

The Mercian Trust

Safer recruitment and selection policy for employees and volunteers

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1 Introduction

- 1.1 Recruiting the best people to The Mercian Trust is vital for our continued success in providing the highest standards of education to our pupils.
- 1.2 Not appointing the right people to our roles can have a negative impact on the performance of our Trust.
- 1.3 The Head Teacher/Principal is responsible for deciding on the arrangements to recruit to any post, with the exception of the Head Teacher/Principal role where the MAT Executive Team will be responsible and the Deputy Head Teacher role where the Governing Body/Board will be responsible.
- 1.4 In carrying out our recruitment processes we:
 - 1.4.1 are committed to the creation of a safe environment for our pupils by operating safer recruitment practices in line with the statutory requirements and guidance.
 - 1.4.2 will comply with the requirements of **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018).
 - 1.4.3 our Data Protection Policy sets out how we will comply with Data Protection Legislation.
 - 1.4.4 will comply with the requirements of the Equality Act (2010) and are committed to ensuring that throughout our recruitment and selection processes no applicant is disadvantaged or discriminated against because of the protected characteristics of age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation.
- 1.5 In the very exceptional cases where we are required to discriminate due to an occupational requirement this must be approved by the Board/Governing Body who will provide reasons for this requirement.
- 1.6 Recruitment will be solely on the basis of the applicant's abilities and individual merit as measured against the criteria for the job. Qualifications, knowledge, experience and skills will be assessed at the level that is relevant to the job.
- 1.7 If an applicant makes the Trust aware, at any stage of the recruitment process, that they have a disability then reasonable adjustments must be considered to ensure the applicant is not disadvantaged by the process.

2 Scope and Purpose

- 2.1 The purpose of this policy is to set out our processes for recruiting, selecting and appointing any employee to work within our Trust.
- 2.2 Sections 13 and 14 on Disclosure and Barring Service checks also applies to volunteers in our Trust.

3 Safer Recruitment

- 3.1 All recruitment must be in line with this policy to ensure that we identify, deter and prevent people who pose a risk of harm from working with our pupils.
- 3.2 The recruitment of all applicants and volunteers to our Trust must, without exception, follow the processes of safer recruitment. All offers of employment will be subject to us being satisfied that the applicant or volunteer is a suitable person to work with children and young people.
- 3.3 Any person involved in recruiting to our Trust must read the "Keeping children safe in education" (2021) guidance (or updated statutory guidance) produced by the DfE and our School/ Trust's child protection policy. These can be obtained from school websites.
- 3.4 All recruitment must be planned to ensure that there is adequate time available to recruit safely.
- 3.5 Any person who becomes aware that this policy is not being followed during recruitment must inform the person leading the recruitment process immediately to ensure due process is followed and issue immediately rectified. If this concerns still exist CEO/Head Teacher/Principal/Designated Safeguarding Lead/Business and Operations Director should be notified immediately.
- 3.6 All of the checks described in Sections 12 and 13 must be carried out and have been determined as satisfactory before an applicant can start their employment in the Trust.

4 Advertising

- 4.1 Any vacant position will normally be advertised via the appropriate channels to ensure the most appropriate field of applicants is obtained.
- 4.2 All advertisements will have the following statement about safeguarding children and young people and the requirement to have a DBS check:
 - The Mercian Trust is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment. All offers of employment are subject to an Enhanced DBS check, and where applicable, a prohibition from teaching check will be completed for all applicants.'
- 4.3 All advertisements will also include the following statement if the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020:
 - 'This post is exempt from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020). This means that certain convictions and cautions are considered 'protected' and do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website:
 - https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974.
- 4.4 Under Part 7 of the Immigration Act 2016, the Public Sector fluency duty requires state funded schools to ensure candidates for their customer facing roles have the necessary standard of spoken English (or English or Welsh in Wales). For example, a teaching assistant required to communicate with pupils to support their learning, would be viewed as operating in a public-facing role. Adverts (and Job Descriptions) should make clear the necessary standard of spoken English or Welsh required for the role.

