

# Maplewell Hall School



## Recruitment and Selection Policy

Adopted from LCC

<b>Policy Created</b>	<b>2016</b>
<b>Governing Body Committee</b>	<b>Pay &amp; Personnel</b>
<b>Date Reviewed by Governing Body</b>	<b>29.11.18</b>
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## Purpose

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All organisations employing adults to work with children and young people must have a consistent and thorough process of safer recruitment to ensure those recruited to undertake this work are suitable.

The purpose of this policy is to support Governing Bodies, Head Teachers and Principals in adopting appropriate mechanisms for safer recruitment and selection processes and to set out best practice, taking account of relevant legislation, the requirements of regulatory inspections and their commitment to Equality and Diversity and safer recruitment.

Employees must be properly examined for competency, experience, qualifications and appropriate attitudes in relation to work with vulnerable groups.

## Scope

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This policy is for the recruitment and appointment of all employees in Schools, Colleges and Academies, except appointments to the posts of Head Teachers and Principals, for which there is a separate procedure.

Please note for the purposes of this policy Schools/Colleges/Academies will be referred to as “Schools”, and Headteacher/ Principal will be referred to as “Headteacher” from this point on.

## Equality

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Governing Bodies have a commitment to the principle of equal opportunity in employment and must welcome applications from a wide range of candidates, including those with criminal convictions.

A key aspect of this commitment to equality and diversity is the:

- Careful consideration of the publication(s) in which an advertisement is placed, to ensure that it reaches the local population as a whole;
- Provision of reasonable adjustments to ensure that those with a disability are not disadvantaged during the recruitment process;

All recruiters must be aware of the requirement to not discriminate during the recruitment and selection process and be mindful that an applicant can lodge a claim to an Employment Tribunal relating to discrimination at any stage of the process. To minimise risk, recruiters should ensure all elements of the recruitment process are suitable for, and accessible to all sectors of society. Consideration should be given to the following:

## Language

The language used, orally or in writing, should:

- Be clear and unambiguous;
- Not contain any acronyms, abbreviations, etc.;
- Not make reference to an individual's personal circumstances e.g. child care, family structure, as this could be discriminatory.
- Comply with relevant equality legislation, i.e. the Equality Act 2010.

## Reasonable Adjustments

Reasonable adjustments must be put in place at all stages of the recruitment process for any candidate who has identified that they have a disability and require adjustments to be made to enable them to fully participate in the process. Such adjustments may include ensuring the interviewing room has a wheelchair ramp or providing a skills test printed in large font.

When considering making reasonable adjustments, the candidate should be consulted and advised well in advance of any adjustments made e.g. if additional time to complete a test or prepare a presentation is to be provided, the candidate may be required to attend the interview at an earlier time.

## Criminal Convictions

Having a criminal record does not automatically bar a person from employment within a School and applicants should not be treated unfairly on the basis of previous convictions. Whilst a criminal record cannot be disregarded, the School must seek advice to ensure a fair and consistent approach to the recruitment process. Further advice is also available in the Rehabilitation of Offender's Policy.



## Preparing to Advertise a Vacancy

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### Reviewing the Vacancy

Recruitment takes place either as a result of an existing post becoming vacant or the creation of a new post owing to changing needs. When a position becomes vacant, it is good practice to consider the following points:

- Is the post still required?
- Is the post affordable within both current and future budgets?
- Are the working hours/times/grade of the post still appropriate?
- If advertising for a part time position, do you need to state that the salary would be pro-rata?

### Reviewing the Type of Contract

Consideration should be given to the type of appointment and contract that is required. It is important to discuss your contract requirements with your designated HR Officer to ensure the relevant contract type is advertised, the available options are as follows:

- **Permanent**

The most common type of employment with no specified end date (regardless of working pattern).

An employee on a permanent contract will remain in position until such time as the employer or the **employee** no longer wish to work there or where a restructure/redundancy process is carried out.

- **Fixed Term**

A contract covering finite period of time with a specified end date. It is essential for employers to demonstrate that there are transparent, necessary and objective reasons for using a fixed- term contract and the reason should be clearly stated in the employee's contract of employment, e.g. to complete a specific piece of work or project. Failing to state a detailed and clear reason could have implications for ending the contract and on future restructurings and redundancy, further advice is also available in the fixed term guidance for Schools.

