

# Recruitment and selection policy

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# **1 Policy statement**

## **1.1 Purpose and intent**

1.1.1 Recruiting the best people to our academies is vital for our continued success in providing the highest standards of education to our pupils.

1.1.2 Not appointing the right people to our roles can have a negative impact on the performance of our Trust.

1.1.3 The Executive Principal/Business Leader is responsible for deciding on the arrangements to recruit to any post, with the exception of the Principal and Executive Principal roles where the Chief Education Officer will be responsible and Business Leader roles where the Chief Operating Officer will be responsible.

1.1.4 In carrying out our recruitment processes we:

- are committed to the creation of a safe environment for our pupils by operating safer recruitment practices in line with the statutory requirements and guidance;
- we will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time;
- our Data Protection Policy sets out how we will comply with Data Protection Legislation;
- will comply with the requirements of the Equality Act (2010) and are committed to ensuring that throughout our recruitment and selection processes no applicant is disadvantaged or discriminated against because of the protected characteristics of age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation.

1.1.5 In the very exceptional cases where we are required to discriminate due to an occupational requirement this must be approved by the Executive Principal (for academy-based roles) or the relevant Business Leader (for business function roles), in conjunction with a member of the People Team, who will provide reasons for this requirement.

1.1.6 Recruitment will be solely on the basis of the applicant's abilities and individual merit as measured against the criteria for the job. Qualifications, knowledge, experience and skills will be assessed at the level that is relevant to the job.

1.1.7 If an applicant makes the Trust aware, at any stage of the recruitment process, that they have a disability then reasonable adjustments must be considered to ensure the applicant is not disadvantaged by the process.

## **1.2 Scope and purpose**

1.2.1 The purpose of this policy is to set out our processes for recruiting, selecting and appointing any employee to work within our Trust.

1.2.2 Sections 2.4 and 2.5 on Disclosure and Barring Service checks also applies to volunteers.

## **2 Policy**

### **2.1 Safer Recruitment**

2.1.1 All recruitment must be in line with this policy to ensure that we identify, deter and prevent people who pose a risk of harm from working with our pupils.

2.1.2 The recruitment of all applicants and volunteers must, without exception, follow the processes of safer recruitment. All offers of employment will be subject to us being satisfied that the applicant or volunteer is a suitable person to work with children and young people.

2.1.3 Any person involved in recruiting must read the “Keeping children safe in education” (2024) guidance (or updated statutory guidance) produced by the DfE and our Trust’s Safeguarding and child protection policy. These can be obtained from the Trust website.

2.1.4 All recruitment must be planned to ensure that there is adequate time available to recruit safely.

2.1.5 Any person who becomes aware that this policy is not being followed during recruitment must inform their respective People Team member and Designated Safeguarding Lead immediately.

2.1.6 All of the checks described in Sections 2.3 and 2.4 must be carried out and have been determined as satisfactory before an applicant can start their employment.

### **2.2 Advertising**

2.2.1 Any vacant position will normally be advertised via the appropriate channels to ensure the most appropriate field of applicants is obtained.

2.2.2 All advertisements will have the following statement about safeguarding children and young people and the requirement to have a DBS check:

‘We are committed to safeguarding and promoting the welfare of children and young people in our care. We expect everybody volunteering for the organisation to share this commitment. Any offer will be subject to safer recruitment checks and clearances. View our safeguarding and child protection policy.’

2.2.3 All advertisements will also include the following statement if the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013, 2020 and 2023:

‘This post is exempt from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013, 2020 and 2023). This means that certain convictions and cautions are considered ‘protected’ and do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website:

<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>.’

2.2.4 All applicants will be provided with a copy of our Privacy Notice which sets out how we will gather, process and hold personal data of individuals during and after the recruitment process.

## **2.3 Pre-employment checks**

2.3.1 An offer of appointment to the successful applicant will be conditional upon the following:

- receipt of at least two satisfactory written references (one of which must be their current or most recent employer);
- verification of the applicant’s identity, preferably from current photographic ID and proof of address. It is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available;
- verification of the applicant’s medical fitness;
- verification of qualifications where relevant;
- verification of professional status where applicable. For teachers, this will include checking that the individual has the required teaching qualification and has successfully completed any statutory induction, if required, through the Teacher Services System;
- satisfactory enhanced DBS check (see Section 2.4);

- satisfactory online searches (see Recruitment procedure)
- for management positions (Applicable to governors/trustees, Senior Leaders and departmental heads only), verification that they are not subject to a section 128 direction by checking the Teacher Services System;
- for teachers and other employees who hold QTS who are working in non-teaching roles, verification that they are not subject to a prohibition order by checking the Teacher Services System;
- for teachers, satisfactory check to determine any restrictions/sanctions that have been imposed in other EEA member states, through the provision of a letter of professional standing from the professional regulating authority in the country that they qualified. <sup>1</sup>
- a clear children's barred list check (except supervised volunteers) if working in regulated activity;
- verification of right to work in the United Kingdom;
- any further checks where the applicant has lived or work outside of the UK including receipt of criminal record information from overseas;
- confirmation that the applicant is not disqualified from providing childcare

2.3.2 All checks must be confirmed in writing, retained on the staff file and recorded in the single central record (SCR).

