



# **SAFER RECRUITMENT POLICY**

**October 2016**

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<b>HR DIVISION GUIDANCE FOR HEADTEACHERS AND GOVERNORS ON APPOINTMENTS AND SAFE RECRUITMENT PRACTICE</b>
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## **1. Introduction**

The purpose of this policy is to set out the minimum requirements of a recruitment process that aims to:

- Attract and select the best possible applicants to vacancies
- Deter prospective applicants who are unsuitable to work with children or young people
- Identify and reject applicants who are unsuitable to work with children and young people

The School will operate safe recruitment practices ensuring that all staff in “regulated activity” have appropriate Criminal Records Bureau/list 99/POCA list and reference checks undertaken according to National Assembly for Wales circular 34/2002 “Child Protection: Preventing Unsuitable People from Working with Children and Young People in the Education Service”

The circular emphasises:

***“It is important that thorough checks are made on anybody who will be working in a school or further education institution or other educational settings, e.g. youth centres, (including sixth form colleges) 1, both to prevent unsuitable people from gaining access to children and young people and to maintain the integrity of the teaching profession.”***

Advice from the circular, detailing the pre-appointment checks that must be made on people whose work will bring them into contact with children and young people, is available in Appendix 1.

Recruitment and selection to positions in schools must be conducted in accordance with the principles and provisions of the Equality Act 2010.

## **2. Before Advertising**

- 2.1 When a vacancy occurs the school needs to consider whether the job in its present form is still needed. This should be done after a full financial and curriculum review.
- 2.2 If there is a vacancy the school should inform the HR Division of that vacancy by completing an Employee Requisition Form and forwarding to the HR Adviser (Appendix 2). If the vacancy has arisen due to a resignation, please ensure that a copy of the letter of resignation has been sent to the HR Division together with a termination form.
- 2.3 The Governing Body may delegate an appointment to an appropriate sub-committee.
- 2.4 A specific panel comprising at least three governors should be established by the full Governing Body for Headteacher or Deputy Headteacher appointments.
- 2.5 An appointment panel should never consist of more than 50% of the Governing Body, but as a minimum one governor and the Headteacher should be panel members for any contracted post

- 2.6 The Headteacher and governors shall produce a job description and person specification for the post. The job description will capture the key accountabilities of the post, and define the competencies and knowledge range required to deliver them.
- 2.7 The School should give prior consideration to any suitable candidate within the Authority who has been nominated for redeployment in line with the Redeployment Protocol. The HR Division will provide the school with a list of these employees on receiving information about the vacancy.
- 2.8 If the vacancy is not filled through the prior consideration process, Governors have the option to source applicants from the Authority's approved list of Newly Qualified Teachers (also known as the "Pool"), or alternatively proceed to open advertisement.
- 2.9 The Pool consists of (a) NQT teachers (b) those who qualified the previous academic year.
- 2.10 Appointments made from the Teaching Pool are subject to the same standard of vetting as all other school staff and as such will not be permitted to take up their appointments until vetting has been satisfactorily completed.
- 2.11 If the school wishes to consider applicants other than (or as well as) newly qualified teachers on the 'Pool', then the post must be advertised.
- 2.12 There is no need to advertise a temporary post which is for 4 months or less even though such posts will be subject to the same vetting procedures as all other posts

### **3. The Advertisement**

Having prepared a job description and person specification for the vacancy and considered the scope for redeployment, attention can now be given to advertising the position.

- 3.1 All adverts for Headteachers and deputies must be advertised nationally. Governors can decide to place in the Times Educational Supplement and may also be placed in the Western Mail (Y Cymro/Golwg for Welsh posts) OR on the Authority's website. However this requirement does extend to all other school based posts.
- 3.2 Advertisements for posts will include the statement:  
*"The school is committed to safeguarding children and young people. A CRB disclosure will be required".*
- 3.3 Completed application forms should be submitted for all posts on the Council's standard employment application. CVs will not be accepted as a substitute.
- 3.4 Allow reasonable time from the date of the advertisement to intended commencement date in order to obtain all relevant vetting documentation.

### **4. Shortlisting Meeting**

- 4.1 The same appointment panel must be present to shortlist and to interview. If one of the panel members is unable to attend the interview, the remaining members should proceed with the interview.
- 4.2 For all appointments (other than newly qualified teachers from the pool) it is advisable for the Director's representative to be present for the shortlisting meeting and the interview.