- **Casual/Supply Work**

Casual workers should only be used when there is a need to cover ad hoc periods of work or a one-off absence/event of up to one month.

- **Zero Hours**

A zero hours contract may be issued to an employee when the number of working hours required are not easily identifiable or where there isn't a constant demand for staff, for example, a zero hours contract can be used where there is a seasonal influx of work which may then dissipate for the remaining part of the year. For further advice please contact your HR Adviser.

- **Agency / Third Party Organisation**

Schools must obtain written notification from any agency or third party organisation who are providing workers that they have carried out the necessary checks to enable an individual to work in School. This must include an enhanced DBS check with a barred list check, Right to Work in the UK checks and, if applicable, Disqualification by Association checks. See Service Provider letter on LTS ONLINE, a copy of the response should be attached to the school's Single Central record.

When an agency worker reports for work on the first day Schools **must** also check the ID of the individual to verify that they are the same person on whom the checks have been made.

Guidance on the rights of Agency Workers is available from GOV.UK website.

## **Preparing a Recruitment Plan**

It is advisable at the start of the recruitment process that a realistic timetable is prepared.

The plan should include:

### **Timetabling & panel selection:**

- Timetabling the process ensuring realistic timeframes including shortlisting and interview dates.
- Selecting the interview panel (including, if necessary, safeguarding training for a panel member/s)

### **Reviewing Job Description & Person Specification:**

- Review the person specification, giving consideration to how you will measure these requirements

when scoring during the shortlisting process.

- Review the current job description so that it meets the future demands of the school, that the wording is appropriate and requirements that are no longer appropriate are removed i.e. good attendance record, smart appearance, a specified number of years' experience. Ensure that the content of the role is clear to allow applicants to know about the job.
- The job description must state, **'As this job is designated as a 'regulated activity' an enhanced DBS with Barred list check is essential'**.
- Composing and agreeing job advertisement and publication/closing date, The job advert must state, **'As this job is designated as a 'regulated activity' an enhanced DBS check with Barred list check is essential;**

#### **Agreement of information for applicants:**

- Agreeing on what should be included in the job pack and if candidates are required to complete any additional information i.e. CVs
- Considering whether informal visits to the school will be allowed.
- Reviewing School's website

#### **Short listing & Interview process:**

- Agreeing short-listing criteria based on person specification;
- Agreeing who will be responsible for collating any application forms received and preparing and distributing the shortlisting packs to the interview panel.
- It is essential to take into account that as all school based posts are designated as a **'regulated activity'**, **two** references should be received prior to the interview, for both external and internal candidates.
- Choosing the interview venue (appropriate access for disabled applicants);
- Agreeing selection method and composing interview questions;
- Determine methods of inviting candidates to interview (ask about special arrangements/notify applicants of tests or presentations if relevant/include recruitment pack)
- Advise candidate to bring all relevant documentation.

The Recruitment Planner/Checklist (template on LTS Online) is designed to assist recruiters plan and follow their recruitment process.

#### **Job Profile (Job Description/Person specification)**

A well-constructed job description sets out the purpose of the job and the key responsibilities of the job holder. It forms the basis for the recruitment and selection process and is the key to ensuring that the right person with the right mix of knowledge and skills is appointed to the vacancy. The JD can be used to determine the selection criteria, help formulate interview questions, assist in devising selection techniques e.g. designing assessment activities, and enables decisions to be made about competing candidates. Its use also minimises the extent to which subjective judgements can be used in the selection process. Following appointment, it can be used to communicate expectations about performance to the new job holder.

Before recruiting to a new or existing position, it is important to invest time in gathering information about the nature of the job. The role should be reviewed and analysed to see whether changes are needed to the job description and/or person specification to meet both the current and future demands of the role and the organisation.

A template job description is available on LTS online.

The person specification is the key document for use in the shortlisting and selection process.

In general, person specifications should include details of:

- Qualifications, skills, abilities/competencies, knowledge and experience required for the post;
- And;**
- Personal qualities relevant to the job, such as ability to work as part of a team.

