



# GALILEO

## MULTI ACADEMY TRUST

### RECRUITMENT & SELECTION POLICY

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This document applies to all schools and operations of the Galileo Multi Academy Trust: [www.galileotrust.co.uk](http://www.galileotrust.co.uk)

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## 1. Introduction

Safe recruitment is central to the safeguarding of children and young people in education. The Trust has a duty to safeguard and promote the welfare of our children and young people and this includes ensuring that the Trust, and all of the schools therein, adopt safe recruitment and selection procedures which prevent unsuitable persons from gaining access to children.

Safeguarding is an integral factor and an essential part of creating safe environments for children. Through robust procedures which foster a culture of safe recruitment from the start of the process to the end, the Trust aims to ensure it deters, rejects and identifies people who may pose a risk to our children.

**Galileo Multi Academy Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.**

At all times recruitment and selection must be fair, effective, robust and safe for the purposes of building and maintaining an effective workforce who have the necessary skills and attributes to enable the schools to fulfil its priorities. Our employees support the Trust to achieve its aims through their individual and collective performance and therefore good quality recruitment and selection procedures are equally essential for short term temporary posts as it is the most senior positions. This includes the recruitment and retention of competent, motivated employees who are suited to the roles they undertake.

'Headteacher' is used throughout this policy. Where an applicant is a member of a centrally employed team, this would be the line manager. Where the applicant is a Headteacher, CEO or CFO, this would be the Trust Board.

'Children' refers to any child under the age of 18.

This policy is based on current legislation, guidance and best practice and aims to embed and apply these principles across the Trust to promote consistent recruitment and selection procedures.

## 2. Scope

This policy sets out the standards and stages for all recruitment activities and applies to all Trust schools and the appointment of all roles within the Trust.

## 3. Safe recruitment policy statement

Any documentation issued by the Trust relating to the recruitment and selection process will include an explicit statement about our commitment to safeguarding and promoting the welfare of children.

**Galileo Multi Academy Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.**

As part of its commitment to ensuring that children and young people are kept safe from harm, the Trust will apply a robust selection and appointment process to all applicants to deter, identify and reject people who may be unsuitable to work with children and young people.

Safeguarding and promoting the welfare of children is **everyone's** responsibility and **all** staff have a responsibility to provide a safe environment in which children can learn.

#### 4. Aims and objectives

Galileo Multi Academy Trust aims to ensure:

- The safeguarding and welfare of children and young people occurs' at each stage of the recruitment and selection process and is continued through carrying out all necessary pre-employment checks
- The best possible staff are recruited on the basis of their merits, abilities and suitability for the position
- Recruitment and selection is carried out in a consistent approach for all applicants
- The equality of opportunity during the recruitment and selection process and will not unlawfully discriminate in respect of any of the protected characteristics defined under the Equality Act 2010
- The most cost effective use is made of resources in the recruitment and selection process

To achieve this purpose, those that are responsible for each stage of the recruitment process will demonstrate a professional and timely approach by dealing honestly, efficiently and fairly with all applicants.

#### 5. Principles

The Trust aims to select and appoint the best person for the job and develop them to perform to the highest professional standards. The following principles will be adhered to at all times:

- The recruitment process will have a strong focus on the safeguarding of pupils and ensuring that applicants and employees are suitable to be in school
- The school will select appropriate and cost effective attraction methods, giving consideration as to how to bring vacancies to the attention of suitable candidates to achieve maximum benefits and value
- The criteria for selection will be based on the relevant knowledge, skills and experience required in order to carry out the role and candidates will be evaluated against their ability to perform the functions of the specific job, as set out in the job description and person specification
- The Trust will apply equality, diversity and safer recruitment considerations consistently throughout the recruitment, selection and appointment process in line with the Trusts equality and diversity policy

- Interviews will be conducted in a fair and consistent manner and be structured and systematic to ensure that questions asked relate to the experience, skills and qualifications outlined in the person specification
- Recruitment decisions will not be taken by one individual. This will involve a panel of at least two, at least one of which will have undertaken safer recruitment training. Anyone involved in the recruitment and selection process who has a relationship which may affect their ability to be impartial must declare this to the rest of the panel. A decision will be made and documented as to whether or not it is appropriate for that panel member to continue in the recruitment and selection process
- At least one member of the recruitment panel will have undertaken safer recruitment training. Safer recruitment training will be refreshed regularly and in line with updated advice from the Government and changes in legislation
- All information contained in an application form or a covering letter will be treated as confidential, in accordance with Data Protection and the General Data Protection Regulations (GDPR) 2018 and restricted to those involved directly in the recruitment process and its administration
- Offers of appointment **will always** be conditional and will be subject to the receipt of appropriate references, checks and clearances being obtained. A start date will not be agreed with the individual until all checks have been completed to the satisfaction of the recruitment panel
- The recruitment process and decisions arising from it will be documented. All panel members must therefore ensure that they maintain adequate and appropriate records, either written or electronic. Once the process has been completed documentation will be held on the personal file of the successful candidate and within the school for a period of six months for all other applicants

These principles will enable the Trust to ensure a transparent, fair and objective recruitment process has been undertaken, and consideration has been given to minimise time and cost to recruit in support of effective delivery of services, especially front line services. Galileo Multi Academy Trust actively seeks alternative opportunities for any member of staff who is facing redundancy and may advertise posts internally in the first instance.

The Trust is dedicated to the recruitment of staff with the appropriate skills, competencies and experience in order to meet current and anticipated future needs, and in ensuring that staff appointed to posts are appropriately qualified to carry out the duties and responsibilities of that post.

All appointment decisions will be demonstrably free from any bias and will be based on merit determined by pre-defined selection criteria. All applicants will have complete equality of opportunity. The recruitment and selection process will be fair and transparent at every stage.

At all times, the school should develop and enhance the public image and reputation of the school and Trust, both as an employer and as a provider of high quality education.

## **6. Equal opportunities**

Galileo Multi Academy Trust is committed to providing equality of opportunity for all and ensuring that all stages of recruitment and selection are fair. Recruitment and selection procedures will be reviewed on a regular basis to ensure that applicants are not discriminated against on the grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership or pregnancy and maternity.

Protected characteristics will not be used as a basis for shortlisting, appointment or promotion. All employees will be appointed, trained and promoted on the basis of ability and the requirements of the job. An exception will be by virtue of legislation or an occupational requirement.

Reasonable adjustments and supportive measures will be considered where a known disability exists to allow equality of access and opportunity. In addition, all applicants who consider themselves disabled and who meet the essential criteria of the person specification will be granted an interview.

It is the responsibility of all those involved in the recruitment and selection process to ensure that equality legislation is adhered to and unlawful discrimination is avoided.

## **7. Recruitment and selection campaigns**

The Trust aims to safeguard the welfare of children and young people and a focus on child protection, safeguarding and promoting the welfare of children will be included at every stage of the process.

The objective of the recruitment process is to attract, select and retain appropriately qualified staff who will successfully and positively contribute to the future development of the school and Trust.

### **7.1 Preparation**

Vacant posts should be reviewed prior to advertising as they present the opportunity to do things differently. When a role becomes available, Headteachers should consider whether they need to replace the role 'like for like', or whether the duties of the role could be fulfilled in an alternative way.

Succession planning, as identified through the appraisal process, will support the Headteacher when making decisions, enable the ongoing delivery of services and any employee development is recognised. A detailed planning process is essential to minimise the risk of making unsuitable appointments, and to ensure the recruitment process is carried out in a timely manner.

Posts within each school are determined by the school staffing structure which is agreed in consultation with the Headteacher, the Chief Executive Officer and the Chief Financial Officer and Trust Board. This includes the number, type, pay / grading and duration of each post within the school. Prior to advertising any role the Headteacher

must submit and have authorised by the CEO and CFO a request to recruit application, available in [Appendix 5](#).

Supply staff directly employed by the Trust will be subject to the same safer recruitment practices as other staff.