4.5 All applicants will be directed to the Mercian Trust website to our General Privacy Notice which sets out how we will gather, process and hold personal data of individuals during and after the recruitment process.

5 Job Description

- 5.1 A job description will be required for all posts which describes the duties and responsibilities of the post. It must be up to date, accurate and specific to the role. The job description must also include a person specification which outlines all of the necessary skills, abilities, experience, attitude, behaviours, qualifications and knowledge requirements for the post.
- 5.2 All job descriptions and person specifications must make reference to the responsibility for safeguarding and promoting the welfare of children.

6 Application form

All applicants are required to fill out our standard application form. CVs will be accepted but will not replace the application form.

7 References

- 7.1 All offers of employment will be conditional upon receipt of at least two satisfactory written references.

 References will:
 - 7.1.1 be requested for all shortlisted applicants, including internal applicants;
 - 7.1.2 include the applicant's current or most recent employer and where an applicant for a teaching post is not currently employed as a teacher, will include the applicant's most recent employer as a teacher;
 - 7.1.3 ask the current employer for details of any capability history in the previous two years, and the reasons for this;
 - 7.1.4 be directly from the referee, who will be a senior person with appropriate authority and confirmed as accurate by the headteacher/principal in respect of any disciplinary investigations;
 - 7.1.5 not be accepted if they are 'to whom it may concern' letters;
 - 7.1.6 request information on the applicant's suitability to work with children and young people from the last employer where the applicant worked with children (if not currently working with children);
 - 7.1.7 be verified with the person who provided the reference and, where the reference is provided electronically, verify that it is from a legitimate source;
 - 7.1.8 be clarified with the referee where the information is vague or insufficient;
 - 7.1.9 establish the reason for the candidate leaving their current or most recent post;

- 7.1.10 be compared with the information set out in the application form and any discrepancies discussed with the candidate;
- 7.1.11 be requested before the interview; and
- 7.1.12 be explored further with the referee and with the applicant during the interview if necessary.
- 7.2 Where it has not been possible to obtain references before the interview any concerns that are subsequently raised will need to be resolved before the appointment is confirmed.
- 7.3 In order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after a conditional offer of employment has been made.

8 Short-listing

8.1 Applicants will be short-listed against the requirements of the person specification. The same people should carry out the short-listing and the interviews and should be at least two people. The outcome of the short-listing process will be recorded and retained.

IMPORTANT - The equal opportunities monitoring form must be removed from the application and not provided to the short-listing panel.

- 8.2 The Trust may conduct searches, either themselves or through a third party, of the online presence and publicly available information of shortlisted candidates to identify any comment, image or other content that could cause reputational damage to the trust and/or give rise to a safeguarding concern.
- 8.3 Management of online searches (either by carrying out the search or instructing a third party to do so), and the collation of information will be carried out independently from those managing the shortlisting process. Only information relevant to potential reputational damage and/or safeguarding concerns obtained from the search will be passed to those managing the recruitment process.
- 8.4 The short-listing panel are responsible for scrutinising the application forms and identifying any gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. A satisfactory explanation for any concerns, including concerns as a result of online searches, must be obtained from the applicant during the interview process.

9 Interviews

- 9.1 A face to face interview must take place for all applicants to all posts. The use of video conferencing, Microsoft Team, Skype, Facetime or other similar technologies is acceptable for this purpose.
- 9.2 All those involved in interviewing must be properly prepared to undertake the role, which may involve appropriate interview training. At least one person on the interview panel must have passed the appropriate safer recruitment training.
- 9.3 The purpose of the interview is to assess the merits of each applicant against the job description and person specification to establish their suitability for the post and to work with children and young people.
- 9.4 Interviews should be conducted with a minimum of two interviewers on the panel ideally with an equal gender balance to enable one interviewer to assess the applicant, observe and make notes whilst the

applicant talks to the other interviewer. The selection of the interview panel should follow the levels set out in the scheme of delegation.

