

RECRUITMENT, SELECTION AND INDUCTION POLICY

**(including Safer
Recruitment)**

This document applies to Community and Voluntary Controlled Schools and is advisory for Foundation and Voluntary Aided Schools

September 2018



CONTENTS

INTRODUCTION 1

OBJECTIVES 1

MINIMUM STANDARDS 1

ROLES AND RESPONSIBILITIES 1

 THE LOCAL AUTHORITY 1

 THE GOVERNING BODY MUST:..... 2

 THE HEADTEACHER MUST:..... 2

HEADTEACHER RECRUITMENT 2

RECRUITMENT AND SELECTION PROCEDURE..... 3

 1. Review the post and the on-going need for the Position 3

 2. Write or Review the Job Description and Person Specification..... 3

 3. Inform the Local Authority of vacancies..... 4

 4. Establish a Selection Panel..... 4

 5. Advertise the Post 5

 6. At Risk Candidates – County Council Nominations..... 5

 7. Disability Confident Scheme 5

 8. Fluency Duty Requirements 6

 9. Recruitment Privacy Code..... 6

 10. Data Monitoring..... 6

 11. Scrutinising Application Forms 6

 12. Shortlisting 7

 13. References..... 7

 14. Invitation to Interview..... 8

 15. Selection / Interview 9

 16. Conflict of Interest 9

 17. Checks to be carried out during the Selection Process 10

 18. Decision to Appoint 15

PERSONNEL FILES 17

SINGLE CENTRAL RECORD 17

AGENCY WORKERS 18

APPRENTICES 18

VOLUNTEERS 18

INDUCTION..... 19

SUPPORT STAFF PROBATION..... 19

COMPLAINTS 19

APPENDICES:

Appendix 1 - Sample Exit Questionnaire

Appendix 2 - Job Description and Person Specification Guidance Notes

Appendix 3 - Job Description and Person Specification Template

Appendix 4 – Recruitment Privacy Notice

Appendix 5 - Sample Reference Request Letter

Appendix 6 - DBS Risk Assessment Template

Appendix 7 - Cause for Concern Risk Assessment Proforma

Appendix 8 - Childcare Disqualification Self Declaration Form

Appendix 9 – Sample Letters for Offer of Employment

Appendix 10 - Personnel File Checklist for Safer Recruitment

Appendix 11 - Historical Personnel Files Pre-Employment Checks Required

Appendix 12 - Single Central Record

Appendix 13 - Induction Checklist

Appendix 14 - Recruitment Checklist

RECRUITMENT, SELECTION AND INDUCTION POLICY

INTRODUCTION

This policy is designed to facilitate good recruitment and selection practice and ensure the school meets all legal requirements and best practice towards the safeguarding of children in the school. The appointment of all employees will be made on merit and in accordance with the provisions of Employment Law and the statutory guidance [Keeping Children Safe in Education \(DfE Sept 2018\)](#).

OBJECTIVES

These are to:

- Achieve equality of opportunity for all applicants through a fair and consistent approach.
- Attract the best possible applicants to vacancies.
- Identify and reject applicants who are unsuitable to work with children or young people.
- Enable applicants, whatever the outcome, to feel that they have had a positive experience.
- Enhance the reputation of the school and Lincolnshire County Council as an employer.
- Ensure that new staff participate in an induction process including the school Code of Conduct, Safeguarding Policy and all other relevant policies and procedures.

MINIMUM STANDARDS

An Appointing Officer must manage the recruitment process. They will be trained accordingly and have the authority to recommend to the Governing Body the decision to appoint. As a minimum, the Appointing Officer of the recruitment and selection panel will have undertaken safer recruitment training.

ROLES AND RESPONSIBILITIES

THE LOCAL AUTHORITY

The School Staffing Regulations place an entitlement for a representative of the local authority to attend all proceedings related to the appointment of Headteachers, Deputy Heads and Teachers in Community, Voluntary Controlled, Community Special and maintained Nursery Schools for the purpose of giving advice. Any advice given by the Local Authority representative must be considered by those concerned before a decision is made.

The Local Authority does not have an automatic right of attendance at appointment proceedings at Voluntary Aided and Foundation Schools; however the Governing Body may accord the Local Authority these rights.

Headteachers are reminded that the County Council can refuse to confirm an appointment if the applicant does not satisfy the staffing qualifications required.

THE GOVERNING BODY MUST:

Have agreed procedures in place throughout the school, including monitoring arrangements.