Person specifications **must not** include any reference to years of experience, attendance record, appearance or any other requirement that could be perceived as discriminatory.

The person specification states the essential and desirable criteria for selection. Increasingly such specifications are based on a set of competencies identified as necessary for the performance of the job. All of the criteria must be measurable as they will play a key role in the interview process. The weightings given to each criteria will be used by the interview panel as one of the factors to establish which of the candidates has the highest score. The list of essential criteria should be realistic (it is recommended that no more than 3 in each section, or approximately 12 items in total within the person specification are deemed essential) as all candidates selected for interview must meet them all. If there are too many essential criteria, the recruitment process can become unmanageable.

### **Weighting**

The use of essential and desirable criteria on the person specification is a form of weighting system. The essential criteria are those which all those selected for interview must meet; the desirable criteria are those which, while not strictly necessary, would enhance job performance. Desirable criteria can be used to distinguish between candidates at the shortlisting stage and during the selection process. Assigning weightings from 5 (most important) to 1 (least important) to the desirable criteria can help panels assess applicants in an objective manner. If there is a large number of essential criteria, the interview panel may also find it helpful to apply individual weightings to them, for example, by assigning weightings from 5 (most important) to 1 (least important).

The recruiter should identify the importance of the ratings for both the essential and desirable criteria at the planning stage in preparation for shortlisting and must apply the weightings in relation to the needs of the job rather than by the recruiter's view of different applicants.

### **Evaluate the Job Profile**

It is advised that all non-teaching jobs within Schools are evaluated irrespective of whether the job profile

is for a new job or the original job profile has been changed following review, to determine the grading of the post.

### **Advertising the Job**

The job advert shapes the first impression applicants have of the School and is an important tool when it comes to sending out the right message to the public about the culture of the School and the type of person needed.

The advert should include a strap line outlining the School's commitment to safeguarding and promoting the welfare of children and young people. A safeguarding strap line is just one of a number of deterrents built into the safer recruitment process. The aim is to send the message as early as possible in the process. It does not have to be elaborate and can be short and simple: **"Committed to Safeguarding Children and Young People."**

It is also a requirement to clearly state that the post holder will be subject to a DBS Disclosure check i.e. **"As a 'Regulated Activity' an enhanced DBS is essential for this post"**.

The advert should be placed in such a way that the best range of prospective candidates can access it and meet the aspiration to employ a workforce which best reflects the community the school serves.

Below are several options of where Schools can advertise their vacancy:

- Schools own website
- Eteach / TES
- Local press
- LCC Website – contact ESC helpdesk for further details
- Job Centre Plus – further information is available on the Job centre plus website
- Social media

### **Advertising for Overseas Workers only**

This advert must run in the UK for 28 days, either continuously or in 2 stages, neither stage can be less than 7 days, You must be able to demonstrate that there are no suitable candidates in the UK. You must make sure that there are no suitable workers already living in the UK and there is a genuine vacancy .This is known as the 'resident labour market test.

If the post is categorised by the UK Visas and Immigrations (UKVI) as Tier 2 (General) ("Skilled Workers" e.g. teachers) please contact your HR Adviser prior to advertising, as the individual may require to be issued with a Certificate of Sponsorship before they are able to commence employment.

Schools must keep a copy of the advertisement as it appeared. This must be a clear copy showing the title and date of the publication and the closing date. If the advert does not show the name of the organisation, a copy of the invoice should be retained to prove that an advertisement was placed.

Academies may need to obtain a licence before they are able to sponsor an employee /worker from

overseas. For further information can be found at the GOV.UK website.

### **Job Information**

It is good practice when recruiting to make sure that the School website is up to date as this helps prospective applicants to gain a better understanding of the aims and ethos of the School they are applying to.

The job information pack should also contain the job profile (job description and person specification).

The information gathered by the application form is crucial to safer recruitment procedures and is also the basis for short-listing.

Finally, as the job is designated as a “**Regulated Activity**” it is essential that the information sent to candidates makes it clear that references will be sought in advance of the interview.

### **Closing Date**

To get the maximum exposure for a vacancy you should consider what the appropriate timeframe is for the demographic you are trying to attract.

