



# Safeguarding Policy – Appendix D

## 2016 / 17 / 18 / 19

### RECRUITMENT & APPOINTMENT POLICY

<b>Date of last review:</b>	Sept. 2016	<b>Review period:</b>	3 years
<b>Date of next review:</b>	Sept. 2019	<b>Owner:</b>	Head of Recruitment
<b>Type of policy:</b>	Network	<b>LGB or Board approval:</b>	Director of Operations

## Recruitment & Selection Policy and Procedure

### 1. Introduction

- 1.1 Ark Schools exists to give every young person, regardless of their background, a great education and real choices in life. This may only be achieved through the appointment of high quality staff (teaching and operational).
- 1.2 These procedures take into account relevant legislation and guidance, and make particular reference to the statutory guidance 'Keeping Children Safe in Education' (Department for Education, (September 2016 and subsequent versions), as well as the Equality Act 2010 Employment Statutory Code of Practice and the Data Protection Act (DPA) 1998.
- 1.3 Ark Schools is committed to safeguarding and promoting the welfare of children and young people and expects all staff, volunteers and apprentices to share this commitment. In order to meet this responsibility, it follows a rigorous selection process to discourage and screen out unsuitable applicants.

### 2. Purpose

- 2.1 The use of this policy and procedure is to ensure that Ark Schools employs the best candidate for the job, assist Ark Schools to deter, identify and reject people who are unsuitable to work with children, help promote equality of opportunity and ensure that Ark Schools meets its statutory obligations.

### 3. Scope

- 3.1 This policy covers the recruitment of all Academy and non-school based staff. It is also strongly recommended for use by external agencies/contractors appointing workers who will have access to Ark Schools academies as part of their role. It is the principal's responsibility within an academy to ensure that relevant agencies are made aware of these standards.

### 4. Equal Opportunities

- 4.1 Ark Schools is committed to eliminating discrimination and encouraging diversity amongst our employees. We endeavour to build a workforce that will be truly representative of all sections of society and that each employee feels respected and able to give their best. To that end we are committed to provide equality and fairness for all in our recruitment and employment practices and not to discriminate on grounds of age, disability, gender reassignment, marriage/civil partnership status, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. We oppose all forms of unlawful and unfair discrimination.

4.2 The appointment and recruitment procedure must always be applied fairly and in accordance with employment law and the Ark Schools Equal Opportunities Policy.

## 5. Responsibilities

5.1 Ark Schools is responsible for maintaining fair, consistent and objective procedures for matters relating to recruitment and appointments.

5.2 The principal<sup>1</sup> has overall responsibility for the internal organisation, control and management in their academy<sup>2</sup> and the implementation of this policy in their academy.

## 6. General principles

6.1 When recruiting and selecting workers and staff, each Ark Schools academy will:

- ensure its practices and systems are transparent, objective, thorough and consistent
- ensure those involved in the recruitment & selection process receive appropriate training
- take account of issues relating to safeguarding children at every stage of the procedure
- avoid over-reliance on criminal background checks as a means of ‘sifting’ out candidates unsuited to working with children (*NB: only a small proportion of individuals unsuited to working with children actually have a criminal conviction*).

## 7. Recruitment & selection procedure

### 7.1 Stage one: Recruitment planning

As soon as a vacancy arises, the following should be reviewed by the principal: □

Replacement: whether the post needs to be filled and/or whether the nature of the job has changed significantly

- Job description: this should state the post title, salary, reporting lines and resources (including staff) for which the post holder is responsible. It should also include the purpose of the post and main responsibilities, as well as making it clear that the postholder will have responsibility for promoting and safeguarding the welfare of children within the academy and that the post is subject to an enhanced disclosure. Template job descriptions can be obtained online. If amendments need to be made a member of the recruitment team should be consulted to ensure consistency of roles and salaries across the network.
- Person specification: this should set out the essential requirements for the post in terms of qualifications, skills, knowledge and experience, personal characteristics or other qualities that candidates will need to demonstrate. The person specification should make it clear that candidates will be expected to demonstrate a commitment to safeguarding the welfare of children, and that this will be tested at interview.

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<sup>1</sup> This policy applies to all Ark Schools staff. Appropriate substitutions will be made to accommodate differences in organisational structures across the Ark Schools network and central office. For example, for primary academies all references to the principal are replaced with the head teacher.

<sup>2</sup> For Ark Schools central office and for Ark Schools central office teams, all references to the principal are replaced with the CEO, Managing Director, or other appropriate senior leader, and all reference to the senior leadership team is replaced by the senior team.

