

## SAFER RECRUITMENT POLICY

### Introduction

1. The Governing Body of Aspiring Foundations Federated Nursery Schools has adopted this Safer Recruitment policy in accordance with:
  - The School Staffing (England) Regulations 2009 ([http://www.opsi.gov.uk/si/si2009/uksi\\_20092680\\_en\\_1](http://www.opsi.gov.uk/si/si2009/uksi_20092680_en_1)), amended 2015 ([http://www.legislation.gov.uk/uksi/2015/887/pdfs/uksi\\_20150887\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/887/pdfs/uksi_20150887_en.pdf)) for the safe and legal employment of people to work in the school.
  - Staffing and Employment advice for Schools , Sept 2018 (<https://www.gov.uk/government/publications/staffing-and-employment-advice-for-schools> )
  - Keeping Children Safe in Education 2020 (<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> )
2. The Governing Body is committed to the welfare of children and young people in its care. It recognises that the legal requirements for recruiting and employing people to work in the school include provisions specifically to protect children from harm and that following these provisions is an essential part of its duty of care. It also recognises that the legal requirements for checking prospective employees' right to work in the United Kingdom protect those responsible for recruitment from fines for infringing the law.
3. The Governing Body will ensure that all employees are made aware of this policy and the Child Protection Policy.

This policy is to be viewed in conjunction with "Halton's Safer Recruitment and Selection Practice Guidance". Advice is contained under the following sections:

- Job analysis
- Job description
- Person specification
- Job evaluation
- Advertising job vacancies
- Application forms
- Scrutinising and short listing
- Interviewing
- Questioning
- Post interview
- References
- Pre appointment checks
- Probationary periods
- Induction

### Guidance on the law

4. The Governing Body is committed to following the EYFS statutory guidance and the guidance in "Keeping Children Safe in Education" 2020
5. The Head Teacher is required to ensure that checks on the right to work in the United Kingdom comply with the requirements of the Immigration, Asylum and Nationality Act 2006 (see <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide> )

6. The Governing Body is committed to its legal duties and responsibilities in respect of equality in employment (for guidance see <https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools> )

### **Checks and recording**

7. The Head Teacher is required to

- Ensure that all required pre-employment checks on new employees, including casual and short-term employees, are made and completed satisfactorily before a formal offer of employment is made in accordance with the School Staffing (England) Regulations and other legislative provisions and that these checks are recorded in the required register (known as the 'single central record').
- Ensure that the required register (known as the 'single central record') is kept of the checks already undertaken on existing employees as set out in the School Staffing Regulations.
- Ensure that the required written confirmation of all required checks is obtained from agencies supplying staff to the school, including organisations providing specialist coaches or instructors and centrally managed teaching services providing staff to the school, and recorded in the required register ('single central record'), also that the identity of each and every person supplied by an agency is checked by the school before the person starts work for the school, as set out in the School Staffing Regulations.
- Ensure that self-employed people engaged directly by the school are subject to the same checks as would be the case if they were employed by the school.
- Ensure that the checks involve copying (or electronic scanning) each specified document as required, signing and dating the copy and placing the copy in secure storage in accordance with Data Protection legislation.
- Arrange for all staff and volunteers to undertake an identity check, and enhanced clearance check, and for those with unsupervised access to children to have a check on 'barred from working with children' list, from the Disclosure and Barring Service, as specified by that Authority
- Ensure that anyone who is appointed to carry out teaching work has an additional check to ensure they are not prohibited from teaching

8. The Governing Body will ensure that these requirements are applied to the selection of a head teacher or deputy head teacher.

9. The Governing Body will ensure that it works with the local authority and complies with the requirements of the Safeguarding Vulnerable Groups Act 2006 to refer prescribed information to the Independent Safeguarding Authority when required to do so.

### **Risk assessment – enhanced criminal record certificate**

10. The Governing Body permits the commencement of employment before an enhanced criminal record certificate has been obtained only in justifiable circumstances approved by the Head Teacher following a risk assessment and provided that an application for such a certificate has been submitted. In each case the Head Teacher is required by the Governing Body to record the risk assessment and the decision, monitor the situation every fourteen days (as required by the statutory guidance on safer recruitment) until the enhanced certificate from the Disclosure and Barring Service is received and to be accountable for the decision to allow the employee to start work.