- 4.3 If the Education or HR Division is not involved, then responsibility for the appointment process and its outcome rests solely with the Governing Body.
- 4.4 Shortlisting will be based on the agreed and appropriate criteria. The criteria for shortlisting will be an assessment of each applicant's ability, based on available information, to meet person specification criteria. All applications should be retained for a minimum of 6 months. This will ensure that any query about shortlisting decisions, whether or not this is based on a claim of discrimination, can be responded to properly.
- 4.5 The Panel could consider supplementing interview with other means of assessing candidates e.g. short presentation, informal discussion, classroom observation that may be deemed an appropriate assessment for the post in question
- 4.6 Unsuccessful candidates should be informed by letter.

## **5. Selection**

- 5.1 It is customary to invite candidates for teaching posts to visit the school prior to the interview.
- 5.2 The interview should adopt structured competency based format using the person specification criteria.
- 5.3 Candidates must always be required to:
- Explain satisfactorily any gaps in employment
  - Explain satisfactorily any anomalies or discrepancies in the information available to recruiters
  - Declare any information that will appear on a CRB disclosure
  - Demonstrate their capacity to safeguard and protect the welfare of children and young people
- 5.4 A nominated panel member must ensure that the candidate evaluation record is completed according to the Council's template.
- 5.5 This will ensure that any query about an interviewing decision, especially if this is based on an allegation of discrimination, can be dealt with in an informed way.
- 5.6 The job may only be offered provisionally subject to appropriate employment checks, including health checks, CRB disclosures and the receipt of two satisfactory written references.

## **6. Employment Checks**

- 6.1 All successful applicants are required:
- to complete an enhanced CRB disclosure application and receive satisfactory clearance
  - to provide original certificates of qualifications
  - to complete a confidential health questionnaire
  - to provide proof of eligibility to live and work in the UK, where appropriate
  - to provide proof of GTCW registration (in the case of teaching staff)

- 6.2 Two Written references must be sought directly from the named referees. References or testimonials provided by the candidate will never be accepted. The standard PCC reference request form will be used in all cases.
- 6.3 Any written references sought direct by the School must be forwarded to the HR Division within 7 days of the appointment panel's decision to confirm appointment for retention of central personnel records.
- 6.4 Unless there is evidence of satisfactory CRB disclosure and two satisfactory written references on the personnel file held in County Hall, new employees must not be allowed to commence employment.
- 6.5 Schools shall observe the requirements of the Council's ***Policy "Safe Recruitment: Statement of Policy and Practice"*** on the use of criminal records information in employee selection."

## **7. Post-Interview**

- 7.1 The successful candidate will be informed of the Panel's decision by the Chair of Governors or nominated person, where it will be confirmed that the offer is conditional upon satisfactory completion of the vetting procedure.
- 7.2 The Director's representative or nominated person will usually offer all unsuccessful candidates feedback on their interviews.
- 7.3 For out of county candidates it may be courteous to provide feedback immediately following the interview.
- 7.4 Schools should not show references to candidates.
- 7.5 The offer of the appointment will be confirmed in writing by the HR Division within 15 working days of receiving formal notification from a nominated member of the panel.
- 7.6 Schools are reminded that until all relevant checks are completed and evidence held on file, newly appointed staff cannot be permitted to take up their appointments and consequently cannot be placed on the payroll.

## APPENDIX 1

Guidance from the National Assembly for Wales circular 34/2002 “Child Protection: Preventing Unsuitable People from Working with Children and Young People in the Education Service”

What checks should be made on people who will be working with children?

The Welsh Government advises that the following checks should be made on all people (including volunteers) who seek appointment to positions which will bring them into contact with children and young people. Checks on supply teachers should be made when they are recruited to work for an employment business or agency.