## 7.2 Job description

The job description sets out the purpose, tasks and key responsibilities of the post and provides a basis for the person specification which enables prospective candidates to assess themselves for the job.

The job description provides an opportunity to reinforce our commitment and values in respect of safeguarding which can help set the tone and culture of the Trust.

Standard job descriptions are available to ensure consistency across all schools, with each job description containing:

- Job title
- Grade and salary range
- Working weeks / year for support roles
- Responsible to (the person to whom the post holder reports)
- Responsible for (staff for whom the post holder is responsible)
- Job purpose
- Main job duties including the provision for 'such other duties as may be allocated from time to time, commensurate with the grade for the post' and 'the post holder may also be required to undergo training in order to undertake duties of the post in an efficient manner'.

All job descriptions should also include:

- Galileo Multi Academy Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Pre-employment checks will be undertaken before any appointment is confirmed. This post is subject to an enhanced DBS check
- The post holder must carry out their duties with full regard to all Trust policies including the Child Protection, Equalities and other relevant policies in terms of employment and service delivery to ensure that colleagues are treated and services delivered in a fair and consistent manner. Safeguarding and promoting the welfare of children is everyone's responsibility. You will be required to safeguard and promote the welfare of children for whom you have a responsibility or come into contact with, this includes adhering to all specified procedures
- The post holder is required to comply with health and safety policy and systems, report any incidents / accidents / hazards and take a proactive approach to health and safety matters in order to protect both yourself and others
- The ability to converse at ease with the public / pupils and provide advice in accurate spoken English is essential for the post (where required)

It is at the discretion of the school to decide the starting point on which to appoint a teacher in line with the Trust's teachers' pay policy. For support staff it is usual for newly

appointed employees to be placed on the minimum point of the grade. Apprentice pay is in line with the national minimum wage and national living wage rates.

### 7.3 Person specification

The person specification will be the basis upon which the selection criteria is made and therefore should detail the skills, experience, abilities and expertise that are required to do the job. A person specification must be produced for all posts.

Person specifications fulfil a number of purposes, including:

- Listing the essential and desirable criteria which will be considered in the selection process
- Assisting in the preparation of job adverts
- Enabling prospective applicant to assess themselves against the requirements of the job

All person specifications should also include:

- The qualifications, experience and any other requirements needed to perform the role
- Include a specific reference to an applicants' suitability to work with children, eg:
  - Interest in working with children to promote their development and educational needs
  - Ability to form and maintain appropriate relationships and personal boundaries with children
  - Emotional resilience in working with challenging behaviours and attitudes to use of authority and maintaining discipline

The essential criteria for the post should be the minimum criteria a candidate must have to undertake the duties of the post. Failure to meet the essential criteria will constitute a valid ground for exclusion from a shortlist. Desirable criteria are those, which although not essential, could enhance job performance.

Care must be taken to ensure that only criteria which genuinely affects job performance are included and unnecessary or unjustifiably high standards are not included.

### 7.4 Advertising

The prime purpose of the job advertisement is to attract a suitable number of appropriately qualified people to apply for a vacancy and to achieve this in a cost effective way. The contents of adverts must be factual, non-discriminatory and should include:

- Job title
- Grade and salary range, pro rata to the advertised hours
- Working hours / week or FTE for teaching roles
- Working weeks / year for support roles
- Location
- Closing date for applications and the interview date if known
- Description of the job



- Contact details or queries or further information
- How to access the application form
- The statement:
  - Galileo Multi Academy Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Pre-employment checks will be undertaken before any appointment is confirmed. This post is subject to an enhanced DBS check
- Disqualification under the Childcare Act 2006 (if applicable)

The Trust places a great deal of emphasis on continuous professional development and in doing so actively seeks to promote succession planning and career guidance for its employees. When a vacancy arises consideration will always be given to internal recruitment and will be carried out as a fair and equitable process across the schools within the Trust.

The Headteacher will take into consideration their current staffing structure to identify clear skills gaps when choosing whether external recruitment advertising would be advantageous in the first instance. External advertising widens exposure to the vacancy and both internal and external applicants will be considered together. Vacancies should not be advertised by 'word of mouth' alone since people / groups that may be under represented in the area are unlikely to hear about them and it may lead to claims of discrimination.

Exceptions to the recruitment campaign may be made in the following circumstances and for the following reasons:

- Where the role is currently occupied on a temporary basis and the post is made permanent without competition
- Where the vacancy can be filled internally without advertising at the same grade. Where more than one person is interested in transferring a selection interview will take place
- Where a post is covered by a job share and one of the sharers leaves the remaining sharer can be offered the option of the additional hours
- Where a short term internal opportunity arises for a specific project / requirement, the school may advertise for 'expressions of interest' rather than advertise externally
- Where a similar post has recently been advertised and it would be reasonable to shortlist from the same pool of candidates

Internal adverts will usually be advertised for one week. Internal / external adverts will usually be advertised for two weeks.

## 7.5 Application forms

Galileo Multi Academy Trust uses a standard application form to ensure there is a systematic way of comparing candidates as well as meeting safeguarding requirements. Exceptions will be made for apprentices and a standard application form from a provider will be accepted in place of the Trust form. Incomplete application forms

should be rejected and will not be eligible for shortlisting. CV's should not be accepted in place of an application form.

All candidates are required to cover any gaps in employment or training from leaving school. Where shortlisted, candidates should suitably explain at interview any gaps or repeated changes in employment where it is unclear that this has been because of career or salary progression.

The application form will include the applicants' declaration regarding convictions and working with children, and will make it clear that the post is exempt from the provision of the Rehabilitation of Offenders Act 1974.

It is unlawful for the Trust to employ anyone who is barred from working with children, it is also a criminal offence for any person who is barred from working with children to apply for a position at a school. All applicants will be made aware that providing false information is an offence and could result in the application being rejected, or summary dismissal if the applicant has been selected, and referral to the police and / or DBS.

The Trust will not usually consider late applications and only in exceptional circumstances will they be accepted, such as where there has been an error on the school's part. The reason for accepting late applications will be recorded.

## **7.6 Recruitment panel**

The recruitment panel, which should be made up of at least two people, at least one of which has undertaken safer recruitment training, will consider all applications that have been submitted for the vacancy.

When composing an interview panel consideration should be given to the diversity of the panel, particularly, but not limited to, gender diversity.

## **7.7 Shortlisting**

After the closing date for the receipt of applications has been reached, the recruitment pack should be prepared by the designated person ready for shortlisting by the recruitment panel. Each application form should be assigned an application form reference and any completed equal opportunities monitoring forms should be detached and assigned a corresponding reference number.

Candidates for interview are selected for the shortlist based on the information given on the application form by comparing the applications against those elements of the person specification that have been specified as being essential. Candidates who do not meet the essential requirements of the job will not be shortlisted. All candidates should be assessed equally against the criteria in the person specification without exception or variation. All applications should be scrutinised carefully to ensure they are fully and properly completed. The information provided needs to be consistent and should not contain any discrepancies. Any gaps in employment should be identified. Incomplete applications should not be accepted or shortlisted and CV's will not be accepted in place of an application form.

The decision on who is / is not shortlisted should not be based on any of the protected characteristics as specified under the Equality Act 2010, except for posts where there is a genuine occupational requirement. These circumstances are limited and usually apply where it can be justified that to fill a role the candidate must have one of these characteristics.

If, after the preliminary assessment has been undertaken, there are more potential candidates than could reasonably be interviewed, applications should then be assessed against the desirable qualities of the person specification.

Panel members must disclose any conflict of interest in making appointment decisions. It is essential that shortlisting is an objective procedure to avoid any possible accusation of bias. Panel members should not be involved in any appointment where they are related to, or have a close personal relationship outside of work with the applicant. Should a claim be made on discrimination grounds it may be necessary to demonstrate such objectivity at a later date. All records will be retained and used in accordance with the General Data Protection Regulations (GDPR) 2018 and other legislative provisions.

