



Westminster

Primary

School

Nurturing Minds...
Inspiring Excellence

Safer Recruitment Policy

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Safer Recruitment Policy – All Staff

This content is applicable to both Teachers and Support Staff

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Introduction

1. The Trust Board of Westminster Academy Trust has adopted this Safer Recruitment policy in accordance with the School Staffing (England) Regulations 2009, for the safe and legal employment of people to work in the school.
2. The Trust Board is committed to the welfare of children and young people in its care. It recognises that the legal requirements for recruiting and employing people to work in the school include provisions specifically to protect children from harm and that following these provisions is an essential part of its duty of care. It also recognises that the legal requirements for checking prospective employees' right to work in the United Kingdom protect those responsible for recruitment from fines for infringing the law.
3. The Trust Board ensures that child protection procedures are covered in the Safeguarding policy (see safeguarding policy).
4. The Trust Board will ensure that all employees are made aware of this policy and the Safeguarding Policy. It will publish them through its scheme of publication in accordance with the Freedom of Information Act.

Guidance on the law

5. The Trust Board is committed to following the statutory guidance in "Keeping Children Safe in Education".
6. The Headteacher is required to ensure that checks on the right to work in the United Kingdom comply with the requirements of the Immigration, Asylum and Nationality Act 2006
7. The Trust Board is committed to its legal duties and responsibilities in respect of equality in employment.

Checks and recording

8. The Headteacher is required to:

Ensure that all required pre-employment checks on new employees, including casual and short-term employees, are made and completed satisfactorily before a formal offer of employment is made in accordance with the School Staffing (England) Regulations and other legislative provisions and that these checks are recorded in the required register (known as the 'single central record')

Ensure all teachers commencing employment from 1st April 2014 do not have a Prohibition Order that prohibits them from teaching.

Ensure that the required register (known as the 'single central record') is kept of the checks already undertaken on existing employees as set out in the School Staffing Regulations.

Ensure that we have written confirmation from the agency that all relevant checks have been carried out before supplying staff to the school, including organisations providing specialist coaches or instructors and centrally managed teaching services providing staff to the school, and recorded in the required register ('single central record'), also that the identity of each and every person supplied by an agency is checked by the school before the person starts work for the school, as set out in the School Staffing Regulations.

Ensure that self-employed people engaged directly by the school are subject to the same checks as would be the case if they were employed by the school.

Ensure that the checks involve copying (or electronic scanning) each specified document as required, signing and dating the copy where relevant and placing the copy in secure storage in accordance with Data Protection legislation.

Arrange for relevant volunteers to undertake an identity check, and clearance from the Disclosure and Barring Service and Independent Safeguarding Authority as specified by that Authority.

9. The Trust Board will ensure that these requirements are applied to the selection of a Headteacher, Head of School or Deputy headteacher.

10. The Trust Board commits the school to working in compliance with the legal requirements on schools for pre-employment checks.

11. The Trust Board will ensure that it works with the local authority and complies with the requirements of the Safeguarding Vulnerable Groups Act 2006 to refer prescribed information to the Disclosure and Barring Service when required to do so.

Risk assessment – enhanced disclosure and barring certificate

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

13. The Trust Board concurs with the Disclosure and Barring Service in not supporting the re-use of a check obtained for a job in a different school or organisation ('portability'), even if the check was undertaken recently. It acknowledges that the Headteacher may refer to the existence of a previous check pending an application for an enhanced criminal record certificate as part of the risk assessment in justifiable circumstances.

The Authority's Disclosure and Barring Panel and positive disclosures

14. The Trust Board requires the Headteacher to make any reports requested by the authority in connection with a positive disclosure obtained through a check with the Disclosure and Barring Service.

15. The Trust Board expects the Headteacher to take advice from the Authority's Disclosure and Barring Service Panel on a positive disclosure from the Disclosure and Barring Service, or such other persons as the Local Authority may determine from time to time and from the Authority's Employee Relations Team as necessary and refer the matter to the relevant committee of the Trust Board if advised to do so.

General recruitment procedures

16. Where the Trust Board has delegated its power of recruitment and selection to the Headteacher it requires the Headteacher to ensure, as far as reasonably practicable, that:

- every job advert includes Westminster Academy Trust is committed to the welfare and safeguarding of children
- every job description includes a statement that the employee is responsible for promoting and safeguarding the welfare of children for whom he or she is responsible or comes into contact.
- every person specification includes a clear statement about the requirements for any applicants to demonstrate their suitability to work with children and that this will include motivation, ability to maintain appropriate relationships with children, emotional resilience to challenging behaviour, and attitudes to the use of authority and maintenance of discipline.
- unless the Trust Board has adopted another application form complying with the statutory guidance, the school uses the current standard application forms prepared by the local authority.
- any gaps in education or employment, or discrepancies between information on the application form and references are investigated.