- 9.5 Before the interview commences the interview panel should have:
 - 9.5.1 prepared appropriate questions for the role;
 - 9.5.2 prepared appropriate questions to test the applicant's suitability to work with children and young people;
 - 9.5.3 identified any areas for further probing, e.g. if a criminal record has been declared, any information about past disciplinary action/allegations, or if there are gaps in employment etc;
 - 9.5.4 agreed assessment criteria which reflects the person specification; and
 - 9.5.5 decided a structure to the interview and established which member of the panel will ask which questions.
- 9.6 A set of common questions relating to the requirements of the post will be asked of each applicant. Their response will determine whether that is followed up through further questioning.
- 9.7 Any gaps in employment history must be explored during the interview process.
- 9.8 Candidates shortlisted for interview will be asked about their suitability to work with children. Areas that may be concerning and lead to further questions 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; and
 - indicators of negative safeguarding behaviours;
- 9.9 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. Applicants will only be asked to disclose and discuss criminal convictions and/or cautions which are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) that may deem them unsuitable. Where this is provided electronically, the shortlisted candidate will be asked to physically sign a hard copy at the point of the interview.
- 9.10 Shortlisted candidates will also be asked to show a photo ID in order to confirm identity.

10 Other selection methods

- 10.1 In addition to a face to face interview with the interview panel a variety of other selection methods may be used, such as:
 - 10.1.1 Observation of teaching practice in our Trust or in the applicant's current school;

- 10.1.2 One or more additional panel interviews (for example, a panel made up of pupils from our school;
- 10.1.3 A presentation;
- 10.1.4 In tray exercises; and
- 10.1.5 Psychometric testing.
- 10.2 Those responsible for deciding the arrangements for recruitment to a specific post will determine the selection method(s). They will be relevant and appropriate to the role and will be based on the requirements for the particular post as set out in the job description and person specification.
- 10.3 Candidates will be informed in advance if any selection methods are to be used in addition to a face to face interview and what these are.

11 Level of language proficiency

- 11.1 Under the "fluency duty" (Part 7 of the Immigration Act 2016), public authorities are required to ensure that workers in public facing roles are fluent in English (or Welsh in Wales). Public facing roles are those members of teaching and support staff who, as a regular and intrinsic part of their role, are required to speak to members of the public (including students in schools).
- 11.2 The Mercian Trust will accept a range of evidence of spoken English or Welsh language ability as follows:
 - competently answering interview questions in English or Welsh;
 - possessing a relevant qualification for the role attained as part of education in the UK or fully taught in English or Welsh by a recognised institution abroad,
 - passing an English or Welsh spoken language competency test or possessing a relevant spoken English or Welsh qualification at CEFR Level B1 or above, taught in English or Welsh by a recognised institution abroad (and from September 2017 this includes Welsh second language GCSE).

12 Pre-employment checks

- 12.1 An offer of appointment to the successful applicant will be conditional upon the following:
 - 12.1.1 receipt of at least two satisfactory written references (one of which must be their current or most recent employer);
 - 12.1.2 verification of the applicant's identity, preferably from current photographic ID and proof of address;
 - 12.1.3 verification of the applicant's medical fitness;
 - 12.1.4 verification of qualifications where relevant;
 - 12.1.5 verification of professional status where applicable. For teachers, this will include checking that the individual has the required teaching qualification and has successfully completed any statutory induction, if required, through the Teacher Services System;
 - 12.1.6 satisfactory enhanced DBS check (see Section 13);

- 12.1.7 satisfactory online searches (see Section 8)
- 12.1.8 for management positions (Applicable to governors/trustees, Headteachers, members of the Senior Leadership Team and departmental heads only), verification that they are not subject to a section 128 direction by checking the Teacher Services System;
- 12.1.9 for teachers and other employees who hold QTS who are working in non-teaching roles, verification that they are not subject to a prohibition order by checking the Teacher Services System;
- 12.1.10 for teachers, satisfactory check to determine any restrictions/sanctions that have been imposed in other EEA member states, through the provision of a letter of professional standing from the professional regulating authority in the country that they qualified. ¹
- 12.1.11 a clear children's barred list check (except supervised volunteers);
- 12.1.12 verification of right to work in the United Kingdom;
- 12.1.13 any further checks where the applicant has lived or work outside of the UK including receipt of criminal record information from overseas;
- All checks must be confirmed in writing, retained on the personnel file for a maximum of 6 months in line with data retention policy and recorded in the single central record (SCR).