To ensure a fair and transparent process has taken place:

- The recruitment panel should be involved in both the shortlisting process and the interview
- Every application form should be seen by all of the recruitment panel
- The recruitment panel should work separately when assessing applications and in establishing their draft shortlist. The panel should then meet and agree a final shortlist of applicants to interview. Only applicants who, in the opinion of the panel, meet all essential criteria in the person specification should be shortlisted. If there are too many applicants who meet the essential criteria, the desirable criteria in the person specification should be considered. The panel can agree the desirable criteria that candidates will be matched against if they do not wish to use all desirable criteria. The Trust has a shortlisting pro-forma to be used when undertaking shortlisting
- Having shortlisted, a panel may decide that no applicant meets the essential requirements for the post. In this situation the job description, person specification and advert should be reviewed before a decision is made to re-advertise
- In the event that only one applicant meets the essential requirements for the post, selection may continue as planned, or a decision may be taken to re-advertise. If the role is re-advertised all shortlisted applicants should be appropriately informed, and advised whether they need to re-apply or not

All application details must be treated with the utmost confidentiality and any information obtained in the course of the recruitment and selection process, which may include information of a sensitive or personal nature, must be kept secure and retention periods should be adhered to.

Information disclosed under the Rehabilitation of Offenders Act 1974, and the Amendments to the Exceptions Order 1975 (2013) provide that certain spent

convictions and cautions are 'protected'. Disclosures must not be taken into consideration at shortlisting stage. Any disclosure made must be provided to the recruitment panel in a sealed envelope so that they may ask the candidate questions at interview.

Galileo Multi Academy Trust is positive about disability and welcomes applications from disabled people. The Trust undertakes to interview any applicant who meets the minimum essential criteria for the post where the applicant declares a disability on their application form.

## 7.8 References

The purpose of seeking references is to obtain objective and factual information to support appointment decisions.

References should be sought on all shortlisted candidates, including internal applicants, immediately after shortlisting. The only exception to this is where candidates have indicated on their application form that they do not wish their referees to be contacted prior to interview. A copy of the job description and person specification will be included with all reference requests.

Where possible the Trust will obtain references before interview so that any issues of concern can be explored further with the referee and taken up with the candidate at interview. Safer recruitment procedures advise that references should always be obtained from the candidate's current employer or if not employed, the most recent period of employment and should confirm both the period of employment and the reason(s) for leaving. References form an important part of the recruitment process and should be scrutinised for any inconsistencies against the application form. Where a reference has not been obtained for the preferred candidate prior to interview it will be scrutinised once it is received, and any concerns resolved satisfactorily before a person's appointment is confirmed.

If a candidate for a teaching post is not currently employed as a teacher, Galileo Multi Academy Trust will confirm details of their employment and their reasons for leaving with the school, college or place of work at which they were most recently employed. For the purposes of safeguarding, the Trust will apply this system to applications for all staff roles. Therefore applicants who have previously worked in schools (despite this not being one of their last two employers) will be advised that the school will contact the last school previously worked at for a reference. This will be in addition to the two written references, one of which should be from the candidates present or most recent employer (paid work).

References should always be requested directly from the referee and preferably from a senior person with appropriate authority, not just a colleague. The Trust will not accept open references, for example in the form of 'to whom it may concern' testimonials, nor only rely on information provided by the candidate as part of the application process without verifying that the information is correct. Where electronic references are

received, the recruitment panel should be confident they originate from a legitimate source.

Upon receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague or if insufficient information is provided. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

Questions relating to absence are not a safeguarding requirement, and therefore applicants are only asked to provide information on who the Trust can contact for this information, should they be successful at interview.

Any information about past disciplinary action or allegations that are disclosed should be considered carefully when assessing the applicant's suitability for the post (including information obtained from the DfE secure access sign-in checking procedure).

## 7.9 Invitation to interview letter

A formal invitation to interview letter should be sent to the applicant providing the relevant information. The school should provide at least five working days between sending the invite to interview letter and the interview date to allow applicants to secure the time to attend.

## 7.10 Interviews

Interviews are a two way process which provides an opportunity for the recruitment panel to select the best candidate for the role and also an opportunity for a candidate to determine whether the school is the right place to work for them.

The recruitment panel should assess the merits of each candidate against the job requirements, and explore their suitability to work with children. The selection process for people who will work with children should always include a face-to face interview even if there is only one candidate and in addition to the interview, candidates may be asked to complete:

- Role play exercises
- Presentations
- Group exercises
- Written exercises
- A supervised activity with pupils

The recruitment panel should consist of at least two interviewers. This allows one member to observe and assess the candidate and make notes while the other is talking. This will reduce the possibility of any disputes over what was said or asked during the interview. In some cases a larger panel might be appropriate e.g. for senior or specialist posts.

The members of the panel should:

- Have the necessary authority to make decisions about the appointment
- Be appropriately trained, one member of interview panel should have undertaken safer recruitment training

Panel members should meet **before** the interviews to:

- Agree the assessment criteria in the person specification
- Agree the questions and key responses that are expected in advance based on the criteria in the person specification avoiding hypothetical questions where possible, from which panel members will not deviate
- Agree the issues to be explored with each candidate at interview based on information provided (especially any gaps in employment history and any concerns / discrepancies arising from the information provided by the candidate or their referee)
- Agree which panel member will ask each question and that notes will be taken by all panel members to act as a record
- Agree the scoring criteria which the candidates will be assessed against

### **Scope of the Interview**

In addition to assessing and evaluating the applicant's suitability for the particular post, the recruitment panel should also explore:

- The candidate's motivation, attitude and reasons for wanting to work with children
- The candidate's ability to maintain appropriate relationships and personal boundaries with children
- The candidate's emotional resilience in working with challenging behaviours and attitudes towards discipline
- The candidate's ability to support the school's agenda for safeguarding and promoting the welfare of children
- Gaps in the candidate's employment history
- Concerns or discrepancies arising from the information provided by the candidate and / or a referee

The Trust recognise that not all of the points above would apply to all roles, and the recruitment panel should make a decision based on the role advertised.

The panel should also ask the candidate if they wish to declare anything in light of the requirement for a DBS disclosure and where applicable, a declaration under the Childcare Disqualification regulations.

For specific roles, pupil involvement and / or observing short listed candidates interaction with pupils is common and recognised good practice i.e. asking candidates to teach a lesson, arranging for pupils to show candidates around the school (accompanied) or allowing pupils to meet short listed candidates.

Any requirement in addition to the interview will be identified at the invite to interview stage. Should they be required, reasonable adjustments should be made in order for applicants to attend and fully participate with the selection process.

## 7.11 Decision making

Once the formal assessment process is completed all members of the interview panel will need to reach a final decision. The selection should be made on the basis of which individual best fits the criteria set at the start of the recruitment process, using the scores and results of any assessments.

It is essential that only objective information is used in the decision making process and those decisions are justified, fair and evidence based. If the recruitment process is challenged, it is the responsibility of the recruitment panel to demonstrate that discrimination has not occurred.

Selecting the best candidate for the role is essential and the panel should not feel compelled to appoint a less than satisfactory candidate regardless of the demands of the service. Appointing the wrong candidate can be extremely costly and can have an adverse effect on performance, service delivery and team morale.

The preferred candidate should be contacted to ascertain whether they are still interested in the post. If so, they should be advised that the offer of employment is conditional upon receipt of satisfactory clearances and that they should not give notice to their current employer at this stage. If references have not already been taken up it is important to express to the candidate that their referees will now be contacted and that they should advise them of this to ensure that there are no delays to their appointment.