- at least two job-related written references, including one from the current employer or most recent employer (or training establishment in the case of a newly qualified teacher or school for a young person with no previous employment experience) or most recent employer in respect of employment with children, are obtained wherever possible before interviews take place and preferably before short-listing, that relevant questions are asked of the referee and employee in accordance with statutory guidance and any discrepancies are investigated (having regard to the statutory guidance that it is up to the person conducting the recruitment to decide whether to accede to a candidate's request his or her current employer only if he/she is the preferred candidate after the interview but that this is not recommended as good practice).
- all persons invited for interview are informed of the required pre-employment checks and asked to bring relevant documentation with them on the day of the interview.
- choose suitable people, at least one of whom have completed the required training in safer recruitment, to interview candidates and that the interviews are supplemented by other tasks and assessment as appropriate.
- the recruitment and selection process is monitored in accordance with the Trust Boards policy on the various equality duties required of schools.
- All documentation about the recruitment and selection is retained securely for six months in accordance with data protection legislation, after which papers are destroyed, except for the items relating to the successful applicant.
- All necessary relevant documentation for the successful applicant is held within a person's personal file, including two written references, evidence of right to work and where applicable, the Childcare (Disqualification) Regulations 2009 declaration form and evidence of qualifications.

17. The Trust Board will also require selection panels for Headteachers and deputies and any interviewing panel to follow these requirements.

Safer Recruitment Training

18. The Trust Board will arrange as necessary for some or all Trustees to undertake the training in safer recruitment specified in the School Staffing Regulations.

19. The Trust Board will follow the requirement in the School Staffing Regulations that at least one member of selection panels for Headteachers, Heads of Schools and deputies and any other interviewing panel including Trustees has completed the required training in safer recruitment and that if selection has been delegated to the Headteacher, at least one member of staff will have completed the required training in safer recruitment.

Induction

20. The Headteacher is required to arrange for at least one of the School's Designated Senior Persons to introduce himself or herself to each new employee during that employee's first week at work and for subsequent induction to include suitable training in child protection.

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

22. The Headteacher will ensure that arrangements are made for suitable induction and training for all other employees new to the school.

EQUAL OPPORTUNITIES AND DIVERSITY POLICY

Scope and Purpose of this Policy

The Trust is committed to promoting and achieving equality of opportunity for all students, parents, staff, governors, visitors and job applicants.

The Trust aims to create a working environment in which all individuals are able to make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.

The Trust does not discriminate against staff on the basis of their gender, sexual orientation, marital or civil partner status, pregnancy or maternity, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age (the protected characteristics).

The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat students, parents, visitors, suppliers and former staff members,

All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not discriminate against or harass other members of staff, regardless of their status.

This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff working in Westminster Academy Trust who are required to familiarise themselves and comply with its contents. The Trust reserves the right to amend its content at any time.

This Policy applies to the Trusts' employees, whether permanent, temporary, casual, part-time or on fixed-term contracts, to job applicants and to individuals such as agency staff and consultants and volunteers who are not employees but who work at the Trust (collectively referred to as 'Staff' in this policy).

All Staff must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote the Trust's aims and objectives with regard to equal opportunities.

Any questions about the content or application of this policy should be referred to the Headteacher in the first instance.

This policy applies to all aspects of the Trusts relationship with Staff and to relations between Staff members at all levels. This includes:

- job advertisements;
- recruitment and selection;
- training and development;
- opportunities for promotion;
- conditions of service;
- pay and benefits;
- conduct at work;
- disciplinary and grievance procedures; and
- termination of employment.

The Trust will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities.

Forms of Discrimination

Discrimination by or against a member of Staff is generally prohibited unless there is a specific legal exemption.

Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination.

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage.

Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Victimisation is also prohibited. This is less favourable treatment of someone who had complained or given information about discrimination or harassment or supported someone else's complaint.

Recruitment and Selection

The Trust aims to ensure that no job applicant suffers discrimination because of any of the protected characteristics above. The Trusts recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job and are not disproportionate.

