

POLICY TITLE: Recruitment and Selection

STATUS: Non Statutory

DATE of REVIEW: September 2022



1. Introduction

- 1.1. The Governing Body is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to demonstrate this commitment in every aspect of their work.
- 1.2. The appointment of all employees will be made on merit and in accordance with the provisions of Employment Law, Keeping Children Safe in Education and the College's Equality and Diversity Policy.
- 1.3. The Governing Body will ensure that people are treated solely on the basis of their abilities and potential, regardless of race, colour, nationality, ethnic origin, religious or political belief or affiliation, trade union membership, age, gender, gender reassignment, marital status, sexual orientation, disability, socio-economic background, or any other inappropriate distinction.
- 1.4. We will comply with the requirements of Keeping Children Safe in Education with regard to DBS and other pre-employment checks. Our statement on the Recruitment of Ex-Offenders can be found in Appendix A.
- 1.5. We will ensure compliance with the Data Protection regulations and the more stringent requirements contained within the General Data Protection Regulations (GDPR). The GDPR encompasses the core principles of the DPA and provides more onerous responsibility and accountability for fair and transparent processing. Our Recruitment Privacy Statement provides specific details in accordance with the GDPR principles and can be found in Appendix B. Our general Privacy Statement can be found on our website.
- 1.6. The procedure for the appointment of the Principal or Vice Principal differs from that of other staff. The Governors will follow the Department of Education Staffing and Employment Advice for Schools Chapter 2, Headteacher Appointments and Deputy Headteacher Appointments.

2. Delegation of Appointments and Constitution of Appointments Panels

- 2.1. The power to offer employment for teaching posts below the level of Assistant Principal and non-teaching posts below the level of Business Manager is delegated to the Principal. The Principal may not delegate the offer of employment to any other Senior Leader or governor.
- 2.2. The Principal is expected to involve at least one governor in the appointment of posts at and above middle leader (teaching and non-teaching).
- 2.3. Selection panels will comprise a minimum of two people (normally three). In accordance with the statutory requirement, every selection panel will have at least

one member who has undertaken Safer Recruitment Training. In addition, at least one member will have undertaken general recruitment or equalities training (it is recommended that those on selection panels carry out the interview for a consistent approach).

3. Advertising

- 3.1. All vacant posts will be advertised to ensure equality of opportunity and encourage as wide a field of candidates as possible. This will normally mean placing an advertisement externally. However, where there is a reasonable expectation that there are sufficient, suitably qualified internal candidates, or staff are at risk of redundancy, vacancies may be advertised internally before an external advertisement. In these circumstances, the selection panel may decide that certain parts of the recruitment process may be omitted but all candidates will be subject to a formal interview, the satisfactory reference requirements and any other necessary checks.
- 3.2. The advert will include the level of DBS check required depending on the role being recruited for and whether the role will involve regulated activity.
- 3.3. The advert will specify whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020, which means certain spent convictions and cautions are 'protected', so they do not need to be disclosed to employers. If they are disclosed, they will not be taken into account.
- 3.4. All adverts state the requirement for a certificate of good conduct where applicable, in addition, for teaching posts, a letter of professional standing from the professional regulating authority in the country in which the applicant has worked.
- 3.5. Within the advert the applicant will be provided with the College's policy and practice in relation to safeguarding and promoting the welfare of children.
- 3.6. In accordance with Keeping Children Safe in Education, the College will consider carrying out an online search as part of the due diligence on shortlisted candidates. Where an online check will be carried out, this will be indicated in the advert and/or recruitment pack.

4. Information for Applicants

- 4.1. All applicants for all vacant posts will be provided with:
 - A job description outlining the duties of the post and an indication of where the post fits into the organisational structure of the College.
 - A person specification may also be provided. This will also include a statement on behalf of the Governing Body of their commitment to safeguarding and promoting the welfare of children and young people.
 - An application form. CVs will not be accepted.
 - An Information pack containing:
 - A description of the College relevant to the vacant post.
 - Reference to the College's policy on Equality and Diversity.

- Reference to the Child Protection/Safeguarding Policy.
- DBS and other pre-employment checks required.
- A statement that canvassing any member of staff, or member of the Governing Body, directly or indirectly, is prohibited and will be considered a disqualification.
- The closing date for the receipt of applications.
- An outline of the terms of employment including salary.
- Reference to the College's policy on recruitment and selection.