## 7.12 Conditional offer of appointment: Pre employment checks

A verbal offer is legally binding, any job offer must be conditional, confirmed in writing and based on the following:

- Receipt of at least two satisfactory references (to confirm the successful applicants previous employment history and experience)
- Verification of the successful applicants identity (photographic evidence together with confirmation of current address)
- Verification of the candidates mental and physical fitness to carry out their work responsibilities
- Checks to confirm the applicants right to work in the UK
- An enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity). The definition of regulated activity is available in [section 7.15 Regulated Activity](#).
- Obtaining a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available. See [7.14 Risk Assessments](#)
- Verification that the successful candidate has the academic or vocational qualifications that were specified as essential
- Verification of the successful candidates professional status where required e.g. QTS status. The Teacher Services' system will be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation

- A prohibition check to see if a teacher has been issued with a prohibition or interim prohibition order. This can be carried out using the Teachers Services / Employer Access Online Service
- A check that the person is not the subject of a suspension or conditional order imposed by the GTCE (prior to abolition) that is still current
- Confirmation that the person is not subject to Disqualification under the Childcare Act 2006 if they work in childcare with under 5's or in wrap-around care where there are children under 8. Schools should only apply this to staff covered by the Act
- A check for a Section 128 direction which prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. This can be done as part of the DBS check by including the words 'independent school' with the applicant's job title or can be done through the Teaching Regulation Agency (TRA)
- A certificate of good conduct from relevant embassy for overseas staff. This includes British citizens and anyone who has worked or lived abroad for a period of 12 months or more in the previous 10 years.
- For support staff, satisfactory completion of a six month probationary period
- For NQT's this includes completion of the statutory induction period

All checks should be confirmed in writing, documented and retained on the personnel file (subject to restrictions of information imposed by DBS regulations) and followed up where there are discrepancies in the information provided, or they are not completely satisfactory.

The majority of candidates will have to give notice to their existing employer and, depending on the role, there will be some delay between the candidate being appointed and starting in post. It is important to maintain regular contact with your new appointee, providing them with any information that they need about the school and about their new role.

Where the Trust employs a person who has multiple contracts, consideration must be given the implications of the working time regulations, see [section 7.22](#).

### **7.13 Disclosure and barring service**

Galileo Multi Academy Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

When considering asking an applicant to apply for a DBS check, the level of disclosure requested should reflect the nature of the duties of the post. The Trust is legally responsible for making sure the role is eligible.

The Disclosure and Barring Service only issue a certificate to the individual, and it is therefore the responsibility of the school to view the original certificate once it has been received.



A job offer can be withdrawn if the results of the DBS or any other pre-employment check show anything that would make the individual unsuitable for the post they have been offered.

The facts should be reported to the police and / or the Disclosure and Barring Service (DBS) where:

- The candidate is found to be on the Barred List or the PoCA List, the DBS Disclosure or the Prohibition List shows they have been disqualified from working with children or as a teacher by a Court or the Teachers Regulation Authority or under the Childcare (Disqualification) Regulations
- An applicant has provided false information in, or in support of their application
- There are serious concerns about an applicant's suitability to work with children

Portability of a DBS certificate will only be accepted by the Trust where an individual has joined the update service. Before using the update service, the school must:

- Obtain consent from the applicant to do so
- Confirm the original certificate matches the individuals' identity
- Examine the original certificate to ensure the appropriate workforce and level of check has been undertaken
- Check that it is a paid for disclosure (if required)

Once confirmed, a free online check can be carried out which will identify whether there has been any change to the information recorded since the initial certificate was issued.

If a different type of level of check is required, or if the status check indicates that there has been a change, a full Galileo Multi Academy Trust DBS disclosure check will be required.

Schools do not need to keep records of DBS certificates. A record will be made of:

- The date the disclosure was obtained
- The level of the disclosure
- Unique reference number

In line with the DBS code of practice, conviction information must not be disclosed to any person not legitimately involved in the recruitment decision for which the information was obtained.

All information in relation to the DBS check will be:

- Treated as confidential
- Kept secure

## 7.14 Risk assessments

### **Disclosure Checks Risk Assessment for Exceptional Circumstances**

The Trust recognises that in limited exceptional circumstances the school may allow and individual to start work in regulated activity before the DBS certificate is available in

order to maintain essential services. In these circumstances, all other pre-employment checks will be in place including a separate barred list check and the DBS application must have been submitted to the DBS for clearance. The school must ensure the individual must be appropriately supervised until a satisfactory disclosure is received, taking into account the duration, frequency and nature of contact with children. A risk assessment must be in place and authorised by the Headteacher, the Chair of the Local School Board.

Allowing an employee to start work prior to a DBS certificate being in place should be an exception, not the norm.

### **Disclosure Checks Risk Assessment**

If a positive disclosure is identified the Headteacher should contact the applicant:

- To verify that the applicant accepts that the conviction information supplied relates to them. There are extremely rare cases when incorrect conviction information has been supplied
- To discuss any information regarding the conviction(s) that the candidate may wish to be taken into account when their job application is being considered
- To explain why conviction information supplied is different from the information supplied by the applicant on their job application form, if this applies. If a judgement is reached that the applicant deliberately falsified the information supplied on their application this can be taken into account when considering whether the job offer will be withdrawn

The school must make a judgement about the applicant's suitability for the post taking into account those offences which may be relevant to the post in question. In deciding the relevance the following should be considered:

- The nature of the appointment
- The nature of the offence
- The age at which the offence took place
- The frequency of the offence

Anyone who is barred from work with children is committing an offence if they apply for, offer to do, accept or do any work constituting regulated activity. It is also an offence for an employer knowingly to offer work in a regulated position, or to procure work in a regulated position for an individual who is disqualified from working with children, or fail to remove such an individual from such work.

It is the Headteachers responsibility to obtain approval from the Chair of the Local School Board to appoint a person with convictions and have the risk assessment completed and authorised by all parties.

## **7.15 Regulated activity**

For all posts which involve working with children in regulated activity it is recommended that no appointment should be confirmed or taken up until all necessary clearances are obtained.

Regulated activity is work that someone should not do who is barred from working with children. It comprises, in summary:

- Certain unsupervised activities performed on a regular basis, including teaching, training, instructing, caring for or supervising children
- Work carried out on a regular basis in certain establishments, including schools, that provides the opportunity for contact with children
- Relevant personal care given to a child, such as washing, dressing, feeding and toileting, or healthcare provided by or supervised by a healthcare professional, even if given on a one off basis
- Registered childminding and foster caring

Activity taking place in a school is regulated activity if:

- It is carried out frequently (once a week or more often), or on four or more days in a 30 day period
- It is carried out by the same person
- The person is engaged in work for the school or in connection with the school
- It gives the person the opportunity to have contact with children

This includes activity in:

- All schools providing full-time (or mainly full-time) education for children
- Pupil referral units
- Nursery schools
- Childcare premises (including nurseries)

Similarly, someone is in regulated activity if they provide day to day management of a volunteer who is engaging in activity that would be regulated if unsupervised.

## 7.16 Recruitment of ex-offenders

The Trust has included the policy statement on the recruitment of ex-offenders as part of the Trusts application form and is therefore available to all applicants at the application stage.

Galileo Multi Academy Trust does not have a blanket ban on the employment of persons with criminal convictions. Conviction(s) will only debar an applicant from appointment if this is the decision of the selection panel having taken into account all the following factors:

- The responsibilities of the position
- The vulnerability of children or adults supported
- The nature of the offence(s)
- The number and pattern of offences (if there is more than one)
- How long ago the offence(s) occurred
- The age of the offender when the offence(s) occurred

If the selection panel determines that an applicant with convictions is appointable the Headteacher **must** ratify this decision in consultation with the Chair of the Local School

Board. In cases where the appointment is authorised of a person with a conviction, documentation to confirm this decision must be kept on their personnel file.

The Headteacher should discuss with an applicant any conviction information revealed before making a decision not to offer, or withdraw an offer of employment, on grounds of conviction information. The purposes of this discussion are:

- To verify with the applicant the conviction information supplied by the DBS does relate to them (there is a very remote possibility that conviction information supplied will not relate to the applicant)
- To give the applicant an opportunity to state any information in mitigation or explanation of the circumstances in which the conviction(s) were obtained

If the applicant disputes the conviction information please refer to the DBS website, as there are further procedures which can be applied to prove conclusively whether or not conviction information does relate to the applicant.

