



Safer Recruitment Policy and Procedure

The Richard Huish Trust

Trust Executive



Approved by RHT Board on: **4th October 2022**

Next review due by: **October 2023**

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INTRODUCTION

This procedure sets out how staff, whether paid or unpaid, will be appointed to Richard Huish and includes the Trust's procedure on the recruitment of ex-offenders to ensure that Richard Huish does not discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information received. The Trust's procedure on the recruitment of ex-offenders is made available to all Disclosure applicants at the outset of the recruitment process.

As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Richard Huish Trust complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly.

ENQUIRIES

Any enquiries about this document or suggestions on how it can be improved should be addressed to the CPO (Chief People Officer).

1. PURPOSE

This procedure will ensure that the Trust meets its statutory obligations when recruiting and appointing staff i.e.: -

1.1 Staff shall be appointed to the Trust as follows:

- (a) The Trust shall be responsible for the appointment, grading, suspension, dismissal and determination of the pay and conditions of service for the holders of 'senior posts.'
- (b) For all other staff the Trust shall be responsible for setting a framework for pay and conditions of service. Within this framework, staff shall be appointed by the Principal/Head Teacher or their delegated nominees ensuring accordance with employment legislation.

1.2 The Trust recognises that its recruitment practices are bound by a broad framework of legislation, in particular the Equality Act 2010 and the current statutory guidance 'Keeping Children Safe in Education'.

1.3 The Trust is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all staff and volunteers to share this commitment.

2. SCOPE

All employees and volunteers of Richard Huish Trust.

3. PROCEDURE STATEMENT

3.1 Assessing the need for recruitment

When a vacancy occurs or when staff shortage is identified a decision will be made by the relevant senior managers and or the Principal / Head Teacher as to whether:

- (i) It is necessary to fill the vacancy.
- (ii) There should be any change of duties.
- (iii) Changing work patterns, organisation or technology has produced a different job, or the work can be distributed in a different way.
- (iv) There should be any change in the designation of the job as full-time, part-time, Job-shared, permanent, temporary, etc.

If a decision is made to fill the vacancy an authorisation to recruit form must be completed and approved in line with the SoDA for that academy. An advert will not be placed until this has the required signatories.

3.2 Job Description

The immediate line manager will prepare a Job Description in liaison with the HR team, which will contain:

- (i) Title and grade of post and salary range, as approved in the authorisation to recruit process.
- (ii) Reporting relationships.
- (iii) Overall purpose of the job.
- (iv) Main duties and responsibilities.
- (v) A statement that the postholder will be required to take responsibility for safeguarding and promoting the welfare of all children, young people and vulnerable adults at the Trust.

3.3 Fluency Duty

Part 7 of the Immigration Act (2016) sets out the requirement for customer facing roles to speak fluent English. If the ability to speak an appropriate standard of spoken English is a requirement of the role, it must be made clear in the job description the standard of English that is required. The ability to speak fluent English will be assessed at interview.

3.4 Person Specification

The immediate line manager will prepare a Person Specification in liaison with the HR team. The specification will indicate the qualities and characteristics to be looked for in applicants, e.g. educational attainment, qualifications, experience, personal qualities, aptitudes and skills. The person specification will:

- (i) Avoid arbitrary age limits.
- (ii) Avoid a combination of age limit and minimum level of experience.
- (iii) Avoid setting any unnecessary physical standards, which may exclude disabled applicants.
- (iv) Be capable of assessment in the selection process.

3.5 Advertising

The relevant senior manager, in liaison with the HR team, will determine the appropriate medium for advertising, which will include one or more of the following:

- (i) Internal recruitment.
- (ii) Huish websites and 'job pages'.
- (iii) Employment agencies/job centres.
- (iv) External advertisement in a specialist publication.
- (v) Use of social media, i.e. LinkedIn, Facebook e.g.

Advertisements will:

- (vi) Demonstrate a commitment to safeguarding and promotion of the welfare of children, young people and vulnerable adults, and equal opportunities by use of policy statements, including the requirement that all posts at the Trust require enhanced clearance from the Disclosure and Barring Service [DBS].
- (vii) Be consistent with the Job Description and Person Specification.
- (viii) Include a brief description of the nature of the work and experience/knowledge required.
- (ix) State the grade, salary or salary range and any specific conditions of employment.
- (x) Give details on how to apply.
- (xi) State the closing date for the receipt of applications.