13 Disclosure and Barring Service (DBS) checks - new employees and volunteers

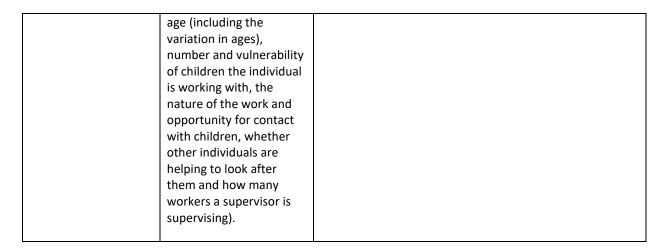
13.1 The Mercian Trust will carry out a risk assessment to determine if a DBS check is required for each volunteer in accordance with Annexe F of Keeping Children Safe in Education 2020. If a volunteer is assessed as requiring a DBS check, the following DBS checks will be undertaken for new appointments, before the employee or volunteer starts work:

Who?	Definition	Type of check
Employees who will	As an educational	An enhanced DBS check with children's barred list check
be engaging in	institution which is	will be obtained
regulated activity	exclusively or mainly for	
	the provision of full-time	
	education to children,	
	The Mercian Trust is an	
	establishment specified	
	in the relevant	
	legislation. Activity	
	carried out in this	
	establishment will	
	therefore be regulated	
	activity relating to	
	children if it meets the	
	definition in the relevant	

¹ EEA regulator restrictions do not prevent an individual from taking up teaching positions in England, however, employers should consider the circumstances leading to the restriction when assessing a candidate's suitability to be employed.

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	legislation, including that it is carried out: Frequently by the same person (for example once a week or more); or On more than three days in any period of 30 days. Note – personal care of a child because of age, illness or disability including physical help with eating, toileting, washing, bathing or dressing is always regulated activity regardless of how frequently it is carried out.	
Unsupervised volunteers	As above	An enhanced DBS check with children's barred list check will be obtained Those applying for Chair of Trustee posts (after 01.04.17) must also have their identity verified for a stipulated professional as part of their DBS check as per the below link: https://www.gov.uk/government/publications/identity-verification-for-new-chairs-of-trustees
Supervised volunteers	Where an individual is a volunteer (e.g. carrying out activity that is unpaid) they will not be engaging in regulated activity if: They are being supervised by someone that is in regulated activity; and The supervision is regular and day to day (e.g. it is ongoing); and The supervision is reasonable in all the circumstances to ensure the protection of children (this may take into account for example, the	We are unable by law to obtain a barred list check on a supervised volunteer. We will however obtain an enhanced DBS check (with no barred list check) for supervised volunteers.



- 13.2 In exceptional circumstances, a new employee or unsupervised volunteer may be able to start before the enhanced DBS check has been received, but not before the children's barred list check has been completed. The Trust must ensure that appropriate supervision is in place until the DBS check has been received.
- DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR). We are not required to take a copy of your DBS certificate, however we may choose to do so for decision making purposes. Any copy will be held for no longer than necessary, and up to a period of six months and be processed in line with Data Protection Legislation.
- 13.4 Any applicant who refuses to produce their DBS disclosure will not be able to start work at The Mercian Trust and the conditional offer will be withdrawn as satisfactory checks are not in place. Any volunteer who refuses to produce their disclosure will not be able to volunteer in the Trust.
- Applicants (free for volunteers) can have their DBS certificate kept up to date and take it with them from role to role where the same type and level of check is required. Applicants or volunteers should be asked if they have subscribed to this service. The cost of this service is £13 per year. The expectation is that individuals personally fund this if required. Where the applicant or volunteer has subscribed they should provide The Mercian Trust with the original disclosure document to be verified and the Trust will check the online update for any changes.
- Applicants will only be asked to declare convictions and cautions that are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020).
- 13.7 Information relating to an individual's criminal record will only be shared with the relevant people to enable the Trust to make a decision about their suitability to work with children and young people.