Ensure adherence to safer recruitment principles.

Ensure that managers are committed to the implementation of this policy and that appropriate training is provided.

THE HEADTEACHER MUST:

Ensure that the school operates safe and fair recruitment and selection procedures which are regularly reviewed and up-dated to reflect any changes to legislation and statutory guidance.

Ensure that all appropriate checks have been carried out on staff and volunteers in the school.

Monitor any contractors' and agencies' compliance with this document.

Promote the safety and well-being of children and young people at every stage of this process.

HEADTEACHER RECRUITMENT

When a headteacher resigns from a Maintained School, the Chair of Governors should contact the Education team, EducationTeam@lincolnshire.gov.uk and the school's Education Locality Lead who will advise on and support the recruitment process in line with DFE/NGA guidance.

In the case of church schools, the relevant Diocese should also be contacted.

Two publications which will support governors in the effective recruitment of headteachers are available:

- [Recruiting a headteacher](#) is written by the Department for Education in association with the National Governance Association and other stakeholders, is non-statutory guidance produced to help with the recruitment and selection of headteachers in England. It is designed to help governors make effective decisions when recruiting, and highlights the importance of professional recruitment practice in recruiting and selecting headteachers. It also identifies good practice, emphasises the need for fairness and transparency, and signposts to all related guidance.
- The [Headteacher Recruitment Toolkit](#) developed by NGA to complement the guidance, offers practical support to governing boards including checklists, templates and suggested questions, and should be read in conjunction with the guidance.

RECRUITMENT AND SELECTION PROCEDURE

1. Review the post and the on-going need for the Position

Resignation - Most recruitment takes place as the result of an existing post becoming vacant. If this is the case you must ensure that a resignation letter has been received from the current postholder and that you have confirmed acceptance of this resignation before any steps are taken to recruit into the post.

Exit Interview - You may wish to consider an Exit Interview with the outgoing postholder as a means of assessing and reviewing the post. A sample exit interview questionnaire is included at [Appendix 1](#).

Workforce Planning - When a member of staff leaves you may wish to consider alternatives to a straight replacement. All new staff appointments should be considered in the context of curriculum led financial planning over 3-5 years. A re-organisation may be the best way of resourcing your needs and it would be an ideal time to consider this. The DfE document "[School Workforce Planning](#)" (March 2018) can assist you with this thinking.

2. Write or Review the Job Description and Person Specification

Job Descriptions - ensure potential applicants understand the requirements of the post. This will provide the base for recruitment, selection and induction, training, appraisal and other employment activities. Job Descriptions and Person Specifications should be developed for all roles in the School, including Teaching staff and the Leadership Team. Guidance notes for completing a job description and person specification are included at [Appendix 2](#) and the documents templates are included at [Appendix 3](#).

Safeguarding requirement - In order for the school to fulfil its obligations to safeguard children and to meet the standards set by the Lincolnshire Safeguarding Children Board, all school based job descriptions must include reference to the post holder's responsibility to safeguard and promote the welfare of children and young people. This is included in the template job description.

Generic job descriptions – for support staff are held on a central job description library held by Lincolnshire County Council on Perspective Lite. These job descriptions have been through the job evaluation process, and it is strongly advised that schools access these job descriptions first.

Job Evaluation - The County Council's Human Resources service provides an evaluation service and grades will be notified to Head Teachers on receipt of a job description. It is important that new grades are not applied before a formal evaluation has taken place. Those schools which use a different Human Resources provider will need to consult with them first but this service must be commissioned from the Council's Human Resource provider to ensure equal pay requirements are met.

Person Specifications - should include qualifications, professional registrations (if required), skills, competencies and previous experience required for the post.

The person specification should also include the requirement to be cleared by the DBS for work with children and the Fluency Duty wording (see section 8 below).

Link to selection - each requirement on the person specification will be graded as either 'Essential' or 'Desirable'. These grades will be used for short listing purposes after the closing date. The person specification can also detail how these issues will be tested – e.g. application form, interview, or assessment day.

Further Guidance – please refer to [ACAS guidance "Recruiting Staff"](#) May 2018.

3. Inform the Local Authority of vacancies

The following is a requirement under The School Staffing (England) Regulations 2009. N.B. This is not a payroll notification.