5. Short Listing and Reference Requests

- 5.1. The selection panel will use an agreed short listing form. The criteria for selection will be consistently applied to all applicants based on the essential and desirable criteria for the post. The selection panel will agree the candidates to be called for interview.
- 5.2. The selection panel will take up at least two references on each short listed candidate. If a candidate for a post working with children is not currently working with children, a reference will be sought from the most recent employment working with children to confirm details of their employment and their reasons for leaving. One reference will be from the applicant's current employer.
- 5.3. Reference requests will ask the referee to confirm:
 - The referee's relationship with the candidate.
 - Details of the applicant's current post and salary.
 - Performance history
 - All formal time-limited capability warnings which have not passed the expiration date
 - All formal time-limited disciplinary warnings where not relating to safeguarding concerns which have not passed the expiration date
 - All disciplinary action which may include those where the penalty is "time expired" and relate to safeguarding concerns
 - Details of any substantiated allegations or concerns relating to the safety and welfare of children.
 - Whether the referee has any reservations as to the candidate's suitability to work with children. If so, the College will ask for specific details of the concerns and the reasons why the referee believes the candidate may be unsuitable to work with children.
- 5.4. References are the "property" of the selection panel and strict confidentiality will be observed. Employer testimonials or 'bearer references' i.e. those provided by the candidate and/or marked 'to whom it may concern' will not be accepted. References must be in writing and be specific to the job for which the candidate has applied. The selection panel will not accept references from relatives or people writing solely in the capacity as a friend of the candidate. References will be verified and any discrepancies will be discussed with the candidate at interview.

Electronic references will be checked to ensure they originate from a legitimate source.

- 5.5. References will be checked against information on the application; any discrepancy/issue of concern noted to take up with applicant at interview. The College will contact referees to clarify where information is vague or insufficient information is provided
- 5.6. On receipt, equality monitoring information must be separated from applications.
- 5.7. If the field of applicants is felt to be weak the post may be re-advertised.
- 5.8. Where the College has carried out an online search on shortlisted candidates as part of the due diligence, any concerns which arise may be discussed with the applicant at, or prior to the interview stage.
- 5.9. All shortlisted candidates will be required to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. For example:
 - If they have a criminal history
 - whether they are included on the barred list
 - whether they are prohibited from teaching
 - whether they are prohibited from taking part in the management of an independent school
 - information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted
 - if they are known to the police and children's social care
 - have they been disqualified from providing childcare (Childcare Disqualification Regulations 2018)
 - any relevant overseas information
- 5.10. Applicants will be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate will be asked to physically sign a hard copy of the application at the point of interview.

6. Interviews

- 6.1. The format, style and duration of the interviews are matters for the Principal to decide in consultation with any governors involved in the process but the following will be adhered to:

6.1.1. Briefing:

All candidates will be given relevant information about the College to enable the candidate to make further enquiries about the suitability of the advertised job.

6.1.2. The formal interview:

Before the interviews the selection panel will agree on the interview format. The questions asked will be aimed at obtaining evidence of how each candidate meets the requirement of the job description and the person specification and each candidate will be assessed against all of the criteria for the post. The same areas of questioning will be covered for each applicant and no questions which would discriminate directly or indirectly on protected characteristics under the Equality Act 2010 will be asked.

The selection process for every post, will include exploration of the candidate's understanding of child safeguarding issues. Questions will include:

- Finding out what attracted the candidate to the post being applied for and their motivation for working with children
- Exploring their skills and asking for examples of experience of working with children which are relevant to the role
- Probing any gaps in employment or where the candidate has changed employment or location frequently, asking for the reasons for this

The interview will also explore potential areas of concern to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- Implication that adults and children are equal
- Lack of recognition and/or understanding of the vulnerability of children
- Inappropriate idealisation of children
- Inadequate understanding of appropriate boundaries between adults and children
- Indicators of negative safeguarding behaviours

Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case.

The interview will also include a discussion of any convictions, cautions or pending prosecutions, other than those protected, that the candidate has declared and are relevant to the prospective employment.

The recruitment documentation will be retained for six months from the date of interview. Applicants have the right to request access to notes written about them during the recruitment process. After six months all information about unsuccessful candidates will be securely destroyed.

