



Engage MAT

Recruitment and Selection Policy

Date of ratification: November 2016

Date of review: November 2018.....



Recruitment and Selection Policy

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1. Introduction

- 1.1 Recruitment and selection is a critical activity for the Engage Trust, its governing bodies and Head teachers. In selecting the best person for the role, the need for compliance with employment law, especially in the area of discrimination is clear. 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 Engage Trust’s recruitment processes.
- 1.3 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.
- 1.4 This policy should be read in conjunction with the *Recruitment and Selection – Guidance for Schools* (available on Schools People Net) which gives more detailed information on conducting recruitment and selection exercises.

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2. Safer recruitment

2.1 The purpose of this policy is to provide a sound foundation for good recruitment and selection of staff, assistance in ensuring the requirements of the *Safer Recruitment Guidance* produced by the Norfolk Safeguarding Children Board (NSCB) and general employment legislation are met. It will do this by supporting the principles and recommendations set out in the Department for Education document 'Keeping children safe in education' Sept 2016.

2.2 The *Safer Recruitment Guidance* states that recruitment and selection processes should embrace core principles around safeguarding children and young people and employment legislation. In addition the document states the core standards which should be incorporated into the practice of recruitment and selection. This policy and the related guidance reflects these core principles and core standards by:

- identifying:
 - the powers and obligations of the ET 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 Engage Trust.
- ensuring that fairness and equal opportunity are afforded to all applicants, and that the Engage Trust adheres to current legislation and its equal opportunities policies
- assisting the Engage Trust in meeting the requirements of *Keeping Children Safe in Education 2016*
- setting out the legal requirements on the recruitment and selection of staff stemming from relevant employment law and sector specific statute, for example the *Education Reform Act 1988*, the *School Standards and Framework Act 1998*, the *Education Act 2002*, the *School Staffing Regulations 2009*, the *Education (Independent Schools and Standards) (England) Regulations 2010 (as amended by the Education (Independent School Standards) (England) (Amendment) Regulations 2012 and the Education (Non-Maintained Special Schools) (England) Regulations 2011*, *Childcare Act 2006*, *Childcare (Disqualification) Regulations 2009* and various statutory guidance documents.

Safer Recruitment training

2.3 A statutory requirement on every school going through recruitment and selection is to make arrangements to ensure actions are taken that safeguard and promote the welfare of children. All recruitment and selection events in schools need to have the involvement of an individual who has received appropriate Safer Recruitment training.

2.4 The ET Board and Governing Bodies recognise their responsibility for ensuring at least one member of school staff and one director/governor are trained in Safer Recruitment and that at least one appropriately trained individual (member of staff or director/governor) is involved in each and every recruitment exercise.

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Disclosure Barring Service (DBS) checks (formerly Criminal Records Bureau (CRB) checks,

2.5 The Engage Trust operates in accordance with the Engage Trust DBS policy.

Prohibition checks and the Single Central Record

2.6 In addition to any DBS and/or Barred List check, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not subject to a prohibition order¹ and therefore prohibited from teaching. This has been a statutory requirement since 1 September 2013. (Retrospective checking is not required for teachers who commenced their current employment prior to 1 September 2013). This check can be undertaken using the Employer Access Online Service where a school has subscribed. This service will also identify any existing prohibitions and sanctions made by the General Teaching Council (GTCE) before its abolition in March 2012 or the Teaching Agency before its merger with the National College (to become the National College for Teaching and Learning) in April 2013.

2.7 The Engage Trust has a responsibility to keep a Single Central Record detailing when appropriate 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. The Trust holds a Single Central Record of recruitment and vetting checks covering all employed staff and others identified as having access to children. The CEO oversees the maintenance of the Single Central Record.

Overseas teachers

2.8 Through the Headteacher/CEO, the Engage Trust will ensure that prescribed checks, including additional checks as appropriate, are carried out in respect of directors/governors/ staff members who have lived outside the United Kingdom.