All notifications to the Local Authority must be sent to schnotify@lincolnshire.gov.uk

a) Community and Voluntary Controlled Schools

The Governing Body must notify the Local Authority in writing via the above email address of:

- Any vacancy for the headteacher
- Any post for a deputy head teacher which it intends to fill
- Any teaching post to be filled for a period of more than 4 months, providing the authority with a specification for the post.
- The name of any member of support staff to be appointed along with a job description, hours of work, the duration of appointment, the pay and Grade.

b) Foundation and Voluntary Aided Schools

The Governing Body must notify the Local Authority in writing via the above email address of:

- Any vacancy for the headteacher
- Any post for a deputy headteacher which it intends to fill
- Any teaching post to be filled for a period of more than 4 months, providing the authority with a specification for the post

4. Establish a Selection Panel

The Appointing Officer of the recruitment and selection panel will have undertaken safer recruitment training themselves and they should establish a selection panel ensuring:

- The selection panel consists of two or more people
- The selection panel should be identified at the start of the recruitment process and only changed in exceptional circumstances, for example, if a member knows/is related to someone who subsequently submits an application (unless an internal applicant applies, where common sense prevails)

5. Advertise the Post

All vacant posts should 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. Any internal recruitment process will follow the procedures set out in this policy.

All advertisements will include:

- the School's safeguarding statement
- the requirement for an enhanced DBS and Barred List check application
- the Fluency Duty wording – "the ability to converse at ease with customers and provide advice in accurate spoken English is essential for the post" ([see section 8 below](#)).

All advertisements will include the details for the post including hours, salary and any qualifications required. If the post is temporary then the temporary reason and end date will be specified.

6. At Risk Candidates – County Council Nominations

The County Council may nominate an applicant for a post. This may be due to the individual being 'at risk' of redundancy or requiring redeployment due to health reasons.

There is mutual benefit in headteachers considering wider County Council nominations for all vacant posts, as the financial and employee relations costs of compulsory redundancy are high to both schools and the Local Authority.

7. Disability Confident Scheme

a) Community and Voluntary Controlled schools

As the Council has committed to being a Disability Confident employer Community and Controlled schools are required to adhere to the commitments.

Theme 1 is about "getting the right people for your business" by undertaking the following commitments:

- Actively looking to attract and recruit disabled people
- Providing a fully inclusive and accessible recruitment process
- Offering an interview to disabled people who meet the minimum criteria for the job
- Flexibility when assessing people so disabled job applicants have the best opportunity to demonstrate that they can do the job
- Proactively offering and making reasonable adjustments as required
- Encouraging our suppliers and partner firms to be Disability Confident
- Ensuring employees have appropriate disability equality awareness

Theme 2 is about "keeping and developing your people" and further information about Theme 1 and 2 can be found in [the Lincolnshire County Council Disability Confident Scheme Guidance](#).

b) Foundation and Voluntary Aided schools

You will need to decide as a school if you are going to participate in the Disability Confident scheme. The scheme is voluntary and access to all the guidance, self-assessments and resources is completely free. Further information is available on the [Disability Confident website](#).

8. Fluency Duty Requirements

The Immigration Act 2016 contains a duty on public authorities, including schools to ensure that each person who works for them in a public-facing role speaks a level of English which is sufficient to enable them to effectively carry out their role.

Further information is available in the [Lincolnshire County Council Guidance document](#) and in the [Government's Code of Practice](#).

9. Recruitment Privacy Code

In accordance with the GDPR it is necessary that you inform all applicants how and why you use the information you gather about them when they apply to work at your school. This should be done in the form of a recruitment privacy notice.

An example recruitment privacy notice is included at [Appendix 4](#). This is a template document and you must personalise this to fit with your school's processes. Once personalised you may wish to place a copy on your school's website.

You can include a link to the recruitment privacy notice in the job advert and / or include a copy with your applicant information pack.

10. Data Monitoring

Lincolnshire County Council Application Forms include a Recruitment Monitoring Form to monitor equality and diversity. This form should be removed from all applications received prior to short listing and should not form part of the short listing process.

The Recruitment Monitoring Forms of successful candidates can be stored, collated and reviewed to support the school with equality and diversity planning.

11. Scrutinising Application Forms

Scrutinise all application forms to ensure that they are fully and properly completed; that information provided is consistent and is without discrepancies and to identify any gaps in employment. Incomplete applications should not be accepted.

Any gaps in employment after the age of 18, the reasons for a history of repeated changes of employment, or a move from a permanent post to supply teaching or temporary work, will need to be explored through references and at interview. A record of these discussions should be kept with the application form.