## 7.17 Prohibition orders

The School Staffing (England) (Amendment) Regulations 2013 state that it is a requirement of the employer that before an appointment of a teacher is made that a check is made to ensure that the teacher is not included on the list of prohibited teachers, have a direction, sanction or restriction imposed. The prohibited list check is in addition to the Barred List check.

It is now a requirement for all staff undertaking 'teaching work' to be checked. The following activities are defined as 'teaching work' in the Teachers' Disciplinary (England) Regulations 2012:

- planning and preparing lessons and courses for pupils
- delivering lessons to pupils
- assessing the development, progress and attainment of pupils
- reporting on the development, progress and attainment of pupils

All staff who are employed to carry out the above 'teaching work' must have a prohibited check where relevant to their role and responsibility. In schools this may include higher level teaching assistants, cover supervisors, coaches, tutors and unqualified teachers. This is not an exhaustive list and will be determined by an individuals' job description that reflects the duties and responsibilities of these workers.

Current and prospective employers of school staff are able to check if a teacher or staff carrying out teaching work are on the prohibited list by accessing the DfE Secure Access Sign-in facility. The service is administered by the Department of Education and also provides information about any teacher qualification held and whether induction has been passed. The service is offered free of charge to schools, local authorities and teacher supply agencies in England.

There remain a number of individuals who are still subject to disciplinary sanctions which were imposed by the GTCE prior to its abolition in 2012.

A record of the prohibited list checks must be recorded on the schools single central record.

### **7.18 European Economic Area (EEA) pre employment check**

An EEA pre-employment check is required in addition to the prohibited list, however, schools can use the DfE Secure Access Online facility to identify restrictions imposed by all EEA authorities.

Restrictions imposed by other EEA authorities do not prevent an individual from taking up teaching positions in England however schools should consider the circumstances leading to the restriction or sanction when considering candidate's suitability. Only EEA restrictions determined after 18 January 2016 will be displayed.

A record of the EEA list check must be recorded on the schools single central record.

### **7.19 People who have lived or worked outside the UK**

Individuals who have lived or worked outside of the UK will undergo the same checks as all other staff. In addition, the Trust will make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

A DBS disclosure or equivalent will be required for any person appointed from overseas. This includes British citizens and anyone who has worked or lived abroad for a period of 12 months or more in the previous 10 years.

The applicant will need to provide a certificate of good conduct or a police certificate from the country of origin. Further details on the appointment of overseas employees are provided on the GOV.UK website.

Confirmation of an applicant's right to work in the UK will apply equally to all candidates.

### **7.20 Section 128 direction**

The KCSIE September 2020 sets out in paragraphs 142 - 147 the duties under Section 128 under the Education and Skills Act 2008, applicable to Academies, Independent and Free Schools, which prohibits a person from taking part in management responsibilities. This check can be carried out using the DfE Secure Access On-line Service or by including 'independent school' in the job title of an enhanced DBS check.

The Independent Educational Provision of England (Prohibition on Participation in Management) Regulations 2014 sets out the grounds on which a Section 128 direction may be made by the Secretary of State.

### **7.21 Disqualification under the Childcare Act 2006**

The DfE document Disqualification under the Childcare Act 2006, statutory guidance for local authorities, maintained schools, academies and free schools, September 2018 sets out school's statutory guidance on the application of the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.

Under the regulations it is necessary to carry out a childcare disqualification check for all potential employees who are covered by the regulations in addition to DBS and teachers prohibited checks. It is essential that all appointments are conditional on these clearances being satisfactorily obtained. Volunteers and Governors are also subject to the regulations and should complete the declaration if they are working unsupervised in the identified settings.

Where a declaration is made the school could decide not to proceed with the appointment on the basis that the employee is disqualified or proceed with a conditional offer while a waiver is applied for to Ofsted. If the waiver is not granted, the conditional offer can be withdrawn.

Unlike DBS clearance, where a declaration is made it is not possible to allow an employee to start work pending the result of a waiver application. The offer of employment cannot be confirmed until a waiver has been received.

## 7.22 Working time regulations

An employee should not work more than 48 hours a week on average – normally averaged over 17 weeks. This total is the combination of all hours worked over multiple roles, if applicable.

An employee can opt out of the working time regulations if they are over 18 years of age. This should be submitted to the school in writing.

## 7.23 Fluency duty

Under Part 7 of the Immigration Act 2016, schools must ensure that all employees in a public facing role are able to speak fluent English.

Panel members will need to satisfy themselves that the candidate has the required level of fluency for the post, and can demonstrate this in a number of ways, including:

- Competently answering interview questions in English
- Possessing a relevant qualification for the role as attained as part of education in the UK or fully taught in English by a recognised institution abroad
- Passing an English spoken language competency test

The fluency duty is not intended to discriminate against a person on the grounds of race or disability and does not relate to international accents, dialects, speech impediments or the tone of conversations. More information on the requirement for public sector workers in customer facing roles is included in [Appendix 2](#).

## 8. Single central record

All schools are required to have a single central record of recruitment and vetting checks covering all staff and others identified by the school as having regular contact with children or unsupervised access to children. DfE suggests that 'regular' means more than once a month, or overnight. Safeguarding and promoting the welfare of children is a statutory requirement for schools, it is therefore essential that all the safeguarding requirements are met. The single central record is only one element of

the safeguarding arrangements, but it is a crucial element and as such it is important that it is up to date and that there are no gaps in the information recorded.

Ofsted has published a document setting out the approach inspectors should take to inspecting safeguarding in all the settings covered by the education inspection framework. The Inspection document sets out that Inspectors will check the single central record early in the inspection in the expectation that it will be complete and meet statutory requirements. During early years' inspections, inspectors will check that the school is able to produce evidence of suitability of relevant staff and adults. Inspectors will also check the school's policy and procedures for ensuring that visitors to the school are suitable and checked and monitored as appropriate.

The school will maintain a single central record which will cover the following people:

- All staff, including teacher trainees on salaried routes, agency and third party supply staff
- All members of the proprietor body. In the case of academies and free schools, this means the members and trustees of the Trust

The bullet points below set out the minimum information that must be recorded in respect of staff members (including teacher trainees on salaried routes). The record must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed / certificate obtained:

- An identity check. Identification checking guidelines can be found on the GOV.UK website
- A barred list check
- An enhanced DBS check / certificate
- A prohibition from teaching check
- Further checks on people who have lived or worked outside the UK (this would include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions
- A check of professional qualifications, where required
- A check to establish the person's right to work in the United Kingdom
- A section 128 check

For supply staff through a third party agency, the school must also include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of staff.

Whilst there is no statutory duty to include on the single central record details of any other checks, schools are free to record any other information they deem relevant. For example, checks for childcare disqualification, volunteers, and safeguarding and safer recruitment training dates. The school may also record the name of the person who carried out each check.

There is no requirement for multi-academy trusts (MATs) to have separate single central records, but schools should ensure the record is securely stored and easily accessible to those who need to see it, including Ofsted inspectors.

The single central record can be kept in paper or electronic form.

## 9. Probationary period

### Support Staff

Appointments of new support staff are subject to a probationary period, normally of six months, although this can be extended in exceptional circumstances. At the end of the probationary period and subject to a satisfactory report, the employee's appointment should be confirmed in writing.

### Newly Qualified Teaching Staff

Newly qualified teachers are required to undergo an induction period of supported development where performance against the Teaching Standards is assessed. The induction period is the equivalent of three school terms after which a recommendation is made on whether induction has been satisfactorily completed.

## 10. Induction

Induction of new employees into their role is an important aspect of recruitment. New staff members must be provided with information about safe practice and a full explanation of their role and responsibilities and the standard of conduct and behaviour expected.

The school will provide an induction programme for all newly appointed staff and volunteers regardless of previous experience. This is in addition to the statutory induction period for newly qualified teaching staff.