Again, template person specifications can be obtained online. Information pack for applicants: essential information about the academy/post; job description; person specification; the standard Ark Schools information about the recruitment process and how it safeguards against employing adults who might harm children; and any relevant policies for equality and diversity. All information packs are available online and will be approved by the academy principal and the recruitment team before posting.

## 7.2 Stage two: Advertising and applicant management

The recruitment advert should be attractive, clear, and communicate the right messages. It has been drafted by the recruitment team and approved by the academy principal and includes:

- post title, and a brief description of the associated duties
- remuneration
- whether full time or part time
- essential characteristics/qualifications/skills/ experience necessary
- details of the academy, and who to contact for further information
- a statement of Ark Schools' commitment to equal opportunities and commitment to safeguarding and promoting the welfare of children
- the requirement for an enhanced DBS check

Every Ark Schools academy must use the Ark Schools application form which is found on the Recruitment portal. The application form has been designed to ensure that the following minimum information is obtained from candidates prior to the shortlisting stage:

- full identifying details of the applicant including current and former names, current address and contact details, and National Insurance number
- academic/professional qualifications relevant to the post applied for, with details of the awarding body and dates
- for teachers, their QTS reference number
- confirmation of whether the applicant requires a work visa (and details associated with this)
- a full chronological history since leaving education, including periods of training, work (including voluntary work), and an explanation for any gaps. Start and end dates should be provided in all instances. In some instances a short application form accompanied by a CV is accepted provided the preceding points are explored at interview
- a declaration of any family or close relationship to existing employees, Ark Schools central office staff member or to academy governors and Trustees
- contact details for two referees (one of whom **must** be the applicant's current or most recent employer). Where the applicant is applying for a teaching position and his or her current job does not involve working with children, a reference should be sought from their most recent employer where it did.
- a supporting statement of the knowledge/skills/experience/personal qualities that the applicant is able to bring to the job, and how they feel they meet the person specification

- a signed, dated statement from the applicant that they are not disqualified from working with children, or subject to sanctions imposed by a regulatory body such as the National College of Teaching and Leadership or qualifications awarding organisations a signed statement declaring if they have any criminal convictions, cautions, reprimands or final warnings not filtered under current guidelines.

### 7.3 Shortlisting

Short-listing is the first stage of the selection process. Principals will ensure that the following standards are met:

- the short listing panel must include a minimum of two senior academy employees and/or Ark Schools recruitment team. Those responsible for short-listing should normally take part in the interview process; at least a minimum of one short-lister should be on the panel
- the members of the panel must shortlist the applications independently of each other before meeting and agreeing a final list to interview. All applications are scrutinised for consistency and completeness of information, gaps in employment, anomalies and discrepancies. Incomplete applications are not accepted. Curriculum Vitae must be accompanied by an appropriate safeguarding statement and/or short application form. A standard short-listing matrix is to be used for recording applicants and whether they met the short-listing criteria as defined by the job specification. The cut-off score for selection should be agreed before the applications are assessed and applied consistently to all applications.
- all candidates are assessed equally against the criteria contained in the person specification.

### 7.4 Invitation to interview

Prior to inviting short-listed candidates for interview/testing, the principal must ensure that:

- candidates are made aware that: ‘the interview will assess their suitability to work with children and will include questions relating to safeguarding and promoting the welfare of children’
- for teaching staff, references are sought for each candidate (Ark Schools’ reference request template must be used, since it addresses particular areas of concern)
- candidates are asked to bring identification documents, qualifications and certificates to the interview. **Important note:** It is essential that references, qualification details, and other documents provided by the applicant are cross-checked against details on the application form, in order to rule out possible anomalies. Where anomalies are found or where references are vague or unspecific, follow-up action will be taken by the principal to establish the candidate’s suitability for the post.