It is important that you can establish from the application form if the candidate has lived, studied or worked overseas for a period of more than three months in the last five years. You should therefore be looking for employment / education

records for the last five years and exploring if the candidate has spent any time overseas. If it is identified that they have then an additional pre-employment check is required as detailed at section 16.8.

12. Shortlisting

Shortlisting should be performed by the Appointing Officer and remaining members of the panel. At least one member of this group must be trained in Safer Recruitment in Schools.

Shortlisting itself should be done using the attributes described in the Job Description and Person Specification already produced and previously provided to the candidates.

The Appointing Officer should ensure all short listing decisions are recorded and kept for feedback. The Appointing Officer should, where practicable, provide a clear explanation, when requested by an applicant, about why they were not shortlisted. Feedback should normally be given by the Appointing Officer.

13. References

a) Requesting and Receiving References

The Appointing Officer must request two references for candidates external to the School and one reference from the line manager of an existing internal school employee. Obtaining references before interview, would allow any concerns they raise to be explored further with the referee and taken up with the candidate at interview.

Referees must meet the following eligibility criteria:

- One of the referees must be the applicants current, or if unemployed, their last employer.
- If the candidate is a student, one should be a senior staff member from their place of study.
- If the candidate has not been previously employed, a suitable character reference must be used.
- No references must be accepted from a relative or partner.
- The Appointing Officer can request additional references.
- Referees should be asked to make reference to the applicants work with children or vulnerable adults.
- Offers of employment should not be made where two character references have been received.

References should always be requested directly from the referee and preferably from a senior person with appropriate authority, not just a colleague. Employers should not rely on open references, for example in the form of 'to whom it may concern' testimonials.

If a candidate for a teaching post is not currently employed as a teacher, it is also advisable to check with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.

You should ask the candidate's current employer for details of any capability procedures in the previous two years, and the reasons for these. For teachers there is a statutory responsibility for an existing employer to provide these details when requested to do so by a prospective employer.

On 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. Any discussions must be recorded in writing.

References 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.

Any information about past disciplinary action or allegations should be considered carefully when assessing the applicant's suitability for the post. You may wish to discuss any concerns with your HR provider. Where a reference has not been obtained on the preferred candidate before interview, the prospective employer must ensure that it is received and scrutinised, and any concerns are resolved satisfactorily, before the person's appointment is confirmed.

A sample reference request letter is included at [Appendix 5](#).

b) Guidance on Providing a Job Reference

It is recommended that line managers should provide a reference for staff they manage as a refusal to provide a reference is likely to be interpreted as an indication that there was some sort of problem with the individual about whom the reference was requested. If this has been the case the headteacher should discuss with the School's HR provider.

To meet the duty of care in respect of the subject of the reference, the individual compiling the reference must do so with care, i.e. ensure that the contents of the reference are factual, accurate, fair and not misleading. They should not include any personal views or opinions about the employee's performance or conduct that cannot be backed up by fact.

Employees can ask for a copy of any reference sent to a new employer, the request should be in writing to the prospective employer. The employer will need to consider if any exemptions apply before they can release the information. If a worker thinks a bad reference has been given they may be able to claim damages in a court, but the worker must be able to show that the information was misleading or inaccurate and that they have suffered a loss such as withdrawal of a job offer.

14. Invitation to Interview

Letters inviting candidates for interview should cover the following:

- Ask candidates whether they have any special requirements in relation to access to the interview venue.
- Outline the nature of any tests to be performed at the interview and ask whether special arrangements are required for these.

- Outline the necessary document checks that will be undertaken at interview and the documentation they are required to bring. (See section 17 below).

15. Selection / Interview

The Appointing Officer should ensure that all candidates will only be assessed according to their capability to carry out a given job, based on justifiable, objective criteria which are clearly related to the duties of the Job Description and Person Specification.

The Appointing Officer is responsible for ensuring that the assessments/ interviews are chaired effectively and conducted fairly with equal treatment of all candidates. All candidates must be subjected to the same selection process.

In addition, the interview panel should also explore a candidates:

- Ability to support the school's agenda for safeguarding and promoting the welfare of children
- Concerns or discrepancies arising from the information provided by the candidate and/or a referee. (It is acceptable to ask individual issues relating to information contained within references).
- If the candidate wishes to declare anything in light of the requirement for an enhanced DBS and Barred List check.
- If references are not obtained before the interview, the candidate should also be asked at interview if there is anything s/he wishes to declare/discuss in light of the questions that have been (or will be) put to his/her referees.