2.9 Other essential pre-employment checks required and summarised in 'Keeping Children Safe in Education 2016' are to verify the candidate's:

- identity

¹ Secretary of state prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher. These checks will also identify any existing prohibitions and sanctions made by the General Teaching Council (GTCE) before its abolition in March 2012

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- right to work in the UK
- professional qualifications
- mental and physical fitness to carry out their 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 regarding this is outlined in section 60 of the Equality Act 2010. See web link ‘EHRC Guidance for employers on Section 60 of the Equality Act 2010’ in the ‘Interview and other selection methods’ section of Schools’ People Net
- suitability to work with children (where the 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 the Childcare (Disqualification) Regulations 2009².
- Section 128 checks

Amendments to School Staffing (England) Regulations 2009 (applicable from 1 September 2012)

2.15 Following amendments made 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 head teachers, who have been subject to capability procedures. Therefore, when requesting a reference the school must ask the referee whether that teacher has been subject, in the last two years, to their school’s capability procedure. They should also ask the interviewee at interview if they have been subject, in the last two years, to their school’s capability procedure.

3. Equal opportunities

- 3.1 The Board/Governing Bodies and Head teachers 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

² Childcare (Disqualification) Regulations 2009 stipulate that relevant staff in relevant settings must be checked to ensure they are not disqualified from being employed in the setting. Please see the Safer Staffing section of Schools’ People Net and Childcare (Disqualification) Regulations requirements (G112b) for further information.

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will not be used as the basis of selection for appointment or promotion within the School. All employees will be selected, trained and promoted on the basis of ability, the requirements of the job and other similar criteria that are as objective as possible. The only exception will be by virtue of legislation or a 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 at the Engage Trust, 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 and Selection Policy forms part of the Engage Trust's wider Single Equality Scheme. The Board/Governing Body 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'.

4. Scope of this policy

- 4.1 This policy applies to all teaching and support staff posts in the Engage Trust.
- 4.2 The policy does not apply to students, contractors, agency staff, carers or volunteers who work in the school or its extended environment unless those individuals are applicants for vacant posts in the Trust. Also, although the general principles of this policy will apply to the recruitment of a Headteacher, different processes may be applied (see 7 below).

5. Application

- 5.1 The Board/Governing Bodies will follow the procedures outlined in this policy for all vacancies, although the complexity of each stage will vary depending on the type of post.

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- 5.2 This policy requires that the following stages are incorporated into every recruitment and selection event;
- workforce planning and identification of vacancy
 - post specification
 - advertising
 - applications and shortlisting
 - interview
 - appointment
- 5.3 In advance of any recruitment exercise, the Board/Governing Body and Headteacher will consider relevant aspects of workforce planning in advance of advertising a vacancy.
- 5.4 It is imperative that the Board/Governing Body consider whether or not recruitment to the post needs to happen, whether a review of the post (and perhaps wider staffing structure) should occur before proceeding. This may be particularly relevant where the school is experiencing or anticipates financial 'tightening' perhaps through reducing pupil/student numbers. A decision not to recruit or to recruit to a different post (e.g. part-time instead of full-time, for a fixed term, or at a lower scale) may help avoid problems further down the line. A vacant post may well prove to be an opportunity to avoid a redundancy problem in the foreseeable future. The Board/Governing Body recognises this and is committed to appropriate workforce planning considerations whenever a vacancy arises.
- 5.5 If any significant change in staffing structure arises from such workforce planning considerations, the Board/ Governing Body will need to carry out appropriate consultation with staff. This is most likely to be appropriate where the Board/ Governing Body is considering a change to the leadership and/or teaching and learning responsibility payments (TLRPs) structures of the school.
- 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. At the Engage Trust, the Board/ Governing Body 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 either use model job specifications or will work with the HR Service in the development of a bespoke job description which will then either be matched (in grading terms) or evaluated to establish the appropriate grade.

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6. Appointment of Headteacher

- 6.1 Separate processes exist for the appointment of Head teachers to schools. The Board/Governing Body will follow established processes for the recruitment of a Headteacher should that post become vacant.