## 2.4 Disclosure and Barring Service (DBS) checks - new employees and volunteers

2.4.1 The Trust will carry out a risk assessment to determine if a DBS check is required for each volunteer in accordance with Annex E of Keeping Children Safe in Education 2024. If a volunteer is assessed as requiring a DBS check, the following DBS checks will be undertaken for new appointments, before the employee or volunteer starts work:

Who?	Definition	Type of check
Staff members who will be engaging in regulated activity	As an educational institution which is exclusively or mainly for the provision of full-time education to children,	An enhanced DBS check with children's barred list check will be obtained

<sup>1</sup> EEA regulator restrictions do not prevent an individual from taking up teaching positions in England, however, employers should consider the circumstances leading to the restriction when assessing a candidate's suitability to be employed.

Who?	Definition	Type of check
	<p>Diverse Academies Trust is an establishment specified in the relevant legislation. Activity carried out in this establishment will therefore be regulated activity relating to children if it meets the definition in the relevant legislation, including that it is carried out:</p> <p>Frequently by the same person (for example once a week or more); or</p> <p>On more than three days in any period of 30 days.</p> <p>Note – personal care of a child because of age, illness or disability including physical help with eating, toileting, washing, bathing or dressing is always regulated activity regardless of how frequently it is carried out.</p>	
Unsupervised volunteers	As above	<p>An enhanced DBS check with children's barred list check will be obtained</p> <p>Those applying for Chair of Trustee posts (after 01.04.17) must also have their identity verified for a stipulated professional as part of their DBS check as per the below link:</p>

Who?	Definition	Type of check
		<a href="https://www.gov.uk/government/publications/identity-verification-for-new-chairs-of-trustees">https://www.gov.uk/government/publications/identity-verification-for-new-chairs-of-trustees</a>
Supervised volunteers	<p>Where an individual is a volunteer (e.g. carrying out activity that is unpaid) they will not be engaging in regulated activity if:</p> <p>They are being supervised by someone that is in regulated activity; and</p> <p>The supervision is regular and day to day (e.g., it is ongoing); and</p> <p>The supervision is reasonable in all the circumstances to ensure the protection of children (this may take into account for example, the age (including the variation in ages), number and vulnerability of children the individual is working with, the nature of the work and opportunity for contact with children, whether other individuals are helping to look after them and how many workers a supervisor is supervising).</p>	We are unable by law to obtain a barred list check on a supervised volunteer. We will however obtain an enhanced DBS check (with no barred list check) for supervised volunteers.

2.4.2 In exceptional circumstances a new employee or unsupervised volunteer may be able to start before the enhanced DBS certificate has been received, but not before the children's barred



list check has been completed. The Designated Safeguarding Lead for each setting must ensure that appropriate supervision is in place until the DBS certificate has been received.

2.4.3 DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The DBS certificate will be cross-referenced with the applicant's signed self-declaration and the interview notes to ensure the information disclosed has been assessed correctly. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR). We are not required to take a copy of an applicant's DBS certificate, however we may choose to do so for decision making purposes. Any copy will be held for no longer than necessary, and up to a period of six months and be processed in line with Data Protection Legislation.

2.4.4 Any applicant who refuses to produce their DBS disclosure will not be able to start work and the conditional offer will be withdrawn as satisfactory checks are not in place. Any volunteer who refuses to produce their disclosure will not be able to volunteer.

2.4.5 Applicants (free for volunteers) can have their DBS certificate kept up-to-date and take it with them from role to role where the same type and level of check is required by subscribing to the DBS update service. Applicants or volunteers should be asked if they have subscribed to this service. The cost of this service is £13 per year. The expectation is that individuals personally fund this if required. Where the applicant or volunteer has subscribed they should provide the Trust with the original disclosure document to be verified and we will check the online update for any changes.

2.4.6 Applicants will only be asked to declare convictions and cautions that are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013, 2020 and 2023).

2.4.7 Information relating to an individual's criminal record will only be shared with the relevant people to enable the Trust to make a decision about their suitability to work with children and young people.