## 7.5 Interviews

The principal must ensure that:

- no offer of appointment is made without the candidate having attended a face-to-face interview, or where this is not possible, a video conference.
- interviews are conducted by a minimum of two interviewers at all times
- interviewers have received appropriate training, and in particular at least one member of every panel must have undertaken Safer Recruitment training [staff requiring this training should contact the Central Recruitment team at [recruitment@arkonline.org](mailto:recruitment@arkonline.org)] □ a core set of questions to be asked of all candidates is drawn up prior to interview (or provided by Ark Schools), based on the person specification (normally competence-based)
- additional questions are prepared related to safeguarding and promoting the welfare of children, including:
  - motivation to work with children and young people
  - ability to form and maintain appropriate relationships and personal boundaries with children and young people
  - ability to deal with challenging behaviours and attitudes to use of authority and maintaining discipline
- the interview panel agrees the required standards before the interviews take place and how they are to be measured
- the interview panel agrees beforehand what additional issues specific to each candidate need to be explored at interview (based on the candidate's application and references)
- candidates are reminded that their identity needs to be checked and that they are subject to an enhanced criminal background check

## 7.6 Pre-employment checks (see paragraph 8 for detailed guidance)

The principal must ensure that all offers are made conditional on completion of all checks and that (other than in the most exceptional of circumstances which must be discussed with the head of recruitment at Ark Schools) new recruits do not commence work without the following checks having been satisfied.

Staff responsible for pre-appointment checks in schools should refer to the Ark Schools document 'Safe Recruitment: Pre-Employment Checks and the Single Central Register, Ark Schools Guidance for HR Administrators'.

- verification of qualifications and/or professional status (previously DCSF registration number and now GTCE registration)
- evidence of identity and address (see either a birth certificate, driving license, or passport combined with evidence of address)
- confirmation that the applicant can legally take up employment in the UK
- List 99 check
- enhanced criminal background disclosure
- health check/medical questionnaire (post offer)
- completion of statutory induction period (applies to teachers who obtained QTS after 7/5/99)
- two satisfactory references

- overseas criminal record check (where necessary)
- for those being recruited to a management position, a Section 128 check must be carried out (see 8.3)

The principal is responsible for ensuring that all of the above checks are confirmed in writing; that the checks are followed up if they are unsatisfactory or where there are discrepancies and finally, that these written confirmations are retained on the individual's personnel file (subject to certain restrictions in relation to criminal background checks).

In addition, all staff are subject to a six-month probation period.

## 7.7 Post-appointment documentation

Application and interview details of those candidates not appointed should be destroyed after 6 months from the interview date. All other relevant recruitment documentation relating to the chosen candidate must be kept securely, including:

- application form (including signed declaration)
- interview assessment notes
- short-listing forms
- documentation from any selection tests.

If the chosen candidate is being sponsored on a Tier 2 visa by Ark Schools then all applications and interview details of every candidate assessed should remain on file until the UK Border Agency gives permission for them to be destroyed.

## 8. Pre-employment checks

### 8.1 Disclosures (DBS)

All prospective employees and other adults working or otherwise having substantial unsupervised access to children require an *enhanced disclosure*.

Candidates are asked to apply for a disclosure after a provisional offer of employment has been made. Criminal background checks are completed before the employee takes up their post. **The candidate will receive a certificate, which must be shown to the recruiter.**

**In some exceptional circumstances it may be possible for an individual to start employment without a returned criminal background disclosure. The central People team must be consulted prior to the employment start date where this is considered necessary. If it is determined there is a clear and urgent need for the post the central People team will then advise on the process for completing a risk assessment.**

**It is the responsibility of the Principal to ensure that such measures are in place and that the candidate is supervised whilst working at the academy.**

## 8.2 Barred List

A barred list check is carried out as part of the enhanced DBS check. Therefore, it is only necessary to conduct this check separately in the exceptional circumstances when a disclosure has not been returned prior to the employees start date.

## 8.3 Section 128 Checks (for those being recruited to a management position)

A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited, is unable to participate in any management of an independent school such as: a management position in an independent school, academy or free school as an employee; a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

A check for a section 128 direction can be carried out using the Teacher Services' system. **Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.**

The grounds on which a section 128 direction may be made by the Secretary of State are found in the relevant regulations.

## 8.4 References

All candidates are required to provide details of two referees, one of whom should be their current employer. Should the candidate not currently be working with children, a reference must be sought from their most recent work with children. (this is not necessarily relevant for Central posts). Referees are asked to complete a detailed questionnaire, including whether the candidate has been subject to concerns for any child protection issues.

Please refer to the Ark Schools document 'HR: Pre-employment Guidance – References.

## 8.5 Qualifications

Candidates are required to provide evidence of their professional qualifications (where this is a requirement of the job), including evidence of QTS, their DCSF or GTCE registration number. Academies must ensure that the registration is still valid through the online [National College of Teaching and Leadership](#) Access Service.

## 8.6 Right to work

Candidates are required to provide evidence of their right to work in the UK. Candidates who have lived outside of the UK for three years or more will also be required to provide an overseas criminal records check.