Candidates with a disability should not be asked about the nature of their disability. If they wish to discuss adjustments to the working environment as a result of being invited to attend an interview, a candidate led discussion is acceptable. However it should be explained that:

- Selection decisions will not be influenced by the extent of the adjustments required.
- Any offer of employment will be provisional subject to medical clearance.
- The candidate will not be allowed to start work until any reasonable adjustments have been considered and provided for.

Once the appointment decision is made the appointing officer must collate all the notes made by all the panel members identifying the main reasons that candidates were and were not successful. The appointing officer should store these notes securely and shred after 6 months.

16. Conflict of Interest

The appointing officer must ask all candidates if they have any other outside business interests that may conflict with those of the School/Council's business. If they have, the appointing officer needs to decide the following:

- Whether or not the private interests conflict with the School/Council's business.
- Whether the individual would be able to use their position/knowledge to confer advantage/disadvantage to their private interests/personal gain.

- Whether the private interests, if known publicly, would undermine the trust, confidence and integrity in the Council.
- If there is a potential conflict of interest, the appointing officer should advise the candidate that the application cannot be considered further whilst the conflict of interest remains. It will then be the choice of the candidate to either withdraw their application with the Council or to discontinue with the conflicting private business interests. The candidate may request some time out to make their decision.

17. Checks to be carried out during the Selection Process

Any offer of appointment made to a successful candidate, must be conditional on satisfactory completion of the necessary pre-employment checks as detailed in paragraphs 17.1 – 17.8 below.

17.1 Identity Check

The candidate will need to verify their identity.

Identification checking guidelines can be found on [the government website](#). It is advisable to check this each time an appointment is made as the list is regularly updated. Guidance is also provided to ensure that documentation is checked appropriately to ensure it is genuine.

The appointing officer will need to carefully check the documents provided by a candidate, take a photocopy of the relevant pages of the documents and sign the photocopies to verify that you have seen the original documents.

17.2 DBS and Barred List check

For appointments where the employee will be undertaking regulated activity an enhanced DBS certificate, which includes barred list information, will be required prior to starting work. The barred list check is a check to establish that the person is not barred from regulated activity, legally this can only be done if the person is in regulated activity.

Regulated Activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly.
Regularly means on more than three days in any period of 30 days, and other than driving, if any of the work takes place between 2am and 6am

and it gives the person the opportunity to have face to face contact with the children.

Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
- personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness of disability;
 - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Personal care does not include such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.

If a school knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity.

For any other staff and governors who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

You must see the actual DBS certificate from the employee and you should record the disclosure certificate number and the date of the check on the schools single central record. The certificate should be returned to the candidate and not retained on file.

Individuals can join **the DBS Update Service** at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added to the certificate since its issue. This allows for portability of a certificate across employers. There is an annual fee for applicants using the update service.

Before using the Update Service you must:

- obtain consent from the applicant to do so;
- confirm the certificate matches the individual's identity; and
- examine the original certificate to ensure that it is for the appropriate workforce and level of check, e.g. enhanced certificate/enhanced including barred list information.

The school can then subsequently carry out a free online check. This would identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new certificate.

Starting an employee without a DBS check

If there is a need to start an employee prior to receipt of the DBS check, where applicable a **barred list check must be undertaken** and a **risk assessment undertaken** on the form at [Appendix 6](#).

If a DBS check reveals details of convictions which may render the applicant unsuitable for the applied for post the appointing Governor / headteacher will discuss the situation with the applicant in line with the DBS Code of Practice and through the use and completion of [Appendix 7: Cause for Concern Risk Assessment Proforma](#).

17.3 Medical Clearance

All new employees must be medically cleared before appointment. This is done via our Occupational Health Provider, Health Management Ltd.

Managers will need to request a fitness for work questionnaire through the Health Management portal, which will then be emailed to the new employee for them to complete online. Paper versions of the questionnaire can be requested if the new employee does not have internet access.

17.4 Right to Work in the UK

In **ALL** cases you must check that applicant is allowed to work for you in the UK before you employ them.

You must see the applicant's original documents, check that the documents are valid with the applicant present and keep copies of the documents and record the date you made the check.

You need to check that:

- the documents are genuine, original and unchanged and belong to the person who has given them to you
- the dates for the applicant's right to work in the UK haven't expired
- photos are the same across all documents and look like the applicant
- dates of birth are the same across all documents
- the applicant has permission to do the type of work you're offering (including any limit on the number of hours they can work)
- for students you see evidence of their study and vacation times
- if 2 documents give different names, the applicant has supporting documents showing why they're different, eg a marriage certificate or divorce decree.

