

RECRUITMENT POLICY AND PROCEDURE

This policy was approved at the Trust Executive Board on: 19th July 2017

Date reviewed: 15th July 2019

Date of next review: July 2020

1.0 INTRODUCTION

- 1.1** Exeter Learning Academy Trust Board is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to demonstrate this commitment in all aspects of their work. Recruitment practices must be safe in the context of appointing people who are suitable to work with children and young people.
- 1.2** Poor appointments can lead to unnecessary and costly staff turnover, poor performance, dissatisfaction amongst the workforce and potentially put children at risk of harm. The importance of safer recruitment and recruitment best practice are recognised and underpin the Trust's recruitment processes.
- 1.3** The appointment of all employees will be made on merit and in accordance with the provisions of Employment Law (especially in the area of discrimination), Keeping Children Safe in Education and the Trust's Equality policy.
- 1.4** The Trust will comply with the requirements of Keeping Children Safe in Education Part 3 with regard to DBS and other pre-employment checks.
- 1.5** All governors and employees involved in a recruitment exercise must adhere to the requirements of this policy and any related policies when conducting the recruitment process and in their decision making.

2.0 Scope of this policy

- 2.1** This policy applies to all teaching and support staff posts for Exeter Learning Academy Trust.
- 2.2** The responsibilities of the Board/Governing Body and Headteacher in the appointment of school staff are set out in the School Staffing Regulations 2009, summarised at Appendix A.
- 2.3** The policy does not apply to students, contractors, agency staff, carers or volunteers who work in the school or its extended environment unless they are applicants for vacant Trust posts. The general principles of this policy apply to recruitment of a Headteacher, but the Trust may decide on a different process for these appointments.

3.0 Equal opportunities

- 3.1** The Directors, Governing Bodies and Headteachers recognise their responsibilities under equality legislation, specifically the Equality Act 2010 which consolidated previous equality legislation and in some cases extended equality law.
- 3.2** The 'protected characteristics' identified in the Equality Act 2010 of age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour and nationality), religion and belief, sex, sexual orientation, marriage and civil partnership, will not be used as the basis of selection for appointment or promotion within the Trust. All employees

will be selected, trained and promoted on the basis of ability, the requirements of the job and objective criteria. The only exception is legislation or Genuine Occupational Requirement.

- 3.3** The Equality Act extends, beyond *direct* and *indirect* discrimination, the circumstances in which unlawful discrimination can take place. In respect of some ‘protected characteristics’, *associative* discrimination (i.e. direct discrimination against someone because they associate with another person who possesses a protected characteristic) and discrimination by *perception* (i.e. direct discrimination against someone because others think they have a protected characteristic). In any recruitment and selection exercise, those involved will be alert to any potential unlawful discrimination.
- 3.4** Reasonable adjustments and/or supportive measures will be considered where a known disability exists to allow equality of access and opportunity.
- 3.5** All those taking part in the recruitment and selection process have responsibility for applying the policy on equal opportunities to avoid unlawful discrimination.
- 3.6** This Recruitment Policy forms part of Exeter Learning Academy Trust’s wider Single Equality Scheme. The Trust Board and Governing Bodies recognise that all public sector organisations are under a single equality duty (from the Equality Act 2010) to demonstrate that they are achieving equality in their workforce across all the ‘protected characteristics’. Exeter Learning Academy Trust recognises continuous service from public sector educational organisations. A break of more one day between contracts of employment in public sector organisations does not constitute continuous service.

4.0 Delegation of Appointments and Constitution of Appointment Panels

- 4.1** The Trust Board delegates the power to offer employment for all posts below the level of Headteacher of any school within Exeter Learning Academy Trust. The Headteacher may delegate the offer of employment to a Senior Manager or Trustee.
- 4.2** The Headteacher is expected to involve at least one Governor in selection panels for the appointment of all Teaching Staff. Selection panels will comprise a minimum of 2 people (normally 3). In accordance with the statutory requirement, every selection panel will have at least one member who has undertaken Safer Recruitment Training. In addition at least one member will have undertaken general recruitment or equalities training.