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## **8.7 Medical fitness**

Candidates are asked to complete a confidential medical history questionnaire which is reviewed by Ark School's medical advisors.

## **8.8 Agency staff**

All agencies providing staff, whether on short or long-term contracts, are required to meet the standards of pre-employment screening set out above. A record/confirmation of the checks each agency undertakes needs to be kept.

## **8.9 Single Central Register**

A single central record of safeguarding checks for those who work within an Ark Schools Academy on a paid or voluntary basis must be maintained. This information should be entered into the HR system and reports on this information will be extracted from the system as required. A separate spreadsheet should be kept for volunteers and other visitors not entered into the HR system.

Staff responsible for maintaining the Single Central Register should refer to the Ark Schools School's document 'Safer Recruitment: Pre-Employment Checks and the Single Central Register, ARK Schools Guidance for HR Administrators' for full details.

# **9. Criminal records disclosure details**

Criminal records checks disclose information on criminal convictions to organisations that employ people in positions of trust or deliver services to vulnerable individuals. It is a statutory requirement to obtain disclosures for all staff who work in academies.

The following paragraphs provide information and advice to ensure that staff use disclosure information in accordance with the *Employment Statutory Code of Practice* [this includes the Data Protection Act and other relevant legislation relating to handling, storage, retention and disclosure of information] that Ark Schools academies must comply with.

## **9.1 Information provided on disclosure certificates**

There are two levels of disclosures, enhanced and standard. All staff employed by Ark Schools are subject to an enhanced disclosure and applicants should not be allowed to start work at in a post requiring a disclosure until a satisfactory certificate has been received. This includes temporary employees and secondments. However, in exceptional circumstances Ark Schools may allow the applicant to start work in an alternative post or with appropriate supervision pending the receipt of the disclosure.

## **9.2 Enhanced disclosure and barred list**

This includes all unspent convictions recorded on the Police National Computer (PNC) and also any unspent cautions, reprimands or final warnings.

Enhanced Disclosures may also contain other information from local police records that might be relevant to the post for which the disclosure is being requested. Exceptionally (typically to protect the integrity of current police investigations), additional information may be sent under separate cover to the counter-signatory. Additional information provided by the police must not be revealed to the applicant.

If a person is barred from teaching, they must not be employed in such a role. 9.3

### **Limitations of disclosure information**

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The information provided on a disclosure certificate is limited to basic facts: for example, the date, offence and sentence. It does not set the offence in context. If the information on the disclosure certificate gives cause for concern, the applicant must be given the opportunity to discuss this information. Only then should a final decision on the individual's appointment or employment be made.

Staff should be aware that disclosure certificates are an important part of the overall recruitment process, which should also include references, qualification checks and interviews. Disclosure certificates requested by other employers must not be accepted because a disclosure will only contain relevant information on offences up to the date it was issued.

#### **9.4 Services of an umbrella body**

Ark Schools uses the services of an umbrella body (currently DDC Limited) to complete these checks.

#### **9.5 Responsibility within Ark Schools**

All staff must treat all disclosure information in the strictest confidence. It is an offence under the *Police Act 1997* to pass disclosure information to unauthorised persons. This means that disclosures and the information they contain are only passed to staff who need to have access to it in the course of their duties. Members of staff who pass confidential disclosure information to an unauthorised person will be subject to disciplinary procedures.

#### **9.6 Designated responsibility for Ark Schools**

- The Head of HR has responsibility for ensuring that all members of the recruitment team and school based staff responsible for recruitment are trained in Ark Schools' recruitment and selection procedure and the background checks procedure and the management of and arrangements pertaining to the services of the umbrella body (see 9.4)
- The HR Advisor will work in consultation with the principal, to assess whether applicants whose criminal background disclosure gives cause for concern should be employed

#### **9.7 Verifiers**

A verifier must check the disclosure application form has been completed correctly and check the evidence of identity provided by individuals. Each academy must maintain records of disclosures requested and received. If a verifier receives a disclosure for a job

applicant that gives rise to any concerns, they must inform the principal and Head of HR at Ark Schools immediately.

## **9.8 Lead recruiters (including managers of agency workers)**

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All staff responsible for recruiting to posts that require a disclosure must ensure they adhere to this policy. Academy staff must also ensure that agencies providing cover staff who are subject to a disclosure provide a valid disclosure reference number and verify the individual's identity before they perform duties on Ark Schools' behalf.