The guidance is regularly updated and therefore you should refer to the most up-to-date guidance at [how to carry out right to work checks](#) and [what documents you can accept](#).

17.5 Childcare Disqualification

The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge)(Extended Entitlement) (Amendment) Regulations 2018 has replaced the Disqualification under the Childcare Act 2006 which was last issued by the Department for Education in June 2016.

The regulations place additional requirements on schools employing staff working in early years provision with children from birth up to and including the first of September following their 5th birthday, and in later years provision (before and after school childcare) with children who have not attained the age of 8, as shown in the table below.

	During School Hours	Outside School Hours*
Reception age or younger	Covered	Covered
Older than Reception age until age 8	Not Covered	Covered
8 years or older	Not Covered	Not Covered

** Outside school hours does not include school clubs, e.g. choir or sports' teams, but does include breakfast clubs or after-school provision.*

All schools providing such child care, regardless of the setting, must take appropriate steps to ensure that they are not employing a person disqualified to work with these age groups in a childcare setting. For new employees an up-to-date enhanced DBS certificate will help schools establish whether the offences committed by that individual are relevant offences. For existing employees school could consider using the DBS update service.

The criteria for disqualification under the 2006 Act and the 2018 Regulations include those set out in the list below:

- a) inclusion on the Disclosure and Barring Service (DBS) Children's Barred List;
- b) 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;
- c) 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;
- d) refusal or cancellation of registration relating to childcare, or children's homes, or being prohibited from private fostering, as specified in Schedule 1 of the 2018 Regulations;
- e) being found to have committed an offence overseas, which would constitute an offence regarding disqualification under the 2018 Regulations if it had been done 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](#).

N.B. Following the introduction of the 2018 regulations there is no longer a disqualification by association requirement for individuals working in childcare in non-domestic settings (e.g. schools and nurseries).

All schools providing such child care, regardless of the setting, must take appropriate steps to ensure that they are not employing a person disqualified to work with these age groups in a childcare setting.

Applicants must complete the **Childcare Disqualification Self Declaration** at [Appendix 8](#) prior to their appointment.

Individuals who are disqualified are not permitted to continue to work in early or later years' provision or be directly concerned in the management of that provision. An application can be made to Ofsted for a waiver of disqualification and further details about how to make an application for a waiver can be found in the fact sheet "[Applying to waive disqualification: early years and childcare providers](#)".

17.6 Qualifications and Professional Accreditations

The school must ensure that any person employed to teach has the required teaching qualification. The DfE [Teacher Services System](#) should be used before appointing a teacher to check for:

- the award of QTS
- completion of teacher induction

Further advice on undertaking these checks is available on the government website [Teacher Status Checks: Information for Employees](#).

Applicants should also provide evidence of qualifications essential for the post, irrespective of the post they are applying for.

17.7 Prohibition Order Check

Anyone who is appointed to carry out teaching work will require an additional check to ensure they are not subject to a prohibition order issued by the Secretary of State or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012.

The Teachers' Disciplinary (England) Regulations 2012 define each of the following activities as 'teaching work': planning and preparing lessons and courses for pupils; delivering lessons to pupils; and assessing the development, progress and attainment of pupils; reporting on the development, progress and attainment of pupils. The regulations provide that these activities do not constitute 'teaching work' if they are carried out under the direction or supervision of a qualified teacher or other person nominated by the headteacher. This means that, generally, when appointing into teaching assistant (TA) positions, prohibition checks will not be required.

The school must carry out a check of any prohibition using the [Teacher Services System](#).

17.8 Individuals who have Lived or Worked Outside the UK

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges.

If any candidates have lived, studied or worked overseas for a period of more than three months in the last five years, then they are expected to obtain a

statement of good conduct (sometimes referred to as a certificate of good repute) that relates to the time they resided in that country or countries. Any documents that have been provided that are not in English must be accompanied by a certified translation. The translator credentials should be provided, along with their official declaration that the translation is accurate.

The cost for this falls to the candidate. The Council would only expect an applicant to pay for these and arrange for them after an offer of employment is made. The appointing officer must check application forms carefully to establish whether this will be a requirement and must alert those candidates that this will be a requirement should they be the successful candidate.