- Identity: It is important to be sure that the person is who he or she claims to be. In some cases the candidate will be known to the school or further education institution or will be employed already by the County Council or in a neighbouring establishment. If not, the employer should ask to see proof of identity such as a birth certificate, driving licence, or passport. If a teacher or worker is provided by a third party, such as an employment business or agency, the school or further education institution should check that the person who comes to them is the person referred by the employment business or agency. N.B. proof of identity will always be required in connection with the application to the Criminal Records Bureau (CRB) for a Standard or Enhanced Disclosure.
- Academic Qualifications: Employers should always verify that the candidate has actually obtained any academic or professional qualifications claimed in their application by asking to see the relevant certificate or diploma, or a letter of confirmation from the awarding institution. If original documents are not available, employers must see a properly certified copy. For teachers, a registration check with the General Teaching Council for Wales (GTCW) will confirm whether a teacher has Qualified Teacher Status.
- Professional and Character References: References should always be taken up, and should be obtained in writing directly from the referee. We will never accept references or testimonials provided by the candidate. We strongly advise that a reference should be obtained from the current or most recent employer.
- Previous Employment History: Employers should always ask for information about previous employment and obtain satisfactory explanations for any gaps in employment. If a candidate for a teaching post or other post within an educational setting is not currently employed as a teacher or worker, it is also advisable to check with the school, further education institution or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving. For an overseas teacher, see Paragraphs 6-11 and Annex D.
- Criminal Record Check: All applicants for positions which are excepted from the provisions of the Rehabilitation of Offenders Act 1974 should be asked to declare any convictions, cautions or bind-overs which they have incurred, including any that would be regarded as "spent" under the Act in other circumstances. If a person who is, or who has been, resident in the UK is subsequently selected for appointment, the employer will require them to apply to the CRB for a Disclosure to verify their declaration (see Part 2 for further information about the Disclosure service). For the purposes of working with children and young people, the exceptions to the Rehabilitation of Offenders Act 1974 are the positions detailed in Section 36 of the Criminal Justice and Court Services Act 2000 ( see Annex A) and any work involving

regular contact with children in a further education institution or educational setting. The positions include:

- any work in a school or a sixth form college, on day care premises, or in a children's home or hospital;
  - any position in which the normal duties include caring for, training, supervising or being in sole charge of children under the age of 18;
  - any position involving unsupervised contact with a child under arrangements made by the child's parents or guardian, the child's school or a registered day care provider; and
  - a position as a governor of a sixth form college.
- List 99: List 99 is a confidential document, maintained by the Department for Education and Skills, which contains the names, dates of birth, national insurance numbers and teacher reference numbers of people whose employment in relevant employment<sup>2</sup> has been barred or restricted by the Secretary of State. Employers are required by the Education (Restriction of Employment) Regulations 2000 to check the List to ensure that they do not appoint someone to a post from which they have been barred. A person whose employment has been restricted by the Secretary of State for Education and Skills may only work in a post which does not contravene the terms of the restriction. When a person applies for a Standard or Enhanced Disclosure to verify their suitability to work with children, the Disclosure will contain details of whether they are included on List 99 and/or the Protection of Children Act (PoCA) List which is maintained by the Department of Health (see Part 2 for further information about the Disclosure service).
  - Health: Anyone appointed to a post involving regular contact with Children or young people should be medically fit (see The Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999).

#### What Checks should be made on teachers

All teachers with Qualified Teacher Status teaching in maintained schools, pupil referral units and non-maintained special schools in Wales are required to register with the General Teaching Council for Wales (GTCW).

Employers must check with the GTCW whether teachers applying for positions in such schools are registered with the Council.

If a teacher is registered this means:

- they have Qualified Teacher Status. Anyone appointed or engaged to teach in a maintained school or non-maintained special school must either have QTS or come within one of the exceptions set out in the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999 (see footnotes 1 and 2);
- they have paid the annual GTCW registration fee;
- they have no DfES restrictions or bar such as List 99 or a failed probation period;
- they have not been removed from the register because of a restriction imposed by the GTCW or any other General Teaching Council.

In addition, employers must ensure that checks on a teachers' identity, criminal record, medical fitness and references and previous employment history are carried out as set out in paragraph 3.

The Education Act 2002 makes provision for the GTCW to carry out suitability checks on teachers applying for registration. Once these new provisions are in force, the Council may decide that as part of any suitability check it will undertake criminal record checks with the CRB for all new teachers applying for registration and teachers applying for re-registration after a period out of service.

1 References in this Guidance to further education institutions include sixth form colleges

2 Relevant employment means:

- a) any employment by a local education authority, or the proprietor of an independent school, as a teacher, or a worker with children or young persons under the age of 19;
- b) employment by any other body as a teacher at a maintained school, a non-maintained special school, or a further education institution; and
- c) employment by a governing body of a maintained school, a non-maintained special school or further education institution as a worker with children or young persons under the age of 19.

It also includes people who provide their services as teachers in school, but are not directly employed under a contract, such as supply teachers and student teachers. A worker with children or young persons is a person who is not a teacher, but whose work brings him or her into regular contact with persons under the age of 19.

**Signed:**

**Chair of Governors**

**J. Palmer**

**Head Teacher**

**Date of Review by the Headteacher: Sept 2024**