7. Offer of Employment by the Selection Panel

7.1. The offer of employment by the selection panel and acceptance by the candidate is binding on both parties subject to:

- Verification of identity (including Birth Certificate)
- Verification of right to work in the UK
- Proof of relevant qualifications
- Satisfactory DBS Enhanced Disclosure

- A Certificate of Good Conduct (if applicable) which may include EEA sanctions and restrictions
- Barred list check
- Teacher prohibition (if applicable)
- Section 128 check (if applicable)
- Pre-employment medical screening
- Satisfactory references
- Disqualification under the Childcare Disqualification Act 2006, as amended
- The successful candidate will be informed, normally by offer letter, that the appointment is subject to satisfactory completion of these checks

8. Personnel File and Single Central Record

- 8.1. Recruitment and selection information for the successful candidate will be retained securely and confidentially for the duration of his/her employment with the College including:
- Application form – signed by the applicant
 - Interview notes – including explanation of any gaps in the employment history
 - References – minimum of 2
 - Proof of identity (including Birth certificate)
 - Proof of right to work in the UK
 - Proof of relevant academic qualifications
 - Certificate of Good Conduct (where applicable) which may include for teaching positions, a letter of professional standing from the professional regulating authority in the country (or countries) in which the applicant has worked
 - Evidence of medical clearance from the Occupational Health service
 - Evidence of DBS clearance, barred list and teacher prohibition checks
 - Evidence of a Section 128 direction (where applicable)
 - Offer of employment letter and signed contract of employment
 - Disqualification under the Childcare Disqualification Act 2006, as amended (where applicable)
- 8.2. Retention of personal information for the successful candidate following the end of their employment will be in accordance with the College's Data Retention Policy, which is compliant with relevant Data Protection Act. When retained documents have reached their data retention limit, they will be securely destroyed.
- 8.3. The College will destroy information obtained by a vetting exercise as soon as possible or within six months. A record of the result of the vetting or verification of the successful candidate will be retained on the employees file and the Single Central Record.
- 8.4. The College will normally collect personal information from a candidate only where it has their consent to do so, where it needs the personal information to perform a

contract with/involving the candidate, or where the processing is in the College's legitimate interests and not overridden by a candidate's data protection interests or fundamental rights and freedoms. In some cases, the College may also have a legal obligation to collect personal information from a candidate or may otherwise need the personal information to protect a candidate's vital interests or those of another person. The College will retain a record of consent as evidence that it has obtained consent to collect and process the data and that applicants have been advised of the purpose of the collection and processing.

- 8.5. A candidate has the right to withdraw their consent at any time and can do so by informing the College's Data Protection Officer, with the exception of documents that are required for a statutory requirement.
- 8.6. The College will maintain a Single Central Record of employment checks in accordance with Keeping Children Safe in Education.

9. Start of Employment and Induction

- 9.1. The pre-employment checks listed in paragraph 8.1 above must be completed before the employee starts work. Exceptions will only be made in circumstances where a risk assessment has been undertaken. Exceptions will never be made in the case of the barred list and teacher prohibition checks.
- 9.2. All new employees will be provided with an induction programme which will cover all relevant matters of College policy but in particular safeguarding and promoting the welfare of children, this will include the:
 - Child protection and Safeguarding policy which will include amongst other things the policy and procedures to deal with child on child abuse
 - Behaviour for Learning, including Anti-Bullying policy (which includes measures to prevent bullying, including cyberbullying, prejudice-based and discriminatory bullying)
 - 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 deputies)

Copies of all policies and a copy of Part one or Annex A of KCSIE, if appropriate will be provided to all staff at induction

Appendix A

Policy Statement on the Recruitment of Ex-offenders

In accordance with the Disclosure and Barring Service Code of Practice this policy is made available to all job applicants at the outset of the recruitment process. The DBS Code of Practice is available at <https://www.gov.uk/government/publications/dbs-code-of-practice>

- As an organisation which uses the Disclosure and Barring service, the Governing Body of The Latimer Arts College complies fully with the DBS Code of Practice and undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
- We meet the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020), which requires you to disclose convictions and cautions except those which are 'protected' under Police Act 1997 – Part V and the amendments to the Exceptions Order 1975 (2013 and 2020). Guidance on the filtering of 'protected' cautions and convictions which do not need to be disclosed by a job applicant can be found at [Ministry of Justice](#). A DBS check will therefore be carried out before appointment to any job at the College is confirmed. This will include details of convictions and cautions (excluding youth cautions, reprimands or warnings) that are not 'protected' as defined by the Ministry of Justice. A criminal record will not necessarily be a bar to obtaining a position.
- We are committed to the fair treatment of applicants on all protected grounds and in relation to all history of offending.
- We 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. We select all candidates for interview based on their competencies, qualifications and knowledge.
- We are committed to the fair treatment of our staff, potential staff or users of our services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.
- We select all candidates for interview based on their skills, qualifications and experience
- Application forms and recruitment information will contain a statement that job applicants will be required to disclose their criminal record if they are invited to interview and a DBS check will be carried out if they are offered the job. The information will only be seen by those who need to see it as part of the recruitment process.
- At interview, or in a separate discussion, we 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 job sought could lead to withdrawal of an offer of employment.
- We undertake to discuss any matter revealed in a Disclosure with the person seeking the job before withdrawing a conditional offer of employment.
- We ensure that people at the College who are involved in the recruitment process have access to professional advice to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

