

Approved by:	JCAT HR&R Committee (No changes from 2023)	Date: Autumn term 2024
Next review due by:	Autumn term 2025	

Introduction

JCAT recognises that its staff are fundamental to its success. JCAT therefore needs to be able to attract and retain staff of the highest calibre and a strategic, professional approach to recruitment is essential to do this. The Trustee's are 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. The purpose of this policy is to provide a sound framework for the recruitment and selection of employees based on the principles outlined. 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 Trust's Equality and Diversity policy.

The Trustee's 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 re-assignment, marital status, sexual orientation, disability, socio-economic background, offending background or any other inappropriate distinction. We will comply with the requirements of Keeping Children Safe in Education part 3 with regard to DBS and other pre-employment checks and will ensure that all applicable vetting checks are undertaken and completed satisfactorily before the applicant starts any type of work within JCAT. At every stage of the selection process, JCAT is committed to complying with the Equality Act 2010 and other relevant employment legislation. This policy applies to all staff who work school, including teaching staff, governors, volunteers, Trustee's and any other individuals engaged to work with children.

For further information about the type of information JCAT requests and holds on file please see JCAT's Privacy Notice which can be found on the website www.jcat.co.uk, alternatively please contact the Trust to request a copy.

Purpose

The purpose of this policy is to ensure that JCAT follows a robust, rigorous and fair process when recruiting to;

- Attract the best possible applicants to vacancies
- Deter prospective applicants who are unsuitable for work with children or young people
- Identify and reject unsuitable applicants who are unsuitable for work with children and young people.
- Thorough recruitment and selection processes are essential in order to ensure that only those with the correct combination of knowledge, competencies and behaviours are appointed.

Core Principles

JCAT has a principle of open competition in its approach to recruitment. All posts will therefore be advertised either internally or externally for a minimum of 5 working days. Any exception to this will be agreed by the Trust HR under a "good reason appointment" detailed below.

- JCAT will recruit the best candidate for the job based on merit.
- JCAT will ensure that the recruitment and selection of staff is conducted in a professional, timely and responsive manner and in compliance with current employment legislation.

- JCAT will provide appropriate training and support to those involved in recruitment and selection. As a minimum at least one member of the short-listing process and the interview panel must have completed a recognised Safer Recruitment course.
- Recruitment and selection is a key public relations exercise and should enhance the reputation of JCAT. JCAT will treat all candidates fairly, equitably and efficiently, with respect and courtesy, aiming to ensure that the candidate experience is positive, irrespective of the outcome.
- JCAT will ensure that its recruitment and selection process is cost effective.

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant they must declare it as soon as they become aware of the individual's application and have no further involvement in the recruitment process.

All documentation relating to applicants will be treated confidentially in accordance with GDPR. Applicants will have the right to access any documentation held on them in accordance with current Data legislation.

Preparation stage

Recruitment should not commence until a full evaluation of the need for the role against strategic plans and budget has been completed and agreed by the headteacher and JCAT central team.

All vacancies whether a new or like for like/replacement appointment must be agreed with the CFO ensuring the overall salary costs remain within the agreed staffing budget that has been agreed for the year.

All new or changed posts must be reviewed and graded before advertising to help ensure equal pay for work of equal value.

The recruitment of staff will take into account JCAT's need for new ideas and approaches, and additionally should support the commitment to ensuring a diverse workforce by proactively seeking to attract groups that are under-represented in JCAT's profile.

Recruitment should form an integral part of the staffing strategy for the Trust and should take into account the need for any "positive action" initiatives. "Positive Action" is lawful under the Equality Act 2010 and refers to the steps that an employer can take to encourage applications from people who share a protected characteristic (e.g a certain gender or race) who are under-represented in the particular area of the work place, for example placing adverts in the minority ethnic press or other publication targeted to the under-represented group or including statements in the adverts encouraging applications.

A job description and person specification must be produced or updated for any vacant post.

The job description will accurately reflect the elements of the post.

The person specification should state both the essential and desirable criteria in terms of skills, aptitudes, knowledge and experience for the job, all of which should be directly related to the job and applied equally to all applicants. Care should be taken when writing the person specification to ensure that criteria used does not indirectly discriminate against certain groups of applicants unless objectively justified.

Delegated responsibilities

In addition to being responsible for the appointment of the Headteacher, a trustee may also be on the selection panel for all senior positions. This includes Deputy and Assistant Headteacher roles. The delegation of recruitment responsibilities are as follows:

1. Headteacher – The appointment of the Headteacher is the responsibility of the Governors and Trustee's
2. Deputy Headteacher and Assistant Headteacher – The appointments are the responsibility of the Headteacher along with an allocated Governor
3. Teachers – Responsibility for the appointment is delegated to the Headteacher
4. School based staff with a pupil facing role i.e. Teaching assistants, Science technicians, Pastoral staff – Responsibility for the appointment is delegated to the Headteacher
5. Functional roles i.e. HR, Finance, Estates, Pupil Services, IT, marketing – Responsibility is delegated to the CEO

Recruitment and selection process

The recruitment steps outlined below are based on part 3 of Keeping Children Safe in Education.

To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training.

We have put the following steps in place during our recruitment and selection process to ensure we are committed to safeguarding and promoting the welfare of children.