## **Recruitment Process**

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### **The Recruitment Panel**

It is recommended that the recruitment panel should normally comprise of three members, at least one of whom has undertaken recruitment and selection training and at least one panel member must have received Safeguarding training. Please contact Safeguarding Unit if you require this training. All members of the panel should participate in every stage of the recruitment process. This includes producing the job pack. It is important to appoint a Chair of the panel, this doesn't necessary need to be the Head teacher or Chair of Governors.

### **Determining the Selection Process**

After the closing date, the panel should receive a shortlisting pack via the agreed method which should consist of a copy of all the application forms, job description and personnel specification and the shortlisting grid, (shortlisting grid can found on LTS ONLINE) this will enable them to carry out the shortlisting exercise.

Use of a shortlisting grid promotes fairness and consistency whilst also providing an audit trail. All members of the interview panel must participate in the shortlisting process ensuring that all the applications have been completed, in accordance with safer recruitment requirements. Unless stated in the job pack any additional information sent with the application shouldn't be considered.

It is important to remember that prior to the shortlisting process and before any applications have been viewed, the panel should have identified the weighting values of the desirable and if necessary, the



essential criteria ensuring that all candidates are assessed fairly and treated equally. Scoring must be applied consistently and results carefully recorded.

Although the interview is normally the main focus of the selection process, it will not normally provide all the information required in making an informed decision about a candidates suitability for the role. Therefore additional methods for analysing candidates should also be considered to enable applicants to demonstrate their competencies fully.

The method used to test candidates suitability should be appropriate to the duties of the job and designed in such a way that the opportunity is available for the candidate to demonstrate the suitability of their knowledge, skills and ability e.g. if an essential criteria of the post is "word processing skills", a means of checking this could be a practical test.

### **Gaps in employment history or other issues/concerns**

When reviewing application form, the recruitment panel should identify any gaps in employment history. Where there are any issues or concern, these should be noted and taken up with the candidate, normally during the interview.

Alongside obvious gaps, such as omissions or incomplete details on the application, recruiters should be alerted to other signs that may be a cause for concern e.g. frequent changes of employment that do not show any clear career progression or a move from high paid permanent employment to temporary or casual work, and explore these with the candidate during their interview.

It is good practice to compare the information provided by the applicant with the information contained in the references. Any inconsistencies should be explored with the candidate at interview.

The shortlisting grid should be completed and retained by the Chair of the panel. As the grid records the decisions made on each application, it will enable a clear explanation to be given if feedback is required.

### **Declaration of Criminal Conviction(s) at application stage**

If an applicant declares at the application stage that they have a criminal conviction, they must provide this in writing in a sealed envelope. This envelope should remain un-opened until the end of the shortlisting process.

If the individual is short-listed, the chair of the panel should inform the other panel members of the content. If the panel decide that the conviction(s) is relevant further information should be sought from the candidate as described below and at the end of the interview.

### **Invitation to Interview**

The letter inviting candidates for interview (see template letter) should detail the following:

- That the applicant has been selected to attend a recruitment process, giving the date and times of the interview.
- the interview process and any tests or assessments they will have to undergo;

- The requirement to bring relevant identification documentation on the interview day,
- Original documents proving photographic identity;
- Original documents verifying any qualifications deemed essential for the job;

Copies of documents provided by unsuccessful candidates must be destroyed after the selection process has been completed.

If a candidate is unable to attend for interview on the date specified, the panel has discretion to reschedule their interview date, if it is agreed that the candidate can attend at a later date, the interview panel **must** remain the same.