The [Teacher Services System](#) can be utilised to carry out appropriate check on individuals who have lived or worked outside the UK. Schools will be able to use the system to establish if any details are held regarding a teacher sanction or restriction imposed by an EEA professional regulating authority. Although restrictions imposed do not automatically prevent a person from taking up teaching positions in England, schools should consider the circumstances that led to the restriction or sanction being imposed when considering a candidates suitability for appointment.

18. Decision to Appoint

a) Provisional Offer of Employment

The appointing officer or their representative must send a provisional offer of employment letter to the successful candidate. The Appointing Officer must be aware that a verbal offer of appointment is as binding in law as a written offer. This letter should state that this offer is subject to all satisfactory clearances being received. An example provisional offer letter is available at [Appendix 9](#).

b) Formal Offer of Employment

Once all pre-employment checks are complete the formal offer of employment can be made to the candidate. Before sending the formal letter the appointing officer must agree a start date with the new starter.

In order to preserve continuity of Local Government Service candidates transferring from another local council should normally finish on a Sunday and commence with Lincolnshire County Council on a Monday. For teachers dates will be dependent on term dates. The leaver date at the old school and the start date at the new school will tie in with the end of one term and the start of a new term e.g. 31st August finish for a 1st September start.

The formal letter must also indicate at which point the successful candidate starts on the pay scale. For support staff this is usually the bottom point of the scale to which they are appointed but they can be started part way up the scale in exceptional circumstances. The successful candidate should be advised in writing of this decision. The salary will be determined in accordance with the information given in the Green Book Employees Pay and Conditions Policy or School Teachers' Pay and Conditions Document (whichever is applicable).

A copy of the offer letter should be kept on the individual's personnel file.

An example final offer letter is available at [Appendix 9](#).

c) **Contract Types (Job Sharing & Temporary / Fixed Term Contracts / Relief Contracts)**

Job sharing is a contractual arrangement where two people choose to share the duties and responsibilities of one job and also share the pay and benefits. The employees' contracts will state the conditions and hours that will be carried out by each person.

A **fixed-term contract** can be issued to an employee when the end date or length of the contract is known, such as for a specific project.

A **temporary contract** can be issued to an employee when the end date or length of the contract is unknown; however, the contract will indicate the anticipated length of the contract, such as to cover long term sickness.

Key points to note regarding fixed term & temporary contracts:

- Termination of a fixed term or temporary contract is classed as a **dismissal** and therefore an appropriate procedure should be followed.
- Employees with **2 years continuous service may be entitled to redundancy payment** at the end of a fixed term or temporary contract.
- Employees with more than **4 years continuous service** on successive fixed term or temporary contracts become **permanent** employees unless the School can show the use of a fixed term contract is objectively justified.
- Employees on fixed term or temporary contracts **must not be selected for redundancy** if the principal reason for doing so is their contract status. The Management Change Policy applies to all employees regardless of whether their contract is fixed term or permanent.
- When considering extending/renewing or ending a fixed-term or temporary contract early or on the due date, you are advised to discuss this at the earliest opportunity with your HR Provider.

A **relief contract** does not carry any undertaking that the employee will be given hours of work, nor does it in any way commit the employee to take a post which is offered, but it ensures that the employee can take up relief duties at short notice if they are offered work which they are willing to accept. Relief contracts will be issued so that the school will employ individuals as relief teachers, relief support staff or relief teaching assistants.

Relief workers by definition are engaged to work:

- on an 'as and when required' basis
- on an irregular basis
- crucially where the individual and the school are genuinely not obliged to accept or offer work respectively
- and, where there is no intention of continual employment.

Relief workers should only be used in circumstances where there would be a significant impact on service provision if someone was not engaged e.g. to

cover sickness absence, unforeseen circumstances or short term peak workloads. Such periods should be for less than 12 weeks. If the requirement for work is on a more regular basis then it may be more appropriate to employ an individual on a fixed term or temporary basis.

With regard to DBS checks, if someone has not worked within a school for 3 months then a recheck must be completed. If you intend on using a zero hours or relief employee who has not worked in your school for a period of 3 months or more then you must complete a recheck.

d) Unsuccessful Candidates

Any documents and information provided by unsuccessful candidates should be retained for 6 months and then shredded. The purpose in holding this data is to defend any claims of discrimination that may result. The time limit for discrimination claims is three months but taking into account a potential extension under the rules on early conciliation, it could be around four months before the employer hears of the claim against it.