3.6 Information for Prospective Applicants

Prospective applicants will access on-line:

- (i) A copy of the Job Description.

- (ii) A copy of the Person Specification.
- (iii) An Application Form.
- (iv) An Equal Opportunities Monitoring Form
- (v) Guidance notes on the application process which include the Trust's commitment to safeguarding, the required pre-employment checks which includes clearance from the DBS. The amendments to the Exceptions Order 1975 [2013] provide that certain spent convictions are 'protected' and are not subject to disclosures to employers and cannot be taken into account. The Guidance notes makes this clear to applicants and provides a link to the relevant DBS website.

3.7 Applications

- (i) All applications will be received via the on-line applicant tracking system unless in exceptional circumstances.
- (ii) Applications will normally be made via the online application Form included in the on-line application process unless in exceptional circumstances.
- (iii) On receipt of the application the applicant tracking system will separate the Equal Opportunities Monitoring Form. Any self-disclosed information will not be considered until shortlisting has taken place. Depending on the nature of the disclosure a judgement will be made as to whether or not it is necessary to have an open and measured discussion about the offences disclosed that may be relevant to the position. This may be at interview, or in a separate discussion.
- (iv) Applications will be closely scrutinised and any forms not fully completed or properly completed may result in the applicant not being shortlisted. Any gaps or errors will be highlighted to the shortlisting panel and any areas of concern will be discussed at interview if shortlisted.
- (v) Applications received after the closing date will not normally be considered.

3.8 Shortlisting

- (i) Shortlisting will be completed by a minimum of two people, one of whom will be the immediate line manager.
- (ii) When completing the shortlisting, those involved will be objective and will avoid subjective judgements. The aim of the short-listing form is to show how the applicant meets the criteria from the job description and specification.
- (iii) As part of the shortlisting process, unless there is a good reason not to, the Trust will undertake an online search as part of their due diligence on shortlisted candidates as required by the most recent 'Keeping Children Safe in Education' guidance. To ensure consistency and fairness and to limit risks of discrimination and bias, the Trust staff member conducting the search will follow a set procedure and will not be a member of the interview panel. They will have received appropriate training from the Trust HR team with regard to how to conduct the search and what to do with the information resulting from the search, only forwarding any appropriate and relevant concerns to the panel for exploration at interview.
- (iv) Any gaps or discrepancies and inconsistencies in applicant's employment history will be highlighted with the intention that they are explored fully at interview.
- (v) Records of all applicants, including the shortlisting forms, who are not shortlisted for interview will be kept for a minimum of 6 months, in case an applicant wishes to make a complaint of discrimination, and a maximum of 12 months.
- (vi) Once Shortlisting has been completed, shortlisted applicants will be asked to complete a Criminal Records Self-Disclosure Form.

3.9 References

- (i) Where possible references will be obtained from the current and previous employer prior to the interview. When applicants have requested that their current employer not be contacted, the reference will be taken up after the provisional offer of appointment.
- (ii) If the applicant has worked with children, on either a paid or voluntary basis the current or previous employer will be asked about disciplinary offences relating to children, including any in which the

- penalty is times expired. Referee's will also be asked to: state whether they are aware of anything that might give rise for concern about the person's suitability to work with children and, if so to provide details; and to confirm their details and responsibilities as described in the application form
- (vii) All references will be checked to ensure that all specific questions have been answered satisfactorily. The referee will be contacted to provide further clarification as appropriate, for example if the answers are vague or of insufficient information is provided.
 - (viii) Open references will not be accepted.
 - (ix) All references for appointed staff, including those received by post and electronically, will be verified by telephone where possible and responses recorded.