## **2.5 Disclosure and Barring Service (DBS) checks - existing employees and volunteers**

2.5.1 An enhanced DBS check and a children's barred list check will be carried out for all existing staff and unsupervised volunteers (subject to risk assessment) where their unsupervised contact with children or young people has increased from that at their time of appointment.

2.5.2 An enhanced DBS and children's barred list check may be carried out on any staff member or unsupervised volunteer (subject to risk assessment) where we have concerns about an individual's suitability to work with children and young people. An enhanced DBS (no barred list check) may be carried out on any supervised volunteer (subject to risk assessment) where we have concerns about their suitability to work with children and young people.

2.5.3 DBS certificates will only be issued to the applicant. We expect all applicants to produce the disclosure when requested to do so. Any existing employee who does not produce their DBS disclosure will be managed through the disciplinary procedure.

2.5.4 All existing employees are required to inform us immediately if they are the subject of a police investigation or receive any conviction or caution which is not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013, 2020 and 2023) or any occurrence that may disqualify them from providing childcare under the Childcare (Disqualification) Regulations 2009. Failure to immediately report such information will result in disciplinary action, up to and including dismissal. We may require all employees to sign a declaration on an annual basis that there has been no change in their criminal record. Action may be taken as a result of any change or any failure to inform us of any change.

## **2.6 Agency staff**

2.6.1 In the case of agency staff, we must ensure that the arrangement with the agency imposes an obligation on the agency to carry out all recruitment checks as set out in section 2.3 including DBS and children's barred list checks, that we would otherwise complete for our staff. We must obtain written confirmation from the agency that these checks have been carried out and are satisfactory. This must be recorded in the single central record (SCR).

2.6.2 The agency must provide a completed letter of assurance to the responsible person in the academy/HQ confirming that the agency worker has been appropriately checked and that they are suitable to work with children.

2.6.3 The agency worker must present their original DBS certificate to the responsible person in the academy/HQ to review and confirm that the check has been completed on the Single Central Record.

## **2.7 Providing references**

2.7.1 Only the Principal/Business Leader or member of the Executive Leadership Team (described in this policy and procedure as Referees) are authorised to provide employment related references on behalf of the Trust. All other staff members and workers are prohibited from

providing employment related references on behalf of the Trust unless agreed by a member of the Executive Leadership Team.

2.7.2 Requests for telephone or verbal references are infrequently received but should be avoided to minimise the risk of misinterpretation. Any verbal requests for references should be referred to the Referees, all other staff members and workers are prohibited from giving verbal references on behalf of the Academy Trust.

2.7.3 If a Referee having considered the circumstances and taken advice concludes that a telephone/verbal reference must be given, a full, contemporaneous note of the conversation should be made. Any such reference should be made in line with this procedure.

2.7.4 It is our policy to provide a reference in accordance with the requirements of Keeping Children Safe in Education, rather than a reference that merely confirms details of employment.

## 2.8 Legal issues

2.8.1 Referees should be aware that there are various legal issues involved with the writing of references. The provision of a reference will generally involve the processing of data and so be subject to the **Data Protection Legislation**. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time and the relevant Information Commissioner's Employment Practices Code.

2.8.2 Our Data Protection policy sets out how we will comply with Data Protection Legislation. Records will be kept in accordance with our Privacy Notice, our records management and retention guidelines and in line with the requirements of Data Protection Legislation. In accordance with the Data Protection Act 2018, Applicants are not entitled to view references written or received in respect of them where such references are provided in confidence, including when requesting a reference provided in confidence through making a subject access request. In this Trust all references are given in confidence. Those who give references owe a legal duty of care in their preparation to both the Applicant and the prospective employer.

2.8.3 What this means for referees:

- You must only provide content which is true, accurate, factual and fair to the best of your knowledge and belief and which does not give a misleading overall impression.
- If this does not happen, the applicant may bring a claim against both the Trust and the Referee alleging, for example, deceit, negligence, negligent misstatement, defamation,

malicious falsehood or alleged discrimination, such as victimisation because of a protected characteristic.

- The prospective employer may also bring a claim for negligence if they suffer financial loss or damage as a result of an inaccurate or misleading reference (e.g. following the withdrawal of a job offer)

## **2.9 Breaches of the policy**

2.9.1 Any instances of this policy not being adhered to will be taken very seriously and appropriate disciplinary action will be taken.

2.9.2 Any complaint in relation to this policy, including its application will be managed through the Trust's complaints policy or grievance policy (for existing employees).

## **2.10 Record keeping and data protection**

All written records of interviews, application forms and reasons for appointment or non-appointment will be kept by in line with our Privacy Notice, our Records management and retention guidance and in line with the requirements of Data Protection Legislation.