11. The Governing Body concurs with the Disclosure and Barring Service in not supporting the re-use of a check obtained for a job in a different school or organisation ('portability'), even if the check was undertaken recently. This will change with the introduction of the new online updating system and single applicant only certificates from Spring 2013. It acknowledges that the Head Teacher may refer to the existence of a previous check pending an application for an enhanced criminal record certificate as part of the risk assessment in justifiable circumstances.

### **The Authority's Disclosure and Barring Service Panel and positive disclosures**

13. The Governing Body requires the Head Teacher to make any reports requested by the authority in connection with a positive disclosure obtained through a check with the Disclosure and Barring Service.

14. The Governing Body expects the Head Teacher to take advice from the Authority's Criminal Records Bureau Panel on a positive disclosure from the Disclosure and Barring Service, or such other persons as the Local Authority may determine from time to time and from the Authority's Employee Relations Team as necessary and refer the matter to the relevant committee of the Governing Body if advised to do so.

### **General recruitment procedures**

15. Where the Governing Body has delegated its power of recruitment and selection to the Head Teacher it requires the Head Teacher to ensure, as far as reasonably practicable, that

- every job description includes a statement that the employee is responsible for promoting and safeguarding the welfare of children for whom he or she is responsible or comes into contact.
- every person specification includes a clear statement about the requirements for any applicants to demonstrate their suitability to work with children and that this will include motivation, ability to maintain appropriate relationships with children, emotional resilience to challenging behaviour, and attitudes to the use of authority and maintenance of discipline.
- The school uses the current standard application forms prepared by the local authority
- any gaps in education or employment, or discrepancies between information on the application form and references are investigated.
- all persons invited for interview are informed in writing of the required pre-employment checks and asked to bring relevant documentation with them on the day of the interview.
- The interview panel follows Halton's Safer Recruitment and Selection Practice Guidance" with regard to references.
- choose suitable people, at least one of whom has completed the required training in safer recruitment, to interview candidates with the head teacher or on the head teacher's behalf and that the interviews are supplemented by other tasks and assessment as appropriate.
- the recruitment and selection process is monitored in accordance with the Governing Body's policy on the various equality duties required of schools (see link above).

16. The Governing Body will also require selection panels for head teachers and deputies and any interviewing panel including governors to follow these requirements.

### **Safer Recruitment Training**

17. The Governing Body will arrange as necessary for some or all governors to undertake the training in safer recruitment specified in the School Staffing Regulations.

18. The Governing Body will follow the requirement in the School Staffing Regulations that at least one member of selection panels for head teachers and deputies and any other interviewing panel including governors has completed the required training in safer recruitment and that if selection has been delegated to the head teacher both the head teacher and any other employee assisting the head teacher with the interviews have completed the required training in safer recruitment.

### **Induction**

19. The Head Teacher (Designated Senior Person) is required to arrange an induction during the employee's first week at work which includes:

- Meeting all staff, including the deputy designated person
- Halton's Safeguarding Children Induction Booklet and the associated questions
- Suitable training in child protection which includes knowledge of safeguarding policies
- Safer Working Practice for adults who work with children and young people

20. This is in addition to statutory induction for newly qualified teachers and probation for new support staff.

## **RECRUITMENT AND SELECTION COMPLAINTS PROCEDURE FOR SCHOOLS**

### **1. Introduction**

1.1 As an equal opportunities employer the Governing Body of Aspiring Foundations Federated Nursery Schools is committed to the elimination of unfair and unlawful discrimination in employment. It has adopted this procedure to support that commitment.

1.2 The procedure can be used by any internal or external applicant who feels that they have been unlawfully or unfairly discriminated against at any stage of the recruitment and selection procedure.

1.3 The Governing Body will ensure that all employees and potential employees are aware of this procedure. It will publish the procedure through its scheme of publication in accordance with the Freedom of Information Act.

1.4 In line with the Council's Recruitment and Selection Code of Practice candidates should be given the opportunity to discuss the outcome of their application.

Therefore, if on receipt of a complaint the person nominated by the Governing Body to deal with the complaint in accordance with this procedure feels that there is scope for informal discussion (and where this has not already taken place), he or she may offer informal discussion. Applicants may reject this offer without detriment.

1.5 Whether a person uses this procedure or not, she/he remains entitled to pursue an application to a Tribunal or Court of Law in respect of any statutory rights she/he may have under relevant legislation.

Complainants should note that if they wish to pursue an application to a Tribunal, they must do so within 3 months of the alleged event taking place.

1.6 A complainant may wish to seek advice or be accompanied by a representative of her/his choice. An existing employee of the school has the right to request to be accompanied by a trade union representative or another employee of the school.