3.10 Interviews

- (i) The invitation to interview will:
 - Give details of interview time and procedures and any other information relating to the day's arrangements.
 - Ask the applicant to confirm if there are any special arrangements that need to be made in order for them to attend for interview.
 - For the purposes of checking eligibility to work in the UK, request that the applicant brings with them either a passport or birth certificate together with an official document showing a permanent national insurance number issued by a government agency or previous employer.
- (ii) The composition of the interview panel will depend on the level and type of post. Where practicable, the panel will be of mixed gender with members having prior experience in interview techniques, equal opportunities and appropriate training in safer recruitment.
- (iii) Questions asked at the interview will only be related to job performance and requirements. Questions will not be asked about e.g. marital status, ethnicity, marriage plans, family commitments or intentions, dependants, political or religious beliefs, union membership or a subject that could be construed as inappropriate direct or indirect discrimination.
- (iv) Questions will be asked about the applicant's attitudes and motivation for wanting to work with children.
- (v) Any issues arising from any reference received that has not been previously explored may be discussed at interview.
- (vi) Notwithstanding, issues of disability, which may affect capability to do the job, should be addressed positively and discussed during the interview.
- (vii) Candidates will be told at the end of the interview process when they may expect to be informed of the outcome.
- (viii) Feedback will be offered to all unsuccessful interview candidates.
- (ix) All records of candidates, including interview notes, who were not successful following the interview will be kept for a minimum of 6 months, in case an applicant wishes to make a complaint of discrimination, and a maximum of 12 months.

3.11 Appointment

- (i) Once the Interview Panel has made a decision an offer of employment will be made to the successful candidate. This offer will be made before contacting unsuccessful candidates in case the person offered the position has decided not to accept.
- (ii) It will be confirmed at this stage that the offer is only provisional and is subject to: proof of eligibility to work in the UK, medical clearance by the Trust's Occupational Health Consultant where appropriate, clearance by the DBS, two satisfactory verified references [if these have not already been received], verification of qualifications, and professional status where required and successful completion of the probationary and induction period.
- (iii) If the applicant has spent a significant amount of time living outside the UK or has only recently moved to the UK then the Trust should attempt to obtain a criminal record check from the country they have been living in. The DBS provides a list of countries from A to Z detailing how to obtain a criminal check from each one. This check will be in addition to the UK criminal record check.
- (iv) A written offer of provisional appointment will confirm the detail of the offer. This letter will ask the candidate to confirm acceptance of the appointment on the conditions laid out and will be signed by

the Principal / Head Teacher. When the start date is known the contract (subject to pre employment checks) will accompany the offer letter.

- (v) The contract of employment will detail the period of probation required.

3.12 Induction

- (i) All newly appointed staff and volunteers will be shown how to access the HR SharePoint site which provides information for staff and volunteers in relation their employment and the expectations set by the Trust in terms of the professional conduct required at all times.
- (ii) All newly appointed staff will, as part of the induction programme, complete the mandatory training in Safeguarding, Prevent, Diversity and Equality, Health & Safety, Fire and other training relevant to their job role. The probation period will not be satisfactorily confirmed until this training as been received.

3.13 Internal Promotion

- (i) Opportunities for internal promotion will be advertised via all staff emails
- (ii) Procedures outlined above for the selection of external candidates will apply as appropriate to the particular circumstances.

3.14 Procedure for appointment of Volunteers

- (i) Volunteers will apply using the Huish Volunteer application form.
- (ii) All safeguarding checks and references will follow the same procedure as employees.
- (iii) Governors, Members, Directors and LGB Governors will be treated as Volunteers for recruitment purposes.

4. RECRUITMENT OF EX-OFFENDERS

- 4.1 As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Richard Huish Trust complies fully with the [code of practice](#) and undertake to treat all applicants for positions fairly.
- 4.2 We undertake not to discriminate unfairly against anyone who is the subject of a Disclosure on the basis of conviction or other information revealed.
- 4.3 We will only ask an individual to provide details of convictions and cautions that we are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).
- 4.4 We will only ask an individual about convictions and cautions that are not protected.
- 4.5 We are committed to the fair treatment of our staff, potential staff or users of our services, regardless of age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, sex, religion or belief, sexual orientation or offending background.
- 4.6 We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.
- 4.7 We select all candidates for interview based on their skills, qualifications and experience.
- 4.8 For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

- 4.9 We will ensure that all those in the Trust who are involved in the recruitment process have been, or will have access to staff who have been suitably trained to identify and assess the relevance and circumstances of offences.
- 4.10 We will also ensure that they have received, or have access to staff who have appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- 4.11 At interview, or in a separate discussion, we will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- 4.12 We make every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request.
- 4.13 We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

5. QUALITY MANAGEMENT

- 5.1 The effectiveness of the Trust in recruiting staff is evaluated by the CPO and reported to the Huish People and Performance Committee.

6. OTHER RELATED POLICIES/DOCUMENTS

Diversity and Equality Policy
Equal Opportunities in Employment Policy
Safeguarding and Child Protection Policy
Whistle Blowing Policy