Having a criminal record will not necessarily bar you from working at the College. This will depend on the nature of the position and the circumstances and background of your offences.

Recruitment Privacy Notice

The Latimer Arts College understands that your privacy is important to you. The College may process your personal data in our capacity as data controllers. We are committed to respecting your privacy and protecting your personal data, which is any information that is capable of identifying you as an individual person. This Recruitment Privacy Notice (RPN) describes how we handle and protect your personal data in connection with the College's recruiting processes.

This RPN only applies to the personal data of job applicants and potential candidates for employment. It does not apply to our employees, contractors or clients, or other personal data that the College collects for other purposes.

As used in this RPN, "personal data" means information that identifies job applicants and potential candidates for employment with us, either submitted directly to us and/or through alternative channels (e.g. professional recruiting firms).

We will process your data in accordance with this RPN, unless such processing conflicts with the requirements of the law, in which case, the law will prevail.

By submitting your personal data to us, you acknowledge that:

- You have read and understood this RPN and agree to the use of your personal data as set out herein.
- You are not required to provide any requested information to us, but failing to do so may result in not being able to continue your candidacy for the job for which you have applied.
- All of your representations are true and correct to the best of your knowledge and belief, and you have not knowingly omitted any related information of an adverse nature. Providing inaccurate information may make you ineligible for employment.
- This RPN does not form part of any contract of employment offered to candidates hired by the College.

Personal Data we collect

The types of personal data that we request from you and the ways that we process it are determined by the Data Protection Act 1998 and the General Data Protection Regulations.

We usually collect personal data directly from you when you apply for a role with us, such as your name, address, contact information, work and educational history, achievements and exam results. We also may collect data about you from third parties, such as your references and prior employers.

Sensitive personal data is a subset of personal data and includes ethnicity, health, trade union membership, philosophical beliefs, sexual orientation, as well as other categories. We do not seek to obtain, and will not collect such data about a candidate, unless permitted to do so by law.

Use of your personal data

We collect and use your personal data for human resources and business management reasons including:

- Identifying and evaluating candidates for potential employment, as well as future roles that may become available;

- Recordkeeping in relation to recruiting and hiring;
- Ensuring compliance with legal requirements, including diversity and inclusion requirements and practices;
- Conducting criminal history checks as permitted by law;
- Protecting our legal rights to the extent authorised or permitted by law; or
- Emergency situations where the health or safety of one or more individuals may be endangered.

We may also analyse your personal data or aggregated/pseudonymised data to improve our recruitment and hiring processes and augment our ability to attract successful candidates.

Data recipients

Your personal data will be accessed by interviewers relevant to the position for which you are applying. In addition, it may be accessed by individuals performing administrative functions within the College who have limited access to your personal data in order to perform their jobs.

Data retention

If you accept an offer of employment by us, any relevant personal data collected during your pre-employment period will become part of your personnel records and will be retained in accordance with the law. If we do not employ you, we may nevertheless continue to retain your personal data for a period of time (as the law states) for administration purposes, to consider you for future roles, and to perform research.

Security

We have implemented generally accepted standards of technical and operational security to protect data from loss, misuse, alteration, or destruction. Only authorised personnel of the College are provided access to personal data and these employees are required to treat this information as confidential. Despite these precautions, we cannot guarantee that unauthorised persons will not obtain access to your personal data.

Your rights

We take reasonable steps that are designed to keep your personal data accurate, complete, and up-to-date for the purposes for which it is collected and used. We also have implemented measures that are designed to ensure that our processing of your personal data complies with this RPN and the law.

You have the right to request access to the personal data that we have collected about you for the purpose s of reviewing, modifying, or requesting deletion of the data. You have the right to request a copy of the personal data we have collected about you. If you would like to make a request to access, review, or correct their personal data we have collected about you, or to discuss how we process your personal data, please contact us at mail@latimer.org.uk