1.7 All complaints will be treated in confidence. The making of a complaint will not affect an individual's future treatment in terms of recruitment, selection, promotion or services provided.

1.8 The Governing Body will make special arrangements where necessary for complainants with disabilities or special needs, such as difficulty with writing.

## **2. The Procedure**

2.1 The complaint, stating the grounds upon which it is made, must be submitted in writing to the clerk to the Governing Body within one calendar month of the event referred to taking place.

2.2 The Governing Body delegates the function of dealing with complaints to the chair of its Staffing Committee, or, if the chair has been involved in the process about which the complaint is made, to the Clerk to the Governors who will forward to the relevant Governor and, if the complaint goes to appeal under section 3 below, to the appeals committee. The delegation includes the power to “freeze” the recruitment process where appropriate and practicable (see below).

2.3 Within 7 working days of receiving a complaint, the governor to whom the function has been delegated should:

a) acknowledge receipt of the complaint  
b) determine whether it is appropriate or practicable to “freeze” the appointment (see 5 below)

c) commission an investigation from a suitable person not involved in the selection process for the appointment (taking advice from the Employee Relations Team is available within the school).

2.4 The investigator should follow relevant sections of the authority’s guidance for schools on investigations (see appendix).

2.5 The investigator will be responsible for preparing a written report to the governor showing how the investigation was carried out, a summary of the evidence received and recommended action, including any available remedies (see section 4 below). This report will normally be presented within 10 to 20 working days of the investigation being commissioned.

2.6 On receipt of the report the governor will consider the evidence and decide on the appropriate action. If the complainant is an employee of the school the governor will follow section 3 of these procedures. Otherwise the governor, or the clerk to the governing body on behalf of the governor, will write to the complainant advising her/him of the outcome of the complaint.

## **3. Complaints from current employees**

3.1 This section of the procedure applies in the case of a complaint from a current employee of the school.

3.2 The governor will offer to meet the complainant, who has the statutory right to request to be accompanied by a trade union representative or fellow-employee. The governor will make all reasonable efforts to agree a date for the meeting with the employee, who should take all reasonable steps to attend. If the employee or the employee’s companion cannot attend on a proposed date, the employee may suggest another date provided that the date is no more than five working days after the date originally proposed by the governor. This limit of five working days may be extended by mutual agreement.

3.3 At least five working days before the meeting the complainant shall be provided with a copy of the report of the investigator, subject to the provisions of the Data Protection Act, particularly as regard releasing information about third parties. The investigator and governor will be expected to take advice from the local authority on the provisions of the Data Protection Act in these cases.

3.4 The governor will arrange for a full record of the meeting to be kept.

3.5 Following the meeting the governor will consider what action to take in response to the report of the investigator and the comments made by the complainant during the meeting with the governor. If the complainant declines to attend a meeting the governor will make a decision on the basis of the report of the investigator. The

governor, or the clerk to the governing body on behalf of the governor, will then write to the complainant to confirm the outcome of the complaint. The governor will also advise the complainant of the right of appeal.

3.6 The complainant has the right of appeal to the Governing Body's appeals committee. The complainant should be asked to notify the clerk to the governing body of his or her intention to appeal within ten working days of receiving the letter confirming the outcome of the complaint. The appeal hearing will be arranged and conducted in accordance with the relevant sections of the school's grievance procedure.

#### **4. Remedies available when complaints are upheld**

4.1 If a complaint is upheld at any stage of the procedure the prime object of the governor dealing with the complaint or the appeals committee (as the case may be) of the Governing Body will be to offer a remedy which best restores that person's position within the recruitment and selection procedure subject to their powers of delegated management.

4.2 It is not within the remit of the governing body to compensate any person with monetary award.

#### **5. Use of the "freeze"**

5.1 Where appropriate and practicable a 'freeze' should be imposed on the recruitment and selection procedure whilst investigations are carried out. The decision to impose such a 'freeze' will normally only occur at an early stage in the recruitment and selection procedure. The governor dealing with the complaint should therefore consider:-

- (a) the apparent seriousness of the allegation and the evidence which suggests its substantiation;
  - (b) whether a 'freeze' is practicable, having regard to action taken to fill the vacancy before the complaint was received;
  - (c) the consequences to the operation of the school of the 'freezing' of the vacancy;
- Advice on imposing a 'freeze' may be obtained from the Employee Relations Team.

5.2 If a 'freeze' is imposed the governor dealing with the complaint will have discretion to determine the duration, subject to the extent of the investigation.