should determine if the role to be advertised falls under the remit of the updated regulations (See further Information below). Where the role is captured by the regulations a disclosure should be included in the application pack, for completion by all candidates.
 5. Members of staff should be informed that they are not required to disclose the spent cautions.
 6. All academies must keep a record of those appointments covered by the regulations, and the date disqualification checks were completed. This should be held on the Single Central Record.
 7. Personal information that is relevant to disqualification will be retained on the member of staff's personnel file.

Please note that the requirement to disclose information relating to those living in the same household, in a school situation, has been removed in the July 2018 regulations. It still applies to a domestic premises offering childcare.

Record Retention/Data Protection

1. Each Academy will retain the following information which will make up part of the personnel file, for the successful candidate:
 - Completed and signed Application Form
 - References
 - Copies of the proof of identity, right to work in the UK and academic qualifications
 - Verification of suitability (i.e. assessment outcomes)
 - Evidence of the DBS clearance (the DBS number, date of issue, not the actual DBS form or certificate)
 - Single Central Record of Recruitment Vetting checks-see below
2. Each Academy will retain all interview /selection notes on all applicants for a six- month period, after which the notes will be shredded.
3. The six-month retention period allows the Academy to deal with any data access request or recruitment complaint.
4. Under the Data Privacy Act 2018, applicants have a right to request access to notes written about them during the recruitment process. Applicants who wish to access their interview notes must make a subject access request in writing to the Principal within six months of the interview date.

Single Central Record (SCR)

1. In line with the DfE requirements, each Academy and the Trust's head office will keep and maintain a single central record of recruitment and vetting checks. The list will record:
 - All staff, including salaried trainee teachers, who are employed at the Academy
 - Any casual staff, supply agency staff whether employed directly or through an agency. The agency/employer of these staff is responsible for undertaking the relevant checks. The SCR should contain a note of the date that the agency confirmed that the checks has been completed, clearance obtained and the relevant DBS certificate seen.
 - Volunteers
 - Governors
 - Those who provide additional instruction/support for the children/young people who require a DBS check as per regulated activity guidance
 - The trust's head office SCR will include staff employed by head office, along with trustees and members
2. The Single Central Record will indicate whether or not the following have been completed:
 - Identity checks
 - Qualification checks
 - Checks of right to work in the UK
 - Evidence of enhanced DBS clearance
 - Evidence of a barred list check where appropriate
 - Any Disqualification by Association declaration where appropriate
 - Prohibition from teaching check
 - A section 128 check (for management positions).
 - Further overseas checks where appropriate
 - Dates of all checks
 - Person who completed the checks

Probationary Periods

All staff, support staff, leadership and teaching staff, who are new appointments to the Trust will be subject to a probationary period during which their performance, conduct and suitability for employment will be monitored. This does not apply to internal transfers from one school to another.

Induction

1. All staff and volunteers who are new to the school will receive information on the school's safeguarding policy and procedures and guidance on safe working practices as part of their induction training.
2. All successful candidates will have the opportunity to attend any appropriate training

Adults working with children who are not directly employed by the academy

1. Supply Staff – Academies must check with the relevant supply agency that the required checks have been carried out to the extent relevant to that person: identity, enhanced disclosure, right to work in the UK, barred list, prohibition, qualifications, overseas checks. Written confirmation from the supply agency that all relevant checks have been satisfactorily completed must be obtained. The single

central register must show that all these checks have been carried out to the extent relevant and, in addition that the school has carried out its own identity check when the supply staff member arrived at the school.

2. Volunteers –Academies will carry out DBS and pre-start vetting checks appropriate to the particular post and require regular volunteers to provide details of two referees. References will be taken up as detailed in the policy above. Volunteers who help on an occasional basis (eg trips/PTA events) are supervised, in accordance with legislation.
3. Contractors – Academies will ensure that contractors, or any employee of a contractor, working at a school has been subject to the appropriate level of DBS and identity checks relevant to the tasks they are undertaking and appropriate supervision will be put in place accordingly. Written confirmation from the contractor that all relevant checks have been satisfactorily completed must be obtained. The school will check the identity of contractors and their staff on arrival at school.

Full guidance on the presence of non-employees on school sites can be obtained from the HR contact in school.

Further Information

Safer Recruitment training. Details of current face to face training and on line training opportunities can be found on the website of The Safer Recruitment consortium. The NSPCC offer an on-line course:

<https://www.nspcc.org.uk/what-you-can-do/get-expert-training/safer-recruitment-training/>

Proof of right to work in the UK. Current and full details on the school's responsibility for checking and holding the relevant documentation for appointees can be found on the government's website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311668/Code_of_practice_on_preventing_illegal_working.pdf

Disqualification under the Childcare Act July 2018 update. For full details on roles this applies to see the government website:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719794/Disqualification_under_the_childcare_act_July2018.pdf

Keeping Children Safe in Education 2018. This guidance sets out safer recruitment responsibilities which form the basis of this Policy:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707761/Keeping_Children_Safe_in_Education_-_September_2018.pdf