## References

The purpose of a reference is to obtain objective and factual information about a candidate (such as current employment etc.) and an informed opinion of their suitability for the job measured against the person specification. References should be treated with caution and read very carefully and should always be sought and obtained directly from the referee. The information contained in a reference is vital in reaching a decision on whether to employ or not employ a candidate. The following principles should be followed:

- **MUST** not rely on references or testimonials provided by the candidate or on open references and testimonials e.g. addressed "To Whom It May Concern".
- References should not be accepted from family members, relatives, close friends or colleagues (where avoidable);
- For applicants who have not worked in paid employment or on a voluntary basis, a character reference should be sought from someone who is able to confirm (as well as possible) the applicant's suitability. This may be someone in authority e.g. head teacher, lecturer, and community leader. In the case of a school leaver, one of the referees ideally be should be the Head Teacher of the last educational establishment they attended;
- If an applicant for a teaching post is not currently employed as a teacher, it is also advisable to check with the School at which they were most recently employed, to confirm details of their employment and their reason for leaving.
- Any information about past disciplinary action should be considered carefully when assessing the applicant's suitability for the post, including any information obtained from the Teaching Services Systems (prohibited list check).

For both external and internal candidates, two references should be sought prior to interview, one of which should be from the current or most recent employer. A letter requesting a reference should include the position the candidate has applied for, a copy of template reference pro-forma and the job description and person specification for the role to assist with the completion of the reference. (Template reference request letters and proformas are located on LTS online)

It is advisable that a request for a reference states the following;

**Please note that employees should have the right to view their personal records. Your reference should therefore not be marked “Confidential” as it may be inspected by the individual concerned if they are appointed and subsequently wish to view their personal file.**

References should be received and checked by someone other than the panel to check for any issues. Any safeguarding issues should be notified to the Chair of the panel before the interviews.

Any concerns about a reference should be taken up directly with the referee and if necessary with the candidate following the interview but before an offer of appointment as been made.

If references have been requested but have not been received two days before the interview, it is advisable that a verbal reference is obtained, however a full written reference is still required. It is advisable to keep details of the discussion and retained. The written reference(s) should be received before the offer of appointment is made.

### **Prohibited check (Teachers only)**

Prohibition orders prevent a person from carrying out teaching in Schools and therefore such individuals must not be appointed to work as a teacher. Prohibition checks must be undertaken for all newly appointed teachers by Schools as part of the pre-employment check process preferably before inviting an applicant for interview. The checks are carried out using the Teacher Services’ system which will also identify any existing prohibitions and sanctions made previously by the General Teaching Council. Such checks can provide information about any teacher’s qualifications and whether they have passed their induction. This can be printed off this and put onto the successful candidate’s personal file and destroyed for unsuccessful candidates.

From 18th January 2016, Schools can use the Teaching Services system to identify any restrictions imposed by the authorities in the European Economic Area (EEA). This check is in addition to the above check.

Restrictions imposed by another EEA country do not prevent an individual from teaching in England. However Schools should consider the applicants suitability and the circumstances leading to the restrictions. The Employer Access online explains how to get further information.

Teachers who have QTLS status should be checked with the Institute for Learning see [www.iflac.uk](http://www.iflac.uk).



## **Interview preparation**

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It is important to remember that the candidate will be assessing the School and whether it is an organisation they wish to work for as well as the School assessing the candidate’s suitability.

It is essential for the recruitment panel to meet prior to the interviews to agree the format of the interview process and to decide who will ask which questions. Agreement should be made on how the panel will explore any gaps in employment history and any other concerns identified during shortlisting process.

It is advisable for the Chair of the panel to have information on the job e.g. salary details, holidays etc. in order to answer candidates' questions.

The chair of the panel is responsible for ensuring that arrangements are made for the smooth running of the interview process, including:

- All relevant documentation is prepared and distributed to panel members prior to interview;
- Suitability of the venue - taking into consideration any additional or special requirements such as access;
- Any car parking spaces, refreshments etc. are arranged;
- Arranging the checking of the candidates identification;
- Arranging checking and copying of documentation required at interview;
- The interview timetable allows sufficient time between interviews for;
  - ✓ Overruns;
  - ✓ Breaks;
  - ✓ Panel discussion.

### **Interview questions**

Interview questions must be agreed in advance: each panel member must be aware of which questions they will be asking. Panel members must be careful not to ask leading questions or questions regarding an individual's personal circumstances e.g. child care, family structure as this could be discriminatory.