## **9.9 Making decisions using disclosure information**

Any decisions should be made only after following the procedure laid down here:

## **9.10 Identify and discuss concerns**

If a disclosure reveals information that gives cause for concern, the verifier should first check whether the individual has previously disclosed details of any convictions or cautions. The principal should then meet with the individual to confirm that the disclosure is accurate.

If the individual has not disclosed the convictions on an application form, they should be asked why. The principal should be concerned about any failure to provide the required information.

If an individual denies that the convictions relate to them a further check must take place. The verifier should contact the relevant government organisation to advise that there is a dispute on the evidence submitted. The relevant government organisation will then undertake an investigation.

## **9.11 Factors to consider when making a decision**

Once it is established that the convictions or cautions relate to the individual, the principal should explore with them the circumstances surrounding the convictions/cautions. An applicant's criminal record should be assessed in relation to the tasks they will be required to perform and the circumstances in which the work is to be carried out. Factors to consider may include:

- the seriousness of the offence
- the degree of risk that the offence suggests that the individual represents
- repeat offences: was the offence a one-off or part of a history of offending
- the age of the offence and whether or not committed whilst a juvenile
- whether the offence has been decriminalised by Parliament

- an examination of the circumstances of the offence(s), for example the candidate's age at the time, the influence of financial or domestic circumstances
- whether circumstances have changed since the offence was committed, making re-offending highly unlikely
- the nature of the job and the extent of job supervision i.e. does the nature of the job present any opportunities for the postholder to re-offend in the course of their work, such as one-to-one contact with children
- if the applicant disclosed the offence on their original application

A conviction or caution is not an automatic bar to employment with Ark Schools but serious consideration will be given before a decision is made.

The decision should be documented, agreed by the Head of HR at Ark Schools and

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recorded in a sealed envelope on the employee's personnel file.

### 9.12 Non-conviction information

In instances where a disclosure leads to the police revealing additional non-conviction information, either on the disclosure itself or in a separate letter, it must not be passed on to the individual. Sharing such information with the individual would be an offence under the *Police Act 1997*. Non-conviction information, which may include details of a continuing investigation, can be important in determining whether someone is suitable to work in a particular post.

If a decision is made not to confirm an offer of employment to a job applicant because of non-conviction information, the individual should be informed that the offer of employment has been withdrawn. If the individual queries the decision no further justification can be given. Non-conviction information is exempt from the *Data Protection Act* provisions in relation to subject access requests and from the *Freedom of Information Act*. In the event of Ark Schools being taken to an employment tribunal as a result of a decision based on non-conviction information, the details will be given to the chairman of the tribunal.

### 9.13 Commencing employment

As a general rule, no applicant should be allowed to start work for Ark Schools in a post requiring a disclosure until a satisfactory certificate has been received. This includes temporary employees and secondments. In exceptional circumstances, the principal may decide, in consultation with Ark Schools Central People team, that an applicant can start work before the disclosure is received. This must only be in situations where there is an urgent need to maintain service delivery and all reasonable steps have been taken to protect the safety of children. Reasonable steps to protect children include not allowing unsupervised access to children, allowing the applicant to start work in an alternative post or shadowing other employees.

#### **9.14 Agency workers**

Where agency cover is used for posts that require a disclosure certificate, the agency must be asked to provide the reference number of a satisfactory enhanced disclosure for their worker. Disclosure reference numbers should be checked to ensure that the agency is providing references to valid certificates. If the agency is unable to provide the necessary disclosure reference, the agency worker should not be used. The principal is responsible for issuing contracts to approved agencies and must ensure this requirement is contained in the terms and conditions of contracts.

#### **9.15 Self-employed staff/consultants**

Whereas agencies will be required to provide disclosure references and other assurances for workers that they provide, any self-employed staff or consultants used to fill interim or peripatetic roles must have the same enhanced DBS and barred list checks made as for other staff.

#### **9.16 Storage and handling of disclosure information**

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In accordance with Section 124 of the Police 1997 Act, disclosure information should only be passed to those who are authorised to receive it in the course of their duties. Ark Schools Academies must maintain a record of all those to whom the disclosure or disclosure information has been revealed and be aware that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

The only necessary criminal background check information to be retained is the disclosure number and date of disclosure. These should be retained on the academy's single central register.

#### **9.17 Complaints**

If an individual disputes the accuracy of information contained in a disclosure, Ark Schools will inform them to contact the relevant government organisation so an investigation can be undertaken.

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