Advertising

When advertising roles, we will make clear:

- Our school's commitment to safeguarding and promoting the welfare of children
- That safeguarding checks will be undertaken
- The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children
- Whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are 'protected', so they do not need to be disclosed, and if they are disclosed, we cannot take them into account
 - All vacancies will be advertised for a minimum of 5 working days unless the CEO, Chair of Governors or HR agrees to waive the requirement to advertise for a "Good reason appointment". If required, the same titled document should be completed and issued to the Headteacher for authorisation sign off. This could arise when there is:
 - A difficult to fill position that has previously been advertised
 - A member of staff has been acting up and there is a business case for continuity
 - Unable to appoint when advertised in the past
 - There is an urgent need to fill a vacancy and an internal candidate has been identified
 - There is no legal obligation to advertise any vacancy, neither internally or externally. However there is a general duty for employers not to discriminate against employees or potential

employees and the absence of advertising a vacancy could, in certain circumstances, constitute discrimination. However the decision whether to advertise a vacancy at all is an employer's decision alone.

- Therefore any "good reason appointment" will require approval by the CEO, CoG or HR with the details of:
 - Vacant position
 - Reason for not advertising
 - Details of any individual or group that could have a claim for discrimination
 - Name of staff member being appointed
 - Risks involved

Application forms

Our application forms will:

- Include a statement saying that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity)
- Include a copy of, or link to, our child protection and safeguarding policy and our policy on the employment of ex-offenders

A Curriculum Vitae (CV) will not be accepted in place of the completed application form. However in certain circumstances a CV may be accepted prior to a completed application form for initial review of a candidate. All applicants submitting a CV will be required to also complete an application form.

Shortlisting

Our shortlisting process will involve at least 2 people and will:

- Consider any inconsistencies and look for gaps in employment and reasons given for them
- Explore all potential concerns

Once we have shortlisted candidates, we will ask shortlisted candidates to:

Complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so that they have the opportunity to share relevant information and discuss it at interview stage. The information we will ask for includes:

- If they have a criminal history
- Whether they are included on the barred list
- Whether they are prohibited from teaching
- Information about any criminal offences committed in any country in line with the law as applicable in England and Wales
- Any relevant overseas information

Sign a declaration confirming the information they have provided is true

We will also consider carrying out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online.

Seeking references and checking employment history

We will obtain references before interview. Any concerns raised will be explored further with referees and taken up with the candidate at interview.

When seeking references we will:

- Not accept open references
- Liaise directly with referees and verify any information contained within references with the referees
- Ensure any references are from the candidate's current employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed
- Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children
- Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate

Resolve any concerns before any appointment is confirmed

- An employment referee should not be a relative or someone closely related e.g. step-parent, partner to a relative. If a character reference is required and all other employment references are exhausted, then they may be someone who is a friend or family friend so long as they are currently in employment and known to the candidate 5yr+. The reference should be sought from a business email address.

Interview and selection

Structure of the interviews should be down to the panel chair to arrange in conjunction with HR and should be designed to give the candidates the best opportunity to present their skills and experience in relation to the post on offer.

At least two people should conduct the interview, with at least one member of the panel having undertaken Safer Recruitment and Selection training within the last three years. This should be highlighted on the interview pack.

Interview questions should be designed in advance and recorded on the Interview Question Sheet that all of the panel members should be familiar with in advance of the interview. Each interview must follow the same format and the questions should include reference to JFS, the ethos and values.

When interviewing candidates, we will:

- Probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this
- Explore any potential areas of concern to determine the candidate's suitability to work with children
- Record all information considered and decisions made

- A record of interviews held, the list of candidates who attended as well as a list of those making up the interviewing panel will be retained by HR for a period of 6 months, at which point the information will be confidentially destroyed.

Pre-appointment vetting checks

We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

New staff

All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks. When appointing new staff, we will:

- Verify their identity
- Obtain (via the applicant) an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken
- Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
- Verify their mental and physical fitness to carry out their work responsibilities
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order if they are employed to be a teacher
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. These could include, where available:
 - For all staff, including teaching positions: [criminal records checks for overseas applicants](#)
 - For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach
- Check that candidates taking up a management position* are not subject to a prohibition from management (section 128) direction made by the secretary of state

* Management positions are most likely to include, but are not limited to, headteachers, principals and deputy/assistant headteachers.

We will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Regulated activity means a person who will be:

- Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or
- Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not

Existing staff

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

- There are concerns about an existing member of staff's suitability to work with children; or
- An individual moves from a post that is not regulated activity to one that is; or
- There has been a break in service of 12 weeks or more

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- We believe the individual has engaged in [relevant conduct](#); or
- We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#); or
- We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

Agency and third-party staff

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

Contractors

We will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children

We will obtain the DBS check for self-employed contractors.

We will not keep copies of such checks for longer than 6 months.

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

We will check the identity of all contractors and their staff on arrival at the school.

For self-employed contractors such as music teachers or sports coaches, we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Trainee/student teachers

Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

In both cases, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

Volunteers

We will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment
- Ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought

Governors and members

All trustees, local governors and members will have an enhanced DBS check without barred list information.

They will have an enhanced DBS check with barred list information if working in regulated activity.

The chair of the board will have their DBS check countersigned by the secretary of state.

All proprietors, trustees, local governors and members will also have the following checks:

- A section 128 check (to check prohibition on participation in management under [section 128 of the Education and Skills Act 2008](#)). [Section 128 checks are only required for local governors if they have retained or been delegated any management responsibilities.]
- Identity
- Right to work in the UK

- Other checks deemed necessary if they have lived or worked outside the UK

Staff working in alternative provision settings

Where we place a pupil with an alternative provision provider, we obtain written confirmation from the provider that they have carried out the appropriate safeguarding checks on individuals working there that we would otherwise perform.

Adults who supervise pupils on work experience

When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.

We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

Pupils staying with host families

Where the school makes arrangements for pupils to be provided with care and accommodation by a host family to which they are not related (for example, during a foreign exchange visit), we will request enhanced DBS checks with barred list information on those people.

Where the school is organising such hosting arrangements overseas and host families cannot be checked in the same way, we will work with our partner schools abroad to ensure that similar assurances are undertaken prior to the visit.