Questions should focus on a candidate's actual experience and how it relates to the role applied for with the answers being assessed against the criteria for the post. In addition, questions about a person's safeguarding knowledge, understanding, attitudes to and motives for working with children must be included. The sample safeguarding interview questions also suggest positive and negative indicators. It may be necessary for the panel to have scenario questions available in case a candidate hasn't had previous experience. Examples of interview questions can be found on LTS online)

The interview question grid can be used as a template to allow the panel to draft the interview questions and prepare model answers to enable them to demonstrate what criteria they have judged applicants against. Template interview question grids are located on LTS online)

Whilst it is important that all candidates are asked the same questions it is equally important that the panel is satisfied that it has gained enough information to assess how well the candidate meets the criteria and to reach an objective decision about the candidate's suitability to do the job. If the panel is not satisfied that the question has been answered fully or thinks that the candidate has misunderstood the question, it is acceptable to probe further by asking supplementary questions. However, the interview panel must not prompt candidates. A detailed record of the candidate's responses must be kept.



## **The interview process**

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The Chair of the panel is responsible for ensuring that the interview is conducted fairly and all candidates

are treated equally. The Chair should ensure that all panel members participate fully and the views of all panel members are considered.

Panel members should independently score each candidate and agree panel scores after each interview.

At the **start** of the interview, the Chair should:

- welcome each candidate;
- introduce the other panel members by name and job role;
- give an overview of the interview process
- explain that notes will be taken during the interview by the panel members;

At the **end** of the interview, the Chair should:

- give an opportunity for candidates to ask questions;
- give an indication of timescales for decision and feedback;
- Ensure that all the relevant documents have been received, e.g. qualifications. Right to work documentation must not be checked at this stage.

## Appointment Process

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When making the decision to appoint, all aspects of the selection process should be considered. As all candidates should have met the essential criteria, the successful candidate should be the person receiving the highest aggregated score.

Interview Panels should always appoint the best person for the position. If one candidate has clearly scored higher than others they should be selected.

### **Preferred Candidate**

Once the panel have come to a decision of who to appoint the chair of the panel should contact the successful candidate as soon as possible after the decision has been made to advise them of the outcome. It is also helpful for the panel to decide on a reserve candidate in case the first candidate declines the job.

A provisional offer should be made to the successful candidate and not confirmed until all of the pre-employment checks are satisfactorily completed. It is at this stage that the successful applicant's right to work in the UK is established.

**In addition, no offer of appointment should be made unless two written references have been received.**

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should always be obtained and scrutinised and any concerns resolved satisfactorily, before the 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, for example

if the answers are vague. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

The chair of the panel must make clear to the successful candidate other terms which the appointment is subject to pre-employment checks which include:

- satisfactory outcome of the medical questionnaire;
- a satisfactory DBS with a barred list check and an

It is good practice that all the other candidates be informed they have been unsuccessful and offered the opportunity of feedback. It is best practice to speak to unsuccessful applicants in person, but if the chair of the panel has been unable to reach a candidate, they should be written to advising them that they have been unsuccessful. A template letter to be sent to an unsuccessful candidate is located on LTS online).

Interview notes for all unsuccessful candidates must retain for a period of 6 months, in case they are required in connection with an Employment Tribunal claim or requested by a candidate under the Data Protection Act.

## Pre-employment Checks

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Pre-employment checks should be conducted on both newly appointed employees and internal candidates prior to commencement in post.

### **Safer Recruitment Checklist**

The Safer Recruitment Checklist (template can located on LTS online) should be completed on receipt of the relevant documentation and saved on the individual personal file and recorded on the Single Central Record

### **Right to Work in the UK (Immigration Act 2016).**

It is a criminal offence to employ someone who does not have the right to work in the UK. Successful candidates cannot commence employment until satisfactory documentary evidence has been provided and photocopies taken. If the successful candidate cannot fully demonstrate their right to work in the UK, their appointment to the post cannot be continued.

The Chair of the panel **must** make arrangements to check all original documentation for authenticity and record potential expiry dates. The documents required depend on the nationality of the individual; guidance on the requirements is available on LTS online (Right to Work in the UK Guidance and safer recruitment checklist). The photocopied documents should be signed and verified and dated by the individual who as seen the original documentation.

Additionally, further checks maybe required for anyone who has lived or worked outside of the UK. This could include a letter of good conduct from the relevant embassy. A list of countries that undertake criminal record check can be found on the home office website along with the address on where to request information.