5.0 Safer Recruitment

- 5.1** This policy provides a foundation for good recruitment and selection of staff and ensuring the requirements of the *Safer Recruitment Guidance* produced by the Devon Safeguarding Children Board (NSCB) and general employment legislation are met. The policy supports the principles and recommendations set out in the Department for Education document ‘Keeping children safe in education’ Sept 2016.
- 5.2** The *Safer Recruitment Guidance* states that recruitment and selection processes should embrace the principles of safeguarding children and young people and employment legislation. This policy reflects the core principles and standards which must be adhered to by:
- identifying the powers and obligations of the Board and Governing Bodies in selecting staff, the main stages of the recruitment and selection process; and the administrative procedures to be followed by the Trust.
 - ensuring that fairness and equal opportunity are afforded to all applicants, and that the Trust adheres to current legislation and its equal opportunities policies
 - assisting the Trust in meeting the requirements of *Keeping Children Safe in Education 2016*

- setting out the legal requirements on recruitment and selection of staff from employment law and sector specific statute:
 - *Education Reform Act 1988*
 - *School Standards and Framework Act 1998*
 - *Education Act 2002,*
 - *School Staffing Regulations 2009*
 - *Education (Independent Schools and Standards) (England) Regulations 2010 (as amended by Education (Independent School Standards) (England) (Amendment) Regulations 2012*
 - *Childcare Act 2006*
 - *Childcare (Disqualification) Regulations 2009*
 - and various statutory guidance documents.

5.3 Application - The following stages should be incorporated into every recruitment event;

- workforce planning and identification of vacancy
- clear, detailed post specification and job description
- advertising
- applications and shortlisting
- interview
- specific written references
- for eligible posts, undertaking a criminal records check
- risk assessment of any concerning information
- verifying qualifications and experience
- appointment and recording recruitment decision
- induction (including safeguarding policies, procedures & training). Sign Code of Conduct
- probationary period (where relevant)

5.4 In advance of any recruitment exercise, the Board, Governing Bodies and Headteacher will consider relevant aspects of workforce planning before advertising a vacancy and will decide if recruitment to the post needs to happen and whether a review of the post (and perhaps wider staffing structure) should occur before proceeding. This may be relevant where the school is experiencing or anticipates financial ‘tightening’ perhaps through reducing pupil numbers. A vacant post may prove to be an opportunity to avoid a redundancy problem. The Board and Governing Bodies recognise this and are committed to appropriate workforce planning considerations whenever a vacancy arises.

5.5 If any significant change in staffing structure arises from workforce planning considerations, the Board or Governing Body will need to carry out appropriate consultation with staff. This is most likely to be appropriate where a change to the leadership and/or teaching and learning responsibility payments of the school, are being considered.

5.6 In reviewing or creating a job description, person specification and other documents linked to a post which is to be advertised, the Board/Governing Body will have regard to any statutory or local agreement requirements applicable to the group in which the post falls. The Trust is required to pay teaching staff in accordance with the School Teachers Pay and Conditions Document and to apply ‘Burgundy Book’ conditions of service for teaching staff appointments. For support staff appointments, the Board/Governing Body will use either model or bespoke job specifications which will be matched (by grade) or evaluated to establish the grade.

5.7 Pre-employment Checks

All successful candidates will be subject to Disclosure Barring Service (DBS) checks (formerly Criminal Records Bureau (CRB) checks) and Barred List checks. Anyone appointed to carry out

teaching work will require an additional check to ensure they are not subject to a prohibition order and are prohibited from teaching. This has been a statutory requirement since 2013. (Retrospective checking is not required for teachers who commenced current employment prior to 1 September 2013). This service will identify any existing prohibitions and sanctions made by the General Teaching Council before its abolition in March 2012 or the Teaching Agency before it became the National College for Teaching and Learning) in April 2013.

5.8 The Trust schools have a responsibility to keep a Single Central Record detailing when checks on staff were made and by whom, including identity, qualification requirements, entitlement to work in the United Kingdom, DBS checks, Section 128 checks, prohibition order checks and Childcare (Disqualification) Regulations 2009 checks. All Trust schools hold a Single Central Record of all staff employed directly by the school and there is a central Trust record. The CEO oversees the maintenance of the Single Central Record.

5.9 Overseas Teachers

Through the CEO, the Trust will ensure that prescribed checks, including additional checks, are carried out in respect of directors/governors/staff members who have lived outside the United Kingdom. Other essential pre-employment checks detailed in 'Keeping Children Safe in Education 2016' are to verify the candidate's:

- identity
- right to work in the UK
- professional qualifications
- mental and physical fitness to carry out work responsibilities including whether any reasonable adjustments are required to provide effective and efficient teaching – NB the Equality Act 2010 makes it generally unlawful to ask questions about disability and health **before** a job offer is made. Further information is in section 60, Equality Act 2010.
- suitability to work with children (applicant has lived or worked outside the UK and further checks are required because of that background)
- suitability to work with children aged under 8 Childcare (Disqualification) Regulations 2009
- Section 128 checks

5.10 Staff Capability

Following amendments to the School Staffing Regulations (England) 2009 (applicable from 1 September 2012), schools are required to pass on information to prospective employers about teachers and Headteachers, who have been subject to capability procedures. When requesting a reference the school must ask the referee whether that teacher has been subject, in the last two years, to the school's capability procedure. They should also ask the interviewee at interview if they have been subject, in the last two years, to the school's capability procedure.