The purpose of induction is to:

- Provide training and information in relation to the Trusts policies and procedures
- Support individuals in a way that is appropriate for the role which they have been engaged
- Confirm the conduct expected of staff within the Trust
- Provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role and / or responsibilities
- Identify any concerns or issues about the person's ability or suitability at the outset and address them immediately

All staff should be aware of systems within their school which support safeguarding and these should be explained to them as part of staff induction. This should include the:

- Child protection policy
- Behaviour policy
- Staff code of conduct
- Safeguarding response to children who go missing from education



- Role of the designated safeguarding lead (including the identity of the designated safeguarding lead and any deputies)

Copies of policies and a copy of part one of the current KCSIE document should be provided to staff at induction either as an electronic or hard copy version.

All staff should receive appropriate safeguarding and child protection training which is regularly updated. In addition, all staff should receive safeguarding and child protection updates (for example, via email, e-bulletins and staff meetings), as required, and at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.

All staff should:

- Be aware of their local early help process and understand their role in it
- Be aware of the process for making referrals to children's social care and for statutory assessments under the Children Act 1989, especially section 17 (children in need) and section 47 (a child suffering, or likely to suffer, significant harm) that may follow a referral, along with the role they might be expected to play in such assessments.
- Know what to do if a child tells them they are being abused or neglected.

Where policy, procedure and assets of the establishment are provided the new employee must sign to agree to work within them.

### **Maintaining a safer culture**

It is important that all staff in schools receive appropriate training and induction so that they are aware of their role and responsibilities and are confident about carrying them out. Staff, pupils, and parents also need to feel confident that they can raise issues or concerns about the safety or welfare of children, and that they will be listened to and taken seriously.

Galileo Multi Academy Trust recognises that safer recruitment and selection is not only about the start of employment, but should be part of a larger framework for all staff. Schools will therefore provide ongoing training and support for all staff, some of which will be identified through an employee's appraisal procedure.

## **11. Continuous Service**

Establishing the correct continuous service date(s) is important for both the employee and the Trust. Incorrect dates may result in over or underpayments to the employee as well as the Trust, and undermine the moral and contractual relationship we have with our employees.

The Trust will confirm continuity of service with the previous employer during the recruitment process in order for the correct dates to be applied from the outset of every employee's contractual relationship with the Trust.

Galileo Multi Academy Trust applies [The Redundancy Payments \(Continuation of Employment in Local Government, etc.\) \(Modification\) Order 1999](#) which recognises

continuity of service for the purposes of calculating redundancy, maternity, sickness and holiday entitlements.

The modification order provides where an employee moves employment between any bodies listed on the Modification Order without a break between these employments, all previous continuous service will be recognised for the purposes of calculating pay in a redundancy situation. A break in service of more than one week between contracts normally constitutes a break in service.

Casual service within Galileo Multi Academy Trust does not automatically count towards continuous service and an individual assessment of continuity of work is required.

## 12. Volunteers

Volunteers are seen by children as safe and trustworthy adults and as such the Trust will carry out the same kind of process when recruiting volunteers to work with children. Because volunteers fill a variety of roles the principle needs to be applied with common sense and the process may need to be adapted to cater for particular roles.

If a volunteer is going to have an on going role that involves regular contact with children, or means that the person will be on the premises when children are present regularly or frequently, a similar recruitment process should be adopted as would be used to recruit a paid member of staff filling a similar role. Although the process may be presented differently or adapted so that it is not as formal, the principals of safeguarding should still be the same.

If a volunteer will be providing 'teaching' and has previously been a qualified teacher the school should check on the Teacher Services website that they are not prohibited from teaching. The Childcare Regulations, including disqualification from Childcare, apply to all volunteers providing early years or later years childcare.

The DfE KCSIE guidance 2020, paragraph 183 states that 'under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in a regulated activity'. A supervised volunteer who regularly teaches or looks after children is not in regulated activity. Annex F of the KCSIE 2020 provides statutory guidance in relation to regulated activity with children.

Barred list checks cannot be undertaken for volunteers except in very specific circumstances (such as unsupervised volunteering, overnight activity or volunteers engaging in intimate care).

For volunteers who will be in school on a regular basis, or will be undertaking regulated activity, the Trusts process should still include:

- Information about the organisations commitment to safeguarding children
- Completion of an application or registration form
- Obtaining references
- A face to face interview
- Pre-employment checks similar to those which would be applied in the case of paid employment, including a DBS certificate (where required)

Volunteers should be provided with a role profile and undertake a full covering safeguarding and what is regulated activity.

### **13. Agency staff**

It is important that thorough checks are made on anybody who will be working in a school both to prevent unsuitable people from gaining access to children and young people and to maintain the integrity of the whole workforce and confidence that schools are safe places for children and young people.

Schools must check with the relevant supply agency and obtain written confirmation that all appropriate checks have been undertaken, including:

- Identity check
- Enhanced DBS check and verification of the DBS certificate
- Medical fitness requirements
- Right to work in the UK
- Satisfactory references have been obtained and the person's previous employment history has been checked
- A Childcare Disqualification Regulation check when the supply person will be working in a relevant setting

The school must also check that the person presenting themselves for work is the same person on whom the checks have been made.

### **14. Contractors**

The school will ensure that contractors who provide services to them that give rise to contact with children / young people carry out appropriate checks. The contractor is responsible for ensuring that the same procedures are also followed by sub-contractors.

Where contractors regularly attend the school, details of the DBS check should be noted on the single central record.

Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. The school is responsible for determining the appropriate level of supervision depending on the circumstances.

If a contractor is self-employed, the school will consider obtaining the DBS check as self-employed people are not able to make an application directly to the DBS on their own account.

The school will always check the identity of contractors and their staff on arrival.

# THE RECRUITMENT OF EX-OFFENDERS

## Policy Statement

### Introduction

Galileo Multi Academy Trust recognises the importance of ensuring equality of opportunity in its employment practices and is committed to eliminating unfair discrimination when employing people with criminal records. The Trusts Equality Policy supports this commitment.

### The Rehabilitation of Offenders Act 1974

This Act provides that anyone who has been convicted of a criminal offence and who is not convicted of a further offence during the specified period becomes a 'rehabilitation person' and their conviction becomes spent.

This means that the conviction does not have to be declared when applying for a job. The rehabilitation period depends on the sentence and runs from the date of conviction. A conviction resulting in a prison sentence of more than 30 months can never become spent.

Under the Act, a spent conviction, or failure to disclose a spent conviction or any circumstances connected with it, is not a proper ground for dismissing or excluding a person from employment.

### The Rehabilitation of Offenders (Exceptions) Order 1975

There are some exceptions to the Act detailed in the Exceptions Order of 1975, which, broadly relate to work with children, sick, elderly or disabled people and the administration of the law. Where an exception applies an individual must, if asked, disclose all convictions, including spent ones.

### Disclosure

Part V of the Police Act 1997 enables employers to access relevant conviction information for applicants successful at interview. This process is called Disclosure. For posts covered by the Exceptions Order, Galileo Multi Academy Trust will be able to access information regarding both spent and not spent information in addition to information regarding the applicants suitability for work with children, vulnerable people and in excepted professions.

The Trust encourages all applicants called for interview to provide details of their criminal record at an early stage. We request that this information is sent to the designated person within the school and guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

The designated person in this school is the Headteacher

## **Appointment Process**

Galileo Multi Academy Trust is committed to the principle of making appointments on merit and will focus on a persons abilities, skills, experience and qualifications. When considering an applicant with a criminal record the school will consider the relevance of the convictions to the job for which the person is applying. In considering this relevance the school will explore:

- The circumstances leading up to an offence
- Whether the individual has committed repeat offences
- The nature and seriousness of the offence
- The length of time since the offence took place
- The nature of the work in which the individual will be involved, including their exposure to money, property and vulnerable people
- The extent to which the person will be supervised
- The individuals attempts not to re-offend
- The potential risks associated with employing the person in the post

The Trust does not necessarily see a criminal record as a bar to employment. This will depend on the nature of the position and the circumstances and background of the offence.