Applicants will not be asked about health or disability before a job offer is made. There are limited exceptions which the School may use, for example:

Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment;

Applicants will not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants will not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment without first considering whether such matters are relevant and may lawfully be taken into account.

The Trust is required by law to ensure that all members of Staff are entitled to work in the UK. Assumptions about immigration status will not be made based on appearance or apparent nationality. All prospective members of Staff, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. A list of acceptable documents is available from the School Business Manager.

Recruitment of ex-offenders

Westminster Academy Trust is an organisation that uses the Disclosure and Barring Service (DBS) to assess candidates' suitability for positions of trust working in an environment with children and young people. The School complies fully with the DBS Code of Practice and undertakes to treat all candidates fairly.

The Trust undertakes not to discriminate unlawfully against any candidate who is required to provide information (a check) through this process. Having a criminal record will not necessarily prevent a candidate from working within the Trust. Whether or not it does will depend on the nature of the position and the circumstances and background of the offences.

As a check is part of the Trusts recruitment process, the Trust encourages all candidates called to interview to provide details of any criminal record at any early stage of the application process. The Trust requests that this information is sent under separate confidential cover to a designated person with the Trust who may vary in case to case depending on the nature of the post being recruited. The Trust guarantees that only those who need to see it as part of the recruitment process will see this information.

Unless the nature of the position is such that the Trust may ask questions about an individual's entire criminal record, the School will only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

The Trust will ensure that it discusses with the candidate the relevance of any offence to the job in question. A candidate's failure to reveal information directly relevant to the job could result in withdrawal of an offer of employment.

Staff training, promotions and conditions of service

Staff training needs will be identified through informal and formal staff appraisals. All Staff will be given appropriate access to training to enable them to progress within the Trust and all promotion decisions will be on the basis of merit.

Termination of employment

The Trust Board will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

The Trust Board will also ensure that disciplinary procedures and penalties applied are without discrimination and are carried out fairly and uniformly for all Staff, whether they result in disciplinary warnings, dismissal or other disciplinary action.

Disability Discrimination

If a member of Staff is disabled, or becomes disabled, in the course of his or her employment with the School, he or she is encouraged to tell us about his or her condition. This is to enable us to support the member of Staff as much as possible.

If a member of Staff experiences difficulties at work because of his or her disability, he or she may wish to contact the Headteacher to discuss any reasonable adjustments to his or her working conditions or duties which he or she considers to be reasonable and necessary or which would assist in the performance of his or her duties.

The Headteacher may wish to consult with the member of Staff and his or her medical adviser(s) about possible adjustments. Careful consideration will be given to any such proposals and they will be accommodated where reasonable, practicable and proportionate in all the circumstances of the case.

Nevertheless, there may be circumstances where it would not be reasonable for the School to accommodate a particular adjustment and in such circumstances it will ensure that it provides the member of Staff with its reasons and try to find an alternative solution where possible.

The Trust will monitor the physical features of its premises to consider whether they place disabled Staff, job applicants or service users at a substantial disadvantage compared to other Staff. Where reasonably practicable and proportionate the Trust will take steps to improve access for disabled Staff and service users.

Fixed-Term Employees and Agency/Temporary Workers

The Trust will monitor its use of fixed-term employees and agency workers, and their conditions of service to ensure they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities.

The Trust will also, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

Complaints of Discrimination, Victimisation and Harassment on the Protected Characteristics

The Trust will treat seriously and will take action where appropriate concerning all complaints of discrimination, harassment or victimisation on any of the protected characteristics made by any of its Staff, students or other third parties.

Any member of Staff who considers that they may have been unlawfully discriminated against, victimised or harassed within the meaning of this policy should discuss the matter in the first instance with their line manager or, if inappropriate under the circumstances of the case, with the Headteacher. In some cases it may be possible to resolve the matter informally and reach a satisfactory resolution.

If a member of Staff wishes to make a formal complaint then he or she should follow the School's Grievance Policy and Procedure.

If an employee is accused of unlawful discrimination, victimisation or harassment, the School will investigate the matter fully. In the course of the investigation the employee will be given the opportunity to respond to the allegation and provide an explanation for his or her actions.

If the Trust concludes that the claim is false or malicious then the complainant may be subject to disciplinary action.

If on the other hand the Trust concludes that the employee's action amounts to unlawful discrimination, victimisation or harassment he or she may be subject to disciplinary action under the School's Disciplinary Policy and Procedure, up to and including summary dismissal for gross misconduct.