7. Board/Governing Body and Headteacher Responsibilities

- 7.1 The responsibilities of the Board/Governing Body, Headteacher and local authority in the appointment of school staff are specified in the School Staffing Regulations 2009, summarised at Appendix A to this policy.
- 7.2 One significant area covered by the 2009 regulations is that of delegation of authority for appointment of staff. Before embarking on any recruitment exercise, the Board/Governing Body and Headteacher need to be clear about where responsibility lies. Decisions taken by the Board in relation to the discretion to delegate aspects of the appointments process will be reviewed annually and recorded in full Board Meeting minutes.

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Appendix A **Responsibilities of the Board/Governing Body and Headteacher**

The *School Staffing Regulations 2009* is the current statute dealing with responsibilities for appointment of staff in schools. This appendix outlines the main responsibilities and highlights particular discretions available for the Board to consider. It is not a full copy of the regulations but serves to highlight the main issues relating to the appointment of staff.

Delegation of Authority

The Board/Governing Body may delegate any of its functions relating to the appointment of teachers to:

- the Headteacher; or
- the Deputy Headteacher; or
- the Headteacher, Deputy Headteacher and one or more governors.

The delegation of functions should be agreed by the whole Board and Governing Body and reviewed at least annually.

When considering whether to delegate to the Headteacher or Deputy Headteacher, the Board should consider:

- the regulatory position;
- the person's level of experience;
- whether the functions relate to senior management;
- whether an appeals process might be compromised;
- in schools with a religious character, any agreed staffing policies which provide for governor involvement in the interests of preserving the school's religious character;
- the views of the Headteacher; and
- the desirability or otherwise of so delegating, and the advantages and disadvantages of doing so.

The Board should also agree under what circumstances the delegated functions will be removed from the Headteacher, how the removal will be implemented and who may assume

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responsibility for the functions that have been removed. Particular issues that should be considered are where:

- a Headteacher is subject to suspension, disciplinary procedures, disciplinary sanctions or capability procedures;
- the Chair of the Governing Body / Board has made representations to the Governing Body/ Board regarding serious concerns about the performance of the CEO/ Headteacher; and
- the Headteacher has failed to abide by the financial limits agreed by the Board for any 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 functions relating to staff appointments outside of the leadership group to the Headteacher or Deputy 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 in order to provide a greater degree of impartiality.

The Governing Body should document fully all decisions made, and may want to consider the use of standing orders.

Where functions have been delegated, the person (or persons) to whom the functions have been delegated cannot delegate the functions to another person or persons.

If the functions relating to appointments and dismissals of teachers (other than the Headteacher or Deputy Headteacher) and support staff are not delegated to the Headteacher, the Headteacher has a right to attend and offer advice at all relevant proceedings. Any advice given must be considered by the governor, or governors to whom the delegation has been made.

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Headteacher and Deputy Headteacher appointments

The Governing Body must notify the Trust in writing of:

- any vacancy for the Headteacher; and
- where it identifies either a current or new post of deputy Headteacher as one to be filled.

Deputy Headteacher appointments

The 2009 Regulations specify that the Trust must advertise the vacancy or post in such manner as it considers appropriate, unless it has good reason not to. It is recommended that the Trust seeks advice from their local authority and diocesan authority, before deciding not to advertise.

The appointment process should be conducted in a fair and open manner that does not contravene any discrimination legislation and includes safer recruitment measures.

The Board should consider the most appropriate way of advertising the post. It should decide the best way of reaching its target audience, taking into consideration the type of media to be used and the level of exposure the advertisement will receive. 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 documented fully, as the Board will need to demonstrate that it has acted reasonably if it is challenged.

The Board must appoint a selection panel consisting of at least three of its members, excluding the Headteacher. In deciding the size of the panel the Board needs to be mindful of the possibility that an individual may lodge a grievance against the panel and the fact that in such circumstances the Board would need to be able to give that person a fair hearing.

The appointment of the panel cannot be delegated

It is the role of the panel to:

- select applicants for interview;
- interview the applicants selected; and
- where appropriate, recommend one of the interviewed applicants to the Board for approval.

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Teaching & Support staff appointments

The appointment of support staff is the responsibility of the Governing Body unless the Governing Body and the academies have agreed that such appointments will be made by the Headteacher/Deputy Headteacher.

The Academy must appoint the person recommended by the Governing Body, Headteacher or Deputy Headteacher, 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.