## **Ensuring the Appropriate Use of Disclosure**

The Trust will make it clear on the Application for Employment where a post is subject to the provisions of the Exceptions Order and where there is a requirement to declare spent convictions and a standard or enhanced disclosure will be sought. In no other circumstances will questions relating to spent convictions be asked.

The Trust will only request a Disclosure where it is considered both proportionate and relevant to the position concerned.

## **Failure to disclose a criminal record**

Failure to disclose unspent and / or spent convictions when required on the Application for Employment will be considered a serious matter and may lead to an offer of employment being withdrawn, disciplinary action or dismissal. The matter will be discussed with the applicant / employee prior to any decisions being made.

## **Confidentiality**

Any information requested and provided regarding criminal records will be treated confidentially and with discretion. Access to criminal record information will be on a need to know basis and information will be stored confidentially and in accordance with the Data Protection Act.

# English Language Requirement for Public Sector Workers in Customer Facing Roles

### What is the requirement?

Part 7 of the Immigration Act 2016 creates a duty to ensure that all public authority staff working in customer facing roles speak fluent English to an appropriate standard. The Government has issued a statutory Code of Practice to help employers comply with this regulation. The code can be found at [www.gov.uk](http://www.gov.uk) '[Code of practice on the English language requirement for public sector workers](#)'.

### Who is covered?

**Members of staff who, as a regular and intrinsic part of their role, are required to speak to members of the public in English are considered as working in a customer-facing role.**

This means that they must have a command of spoken English which is sufficient to enable the effective performance of their role. Either face to face or telephone conversations can bring a role within the scope of the act.

Reception staff, teaching staff and teaching assistants are likely to be covered. Facilities staff are unlikely to be. A higher level of competence may be required depending on the nature of the role and the profession of the employee. There is already a requirement under the Teachers Standards for Teachers to be fluent in English.

The fluency duty applies in respect of existing staff as well as to new recruits, permanent and fixed term employees, apprentices, self employed contractors and agency temps.

### What is meant by fluency?

Employers must satisfy themselves that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether an existing or a potential new member of staff.

Fluency relates to a person's language proficiency and their ability to speak with confidence and accuracy, using accurate sentence structures and vocabulary. In the context of a customer facing role, a person should be able to choose the right kind of vocabulary for the situation at hand without a great deal of hesitation. They should listen to their customer and understand their needs. They should tailor their approach to each conversation appropriate to their customer, responding clearly with fine shades of meaning, even in complex situations.

**Fluency does not relate to regional or international accents, dialects, speech impediments or the tone of conversations.**

## **Recruitment and selection - How can fluency be measured?**

When recruiting for a post that has been identified as meeting the fluency requirement Schools can, but are not required to, specify a minimum spoken English qualification as long as it is above the Common European Framework of Reference for Languages, Level B1 (**more information on this is provided in the statutory Code of Practice**).

Many non-EEA migrants may have already passed a similar qualification for the purpose of their visa application and would therefore be able to provide evidence of this. Nevertheless, employers are free to satisfy the requirement through other means, such as a test or formal interview.

There are a number of ways a job applicant could demonstrate their fluency, including, but not limited to:

- competently answering interview questions in English
- passing an English spoken language competency test or possessing a relevant spoken English qualification at CEFR Level B1 or above, taught in English by a recognised institution abroad
- possessing a relevant qualification for the role attained as part of their education in the UK or fully taught in English by a recognised institution abroad

**Where job applicants are clearly fluent to the necessary standard for the role in question, no further action is necessary.**

### **Job Adverts, Job Descriptions and Person Specifications**

When recruiting for a role where the requirement will apply, Schools should specify this in the advert, job specification and job description. The example wording below is provided in the Code of Practice.

*“The ability to converse at ease with the public / pupils and provide advice in accurate spoken English is essential for the post.”*

*And*

*“An ability to fulfil all spoken aspects of the role with confidence through the medium of English.”*

### **What about the Equality Act?**

Schools must take into account their obligations under the Equality Act when considering their duty to ensure that each person in a customer facing role speaks fluent English. The processes and methods used to determine whether a person has a command of spoken English for effective performance in the role must be fair and transparent.

It is unlawful to discriminate directly or indirectly against a person on grounds of race. Schools should ensure that people from particular nationalities or ethnic backgrounds, in a recruitment process or whilst at work, are treated in the same way as people from an English background.

The interview panel members will need to ensure that they understand the spoken language requirements for the role and that they evaluate candidates against clear criteria set out in the role specification.

### **What happens if the requirement is not met?**

Members of the public can complain if they feel that a customer facing employee has insufficient fluency in spoken English. A pupil and or their parent / carer or could complain. The complaint would then need to be investigated and responded to.

A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint about the fluency duty.

Members of staff who are the subject of a complaint should be notified of the complaint and the action being taken in relation to it. They should be given the opportunity, as soon as practicable, to give their own account of the facts leading to the complaint.



### Disqualification Under the Childcare Act 2006 – Amended Regulations

Legislation came into force on 31<sup>st</sup> August 2018 in relation to [‘The Childcare \(Disqualification\) and Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) \(Amendment\) Regulations 2018’](#) which schools must have regard to when carrying out their duties to safeguard and promote the welfare of children.

#### Disqualification Criteria

The criteria for disqualification under the 2006 act and the 2018 regulations include:

- Inclusion on the Disclosure and Barring Service (DBS) Children’s Barred List
- Being found to have committed certain violent and sexual criminal offences against children and adults which are referred to in regulation 4 and Schedules 2 and 3 of the 2018 regulations (note that regulation 4 also refers to offences that are listed in other pieces of legislation)
- Certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2018 regulations
- Refusal or cancellation of registration relating to childcare (except if the refusal or cancellation of registration is in respect of registration with a child minder agency or the sole reason for refusal or cancellation is failure to pay a prescribed fee under the 2006 act (regulation 4(1) of the 2018 regulations)), or children’s homes, or being prohibited from private fostering, as specified in paragraph 17 of Schedule 1 of the 2018 regulations
- Living in the same household where another person who is disqualified lives or is employed (disqualification ‘by association’) as specified in regulation 9 of the 2018 regulations (note that regulation 9 only applies where childcare is provided in domestic settings, defined as ‘premises which are used wholly or mainly as a private dwelling’ in section 98 of the act, or under a domestic premises registration, including non-domestic premises up to 50% of the time)
- Being found to have committed an offence overseas, which would constitute an offence regarding disqualification under the 2018 regulations if it had been committed in any part of the United Kingdom

The above list is only a summary of the criteria that lead to disqualification. Further details about the specific orders and offences, which will lead to disqualification, are set out in the 2018 regulations.

#### Relevant Offences and Orders

Under the legislation a person is disqualified if they are found to have committed an offence which is included in the 2018 regulations (a ‘relevant offence’) this includes:

- being convicted of a relevant offence
- on or after 6 April 2007, being given a caution for a relevant offence
- on or after 8 April 2013, being given a youth caution for a relevant offence

A person who is found not guilty of a relevant offence by reason of insanity or found to be under a disability and to have committed the act for which they have been charged in respect of a relevant offence is also disqualified (regulation 2(2) of the 2018 regulations).

A list of the relevant offences and orders is available [here](#). Additionally any offence resulting in the death of or bodily injury of a child is considered a relevant offence under the legislation and must be disclosed.

For new employees an up to date enhanced DBS certificate will help schools establish whether offences committed by individuals are relevant offences.

### **Applying for a Waiver**

If an individual is disqualified under the legislation they can apply for this to be waived via Ofsted.

### **Staff covered**

Staff are covered by this legislation if they are employed or engaged to provide early years childcare (this covers the age range from birth until 1 September following a child's fifth birthday, that is up to and including reception year) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare. This includes:

**Early years provision** - Staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during the normal school day and outside of school hours for children in the early years age range.

**Later years provision (for children under 8)** - Staff who are employed to work in childcare provided by the school outside of the normal school day for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before-school settings, such as breakfast clubs, and after school provision.