6.0 Advertising

6.1 All vacant posts will be advertised to ensure equality of opportunity and encourage a wide field of candidates. This will normally mean placing an advertisement externally unless there is a reasonable expectation that there are sufficient, qualified internal candidates, or staff are at risk of redundancy, then vacancies may be advertised internally before external advertisement.

7.0 START OF EMPLOYMENT AND INDUCTION

7.1 The pre-employment checks must be completed before the employee starts work. Exceptions will only be made in circumstances where a risk assessment has been undertaken. Exceptions will never be made in the case of the Barred List and Teacher Prohibition checks.

7.2 All new employees will be provided with an induction programme which will cover all relevant matters of school policy but in particular safeguarding and promoting the welfare of children.

8.0 Monitoring and Review

- 8.1** The Headteacher will be responsible for monitoring the implementation and effectiveness of this policy/procedure. The Trust Board will review the policy every 2 years.

Appendix A - Responsibilities of Trust Board, Local Governing Bodies and Headteachers

The *School Staffing Regulations 2009* is the statute dealing with responsibilities for appointing staff in schools. This appendix outlines the main responsibilities and discretions for the Board to consider.

Delegation of Authority

The Board/Governing Body may delegate functions relating to the appointment of teachers to the Headteacher, Deputy Headteacher or governors. Exeter Learning Academy Trust has delegated functions to Headteachers for posts below Headteacher level. This is documented in the Trust's articles of association.

The Board should also agree under what circumstances delegated functions will be removed from the Headteacher, how removal will be implemented and who may assume responsibility for functions removed. Particular issues that should be considered are where:

- A Headteacher is subject to suspension, disciplinary procedures or capability procedures;
- the Chair of the Governing Body / Board has made representations regarding serious concerns about the performance of the CEO/Headteacher; and
- the Headteacher failed to abide by financial limits agreed by the Board for a school purpose.

The Headteacher/CEO should have the opportunity to make representations on any decisions to discontinue delegated functions. The Board should also agree if, and under what circumstances, delegated functions will be restored and how the restoration will be implemented.

The Board should consider and agree whether the delegation of functions should continue in the event of an acting Headteacher being used or if the deputy Headteacher is asked to undertake the duties of the Headteacher in the long term absence of the Headteacher.

It is recommended that the Board delegates staff appointments outside of the leadership group to the Headteacher, unless it thinks this would be inappropriate. Subsequent appeals procedures should be delegated to one or more governors not involved in the original determination, to provide impartiality. The Governing Body should document fully decisions made, and may want to consider the use of standing orders. Where functions have been delegated, the person(s) to whom the functions have been delegated cannot delegate them to another person(s).

Headteacher appointments

The Governing Body must notify the Trust in writing of any vacancy for the Headteacher.

Deputy Headteacher appointments

The 2009 Regulations specify that the school must advertise the vacancy as it considers appropriate, unless it has good reason not to. It should decide the best way of reaching candidates and the type of media to be used. A decision not to advertise should only be taken if the Board can demonstrate there is good reason not to and that it does not leave them open to challenge. All decisions should be fully documented as the Board needs to demonstrate that it has acted reasonably if it is challenged.

The Board must appoint a selection panel of at least 3 of its members, including the Headteacher. In deciding the size of the panel, consideration needs to be given to the possibility that a grievance could be lodged against the panel and the fact that, in those circumstances, the Board must be able to give a fair hearing. The appointment of the panel cannot be delegated. The panel's role is to select applicants for interview, interview applicants and, where appropriate, recommend appointments.

Teaching and Support Staff Appointments

The appointment of support staff is the responsibility of the Headteacher/Deputy Headteacher. The Academy must appoint the person recommended, unless they fail the relevant checks.

Nature of Contracts

Contracts should be permanent unless there is good reason for them not to be, and governing bodies should be mindful of the Fixed-term (Prevention of Less Favourable Treatment) Regulations 2002 when considering the use of fixed-term contracts.

Record keeping

All decisions made by the Academy or Governing Body should be documented fully.