You may choose to retain unsuccessful candidates' details with a view to considering them for future vacancies in which case you should inform candidates that their details will be kept on file and give them the opportunity to have them removed should they wish

PERSONNEL FILES

A checklist for all the documents which should be filed in a new starter's personnel file can be found at [Appendix 10](#).

Details of what should be held on the personnel file of those employee's with longer continuous service at your school can be found at [Appendix 11](#).

SINGLE CENTRAL RECORD

Schools must keep a single central record, this may be kept in electronic form. The Lincolnshire County Council example document is available at [Appendix 12](#).

The single central record must cover all staff (including supply staff, and teacher trainees on salaried routes) who work at the school.

The information that must be recorded is whether the appropriate checks have been carried out and / or certificates obtained, and the date on which each check was completed/certificate obtained.

For **supply staff and apprentices**, schools should also include whether written confirmation has been received that the employment business supplying the member of supply staff / apprentice has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS check certificate has been provided in respect of the member of staff.

Where checks are carried out on **volunteers**, schools should record this on the single central record.

Where an employee leaves the employment of the school their details should be moved to the leavers tab on the single central record.

AGENCY WORKERS

For **Agency and Off-Payroll Workers** it is the responsibility of the school to decide if the **IR35 off-payroll rules** apply to the worker and it will then be the responsibility of the school to deduct tax, employers' contributions and apprenticeship levy where appropriate. Further information is available in the Lincolnshire County Council Schools IR35 Guidance.

Where the school decides to engage an **Agency Worker** the school must obtain written confirmation from the agency that the same checks have been carried out for supply staff as the school would have carried out on its own staff. The school must also check that the person presenting themselves for work is the same person on whom the checks have been made. This should be recorded on the School's Single Central Record.

Schools should be aware of the rights of agency workers, as per the Agency Workers Regulations 2010. These regulations give agency workers the entitlement to the same (or no less favourable) treatment as comparable employees with respect to basic employment and working conditions, if they complete a qualifying period of 12 weeks in a particular job. Guidance on the recruitment and the treatment of agency workers is provided on GOV.UK. and in the [Department for Education Agency Workers Regulations; Supply Teachers guidance](#).

APPRENTICES

Where the school recruits and appoints the apprentices themselves the recruitment checks detailed in section 16 should be followed.

Where the school recruits an apprentice through an apprenticeship provider the school must obtain written confirmation from the provider that the same checks have been carried out for the apprentice as the school would have carried out on its own staff. The school must also check that the person presenting themselves for work is the same person on whom the checks have been made. This should be recorded on the School's Single Central Record.

VOLUNTEERS

Volunteers are an essential part of the School workforce and there are some clear differences in how volunteers and employees should be recruited, selected and managed. A volunteer is someone who gives their time with unpaid activity to help an organisation or an individual who they are not related to.

Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Volunteers who on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in schools and colleges, will be in regulated activity. The school or college should obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, schools may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

Schools may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers.

INDUCTION

There will be an induction programme for all staff and volunteers newly appointed in the school. The purpose of induction is to:

- provide training and information about the school's policies and procedures;
- support individuals in a way that is appropriate for the role for which they have been engaged;
- confirm the conduct expected of staff and volunteers;
- provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities; and,
- enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately.

The content and nature of the induction process will vary according to the role and previous experience of the new member of staff or volunteer. The information provided for safeguarding and promoting the welfare of children will include information about, and written statements of policies and procedures in relation to safeguarding and promoting welfare, e.g. child protection, anti-bullying, anti-racism, physical/intervention/restraint, intimate care, whistle blowing, social media, etc.

The programme will also include attendance at child protection training appropriate to the person's role.

Newly qualified teachers will be required to complete the NQT Induction Programme.

An Induction checklist template is available at [Appendix 13](#).

SUPPORT STAFF PROBATION

Conditions of service for Local Government services staff provide for a probationary period of 6 months for first appointments with Lincolnshire County Council. This applies to support staff on permanent, fixed term and temporary contracts. If an individual is not able to demonstrate satisfactory performance during this period there is a simplified process for dismissal. Further advice and guidance is available from your HR Provider and the [County Council's Probationary Policy and Procedure](#). At the end of the period the employee's appointment will be confirmed if they are performing to the required standards.

COMPLAINTS

It is the Head Teachers responsibility, in the first instance, to respond to any complaints from job applicants regarding the failure of the School to follow its policy. The Head Teacher should be aware of the stages an internal employee can follow.