Staff who are directly concerned in the management of early or later years provision are covered by the legislation. Schools will need to use their judgement to determine who is covered, but this will include the Headteacher, and may also include other members of the school's leadership team and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision.

Volunteers and casual workers (including individuals on work experience) who are directly concerned with the management of childcare provision, and / or who work on a regular basis, whether supervised or not, in relevant childcare, are within the scope of the legislation and are covered by this guidance.

### **Staff who may be covered**

Staff who are not employed to directly provide childcare, are not covered by the legislation. Similarly, most staff who are only occasionally deployed and are not regularly required to work in

relevant childcare will not automatically come within the scope of the legislation. Schools should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice from their designated officer, safeguarding lead officer or adviser when appropriate. A record of the assessment should be retained on the employee's personnel file and a copy supplied to the individual concerned. In general individuals undertaking the following roles would normally be excluded:

- Caretakers
- Cleaners
- Drivers
- Transport escorts
- Catering
- Office staff

School governors and proprietors are not covered by the legislation, unless they volunteer to work in relevant childcare on a regular basis, or they are directly concerned with the day to day management of such provision. Further guidance on the safeguarding arrangements covering governors and the safeguarding responsibilities of governing bodies and proprietors is provided in KCSIE.

### **Staff not covered**

This means that staff employed who work in the following roles are not covered by the 2018 regulations and therefore these arrangements must not be applied to them. This includes staff who have no involvement in the management of relevant provision and only provide:

- education, childcare or supervised activity during school hours to children above reception age
- childcare or supervised activities out of school hours for children who are aged 8 or over

Staff involved in any form of health care provision for a child are specifically excluded from the statutory definition of childcare, and are therefore not covered by the legislation. This includes:

- school nurses
- speech and language therapists
- education psychologists

### **Disqualification by Association**

Under the 2018 regulations, schools are no longer required to establish whether a member of staff providing, or employed to work in childcare, is disqualified by association. Regulation 9 does not apply to staff in a relevant school setting. Disqualification by association is only relevant where childcare is provided in domestic settings (for example where childminding is provided in the home) or under registration on domestic premises, including where an assistant works on non-domestic premises up to 50% of the time under a domestic registration. Accordingly, schools are not entitled to ask their staff questions about cautions or convictions of someone living or working in their household.

Staff can still be disqualified on their own behalf if they work with under 5s or under 8s in childcare provided by the school outside of normal school hours or the management of such staff or provision. Schools need to be certain that none of these staff have a conviction or caution for any of the relevant offences or have been subject to any of the listed court orders.

A school must not continue to employ an individual who is disqualified in connection with early or later years childcare provision, nor should a disqualified individual provide or be directly concerned in the management of such provision unless they have received a waiver from Ofsted, which covers the role that they wish to undertake. This does not imply that individuals are prevented from working in a school in any other setting.

### **What should schools be doing?**

Schools must ensure that they are not knowingly employing a person who is disqualified under the 2018 Regulations in connection with relevant childcare provision. In gathering information to make these decisions schools must ensure that they act proportionately. Accordingly, schools must ensure that they handle information fairly and lawfully.

Personal data, including any details of the criminal record should not be held without consent from the individual. In instances where an individual does not consent, schools should only record the date the declaration was made, details of any additional safeguarding restrictions, and whether or not an Ofsted waiver has been granted if relevant.

Schools/academies should keep a record of all staff who are employed to work in or manage relevant childcare provision and record the date on which the information about qualification was provided. This can be recorded on the Single Central Record. This will be checked by OFSTED and the Independent School Inspectorates as part of their schools' inspections.

**Schools/academies will need to review any historic data collected and destroy any information which is no longer required i.e. disqualification by association information or information for people not working with these groups.**

Schools do not need to use a self-declaration form to obtain information about whether a staff member is disqualified. If they choose to do so they must ensure the questions are relevant and limited to the requirements of the legislation and are only asked of the relevant staff, so they are not in breach of data protection legislation, including General Data Protection Regulation 2018 (GDPR).

### Applicants from Overseas

All elements of the recruitment process and the pre-appointment checks should be applied to applicants from overseas in the same way as to applicants resident in the UK, but extra time will need to be allocated to obtaining references, checking qualifications and possible criminal records.

The DBS can only provide information that is held by police forces in the UK. That may include details of offences committed abroad by UK citizens or residents, but almost invariably will not include details of any offences committed abroad by foreign nationals who have never lived or worked in the UK. The DBS barred lists (and their predecessors including List 99 and the PoCA List) are also primarily made up from referrals about people living or working in this country. Consequently DBS certificates and Barred List checks are unlikely to provide any information on applicants from overseas who have not previously lived in the UK. Nevertheless, those checks have to be carried out to meet statutory requirements. In all cases where an applicant has worked or been a resident overseas in recent years, the employer should where possible, obtain a check of the applicant's criminal record.

Not all countries provide that service, but the DirectGov website now includes a list of those countries that do and details of how information can be obtained from other countries, at [www.gov.uk/dbs-check-requests-guidance-for-employers#overseas-applicants](http://www.gov.uk/dbs-check-requests-guidance-for-employers#overseas-applicants)

The nature and detail of the information provided varies from country to country. The DBS does not have any involvement in applications by individuals to overseas authorities. Employers should also be aware that they would have to arrange for information returned from overseas authorities to be translated into English and they may need to obtain advice about the precise nature of criminal offences in other countries. Offences in other countries do not necessarily correspond to offences in the UK.

With effect from 6th April 2017 the Home Office has confirmed that an overseas criminal check will be completed for everyone in an education role applying for a visa to work in the UK (i.e. from countries outside the EU). The requirement is mandatory to applicants from overseas applying under certain Standard Occupational Classification (SOC) codes, including teaching and school leadership. The requirement to provide an overseas criminal record certificate applies to anyone that has lived abroad for 12 months or more in the last 10 years. Since April 2017 schools have had a statutory duty to inform Tier 2\* skilled worker applicants of the need to source and submit overseas criminal certificates as part of their visa application.

In cases where an overseas criminal record check or certificate of good conduct is not possible, particular care must be taken with the other required checks, especially those of identity and qualifications, and obtaining satisfactory references.

## Appendix 5

### Galileo Trust Request to Recruit Application

All Requests to recruit must be sent to both the CEO and CFO, and be authorised prior to advert.  
Please forward all forms to [finance@galileotrust.co.uk](mailto:finance@galileotrust.co.uk)

Post Details											
School:	Coatham CofE Primary										
Requested by:							Date:				
Post Title:							Grade:				
Hours/week:		Mon	<input type="checkbox"/>	Tue	<input type="checkbox"/>	Wed	<input type="checkbox"/>	Thur	<input type="checkbox"/>	Fri	<input type="checkbox"/>
Working Weeks:					Paid weeks:						
Annual Salary from:	£					Annual salary to:	£				
<input type="checkbox"/> Permanent			<input type="checkbox"/> Temporary				<input type="checkbox"/> Fixed Term				
If this post is temporary/fixed term or for cover (eg maternity) please state why:											
<input type="checkbox"/> New/additional post		<input type="checkbox"/> Replacement/cover post			Previous employee in post:						
Expected start date:					Review date: (for temp/fixed term posts)						
Post Advert											
<input type="checkbox"/> Internal vacancy						Cost	£				
<input type="checkbox"/> School website						Cost	£				
<input type="checkbox"/> Trust website						Cost	£				
<input type="checkbox"/> North East jobs						Cost	£				
<input type="checkbox"/> Other (please specify)						Cost	£				
<input type="checkbox"/> Draft advert, job description and person specification attached											
Approval											
<input type="checkbox"/> The request to recruit has been approved					Signed:				Date:		
					Signed:				Date:		
<input type="checkbox"/> The request to recruit has been returned for more information, as requested below					Signed:				Date:		
					Signed:				Date:		
Office Use Only											
<input type="checkbox"/>	Account Code				<input type="checkbox"/>	Nominal					