The Department for Education has also issued guidance on the employment of overseas-trained teachers. This gives information on the requirements for overseas-trained teachers from the EEA to teach in England and the award of qualified teacher status for teachers in Australia, Canada, New Zealand and the Union Stated of America.

### **Medical clearance;**

All appointments are subject to satisfactory medical clearance which can be completed online on the Health Management portal. Once Occupational Health have actioned the questionnaire, schools will then receive the outcome directly which will either be a fit certificate or an appointment for the candidate to be seen by Occupational Health.

### **Disqualification by Association**

The Department for Education (DfE) has recently published more detailed guidance about the application of the Disqualification Regulation 2009 as it relates to schools. This revised guidance supersedes the Disqualification by Association guidance issued in October 2014. It can be accessed via the GOV.UK website.

The updated advice clarifies the requirement upon Schools to ensure that its staff and volunteers are not disqualified under the Childcare (Disqualification) Regulations 2009.

Staff working in specific settings will be disqualified as a result of relevant offences which either they or someone living with them in the same household has committed.

### **Staff Covered and Specific Settings;**

1. Staff are covered by this legislation if they are employed and/or provide early years childcare (this covers the age range from birth until 1st September following a child's fifth birthday i.e. up to and including reception age);
2. Staff working in later years' childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings. This does not include education or supervised activity for children above reception age during school hours for co-curricular learning activities i.e. school choirs, sports clubs)
3. Anyone directly concerned with the management of childcare in point 2 above.

Schools are required to check all staff and volunteers working in the above categories but can use their discretion to interpret this to include staff who may occasionally work in these categories.

The DfE states 'most staff who are only occasionally deployed and are not regularly required to work in a relevant setting will not automatically come within the scope of the Regulations'.

## **Criminal Convictions**

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The school must abide by relevant legislation including The Safeguarding of Vulnerable Groups Act 2006, The Protection of Children Act 1999, The Education Act 2002, The Criminal Justice and Court Services Act 2000 (amended 2003), The Care Standards Act 2000 and The Protection of Vulnerable Adults Act (July

2004), in respect of those it employs in areas where they have contact with or access to children and/or vulnerable adults.

It is an offence for the school to employ anyone who has been barred by the Disclosure and Barring Service (previously Criminal Records Bureau and Independent Safeguarding Authority) from working with children.

### **DBS Checks (previously CRB checks)**

Job adverts and job descriptions must state **‘As this job is designated as a ‘regulated activity’ an enhanced DBS with a Barred list check is essential.** A legal definition of a regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

It is vitally important that people deemed unsuitable to work in a regulated activity do not gain access to children. It is the schools duty to utilise robust procedures to prevent and deter such individuals from accessing the workforce providing services to children. Keeping Children Safe in Education (statutory guidance for schools and colleges) requires strict pre-employment checks to assess the suitability of an individual to work in a regulated activity.

Where there has been, prior to the appointment being made, a break in the employment of the prospective employee or volunteer for 3 months or more, they must apply for a new Enhanced DBS check and if applicable with barred list check. For further guidance see DBS Guidance for Schools and Academies.

### **Single Central Record**

Schools must keep a single central record (for maintained schools: Schedule 2 of the School Staffing (England) Regulation 2009, and the School Staffing (England) Amendments Regulation 2013 for pupil referral units and for independent Schools (including academies and free schools: under the Education (Independent Schools Standards) (England) Regulations 2010, as amended by the Education (Independent Schools Standards) (England) (Amendments) Regulations 2012). A template SCR can be found on LTS ONLINE

The single central record must cover the following people:

- All staff (including supply staff) who work at the school: this means those providing education to children;
- All other who work in regular contact with children in school or college, including volunteer;
- For independent schools, including academies and free school, all members of the proprietor body.

Ofsted will check the School’s single central record during their inspection with the expectation that it will meet at least the statutory requirements.

For maintained schools, in Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) Amendment Regulations 2013 for pupil referral units through the Education (Pupil Referral Units) (Application of Enactment) (England) Regulations 2007





## Leicestershire Traded Services

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