14 Disclosure and Barring Service (DBS) checks - existing employees and volunteers

- 14.1 An enhanced DBS check and a children's barred list check will be carried out for all existing staff and unsupervised volunteers (subject to risk assessment) where their contact with children or young people has increased from that at their time of appointment.
- An enhanced DBS and children's barred list check may be carried out on any employee or unsupervised volunteer (subject to risk assessment) where the Trust has concerns about an individual's suitability to work

with children and young people. An enhanced DBS (no barred list check) may be carried out on any supervised volunteer (subject to risk assessment) where the Trust has concerns about their suitability to work with children and young people.

- 14.3 DBS certificates will only be issued to the applicant. The Trust expects all applicants to produce the disclosure when requested to do so. Any existing employee who does not produce their DBS disclosure will be managed through the disciplinary procedure.
- All existing employees are required to inform the Trust of any change in their criminal record. This includes convictions, cautions, arrests and police investigations which are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020). The Trust may require all employees to sign a declaration on an [annual] basis that there has been no change in their criminal record. Action may be taken as a result of any change or any failure to inform the Trust of any change.

15 Agency staff

- 15.1 In the case of agency staff, the Trust must ensure that the arrangement with the agency imposes an obligation on the agency to carry out all recruitment checks as set out in section 12, including DBS and children's barred list checks, that the Trust would otherwise complete for its staff. The Trust must obtain written confirmation from the agency that these checks have been carried out and are satisfactory. This must be recorded in the single central record (SCR).
- 15.2 Upon the engagement of an agency worker, the agency must be supplied with a copy of the Trust's Managing Allegations Against Staff Policy unless they have previously been provided with the most recent version of this procedure.

16 Breaches of the policy

- Any instances of this policy not being adhered to will be taken very seriously and appropriate disciplinary action will be taken.
- Any complaint in relation to this policy, including its application will be managed through the Trust's complaints policy or grievance policy (for existing employees).

17 Record keeping and data protection

All written records of interviews, application forms and reasons for appointment or non-appointment will be kept by the Trust in line with our General Privacy Notice, and our Retention and Distribution Policy and in line with the requirements of Data Protection Legislation.

18 Review of policy

This policy is reviewed annually by The Mercian Trust.

We will monitor the application and outcomes of this policy to ensure it is working effectively.



Yes/No

Safeguarding Self Declaration

Please complete this Self-Declaration Form and place it in a **separate sealed envelope** with **'Safeguarding Self Declaration Form'** and **your name** on the front.

Private and Confidential

All information will be treated as confidential and managed in accordance with relevant data protection legislation and guidance. You have a right of access to information held on you under the Data Protection Act 2018.

Section A - Declaration of Criminal Convictions This post is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. You are therefore required to declare whether you have any criminal convictions (or cautions, reprimands or warnings) including those which are 'spent'. The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Details of the filtering rules can be found on www.gov.uk/dbs Do you have any cautions, convictions, reprimands, final warnings or other penalties or do Yes / No you have any criminal investigations ongoing/ charges pending? If yes, please provide details: Have you ever been barred or restricted from working with children and/or vulnerable Yes / No adults? If yes, please provide details: Have you been prohibited from teaching? Yes/No If yes, please provide details: Have you been prohibited from taking part in the management of an independent school Yes/ No (including in an academy trust)? If yes, please provide details:

Have you ever been convicted of any criminal offence in any other country in line with the law as applicable in England and Wales? (not the law in your country of origin or where

you were convicted)

If yes, please provide details:	
Are you known to the police and/ or children's social care?	Yes/ No
If yes, please provide details:	
Have you been the subject of any formal action, disciplinary investigation and/or sanction by any organisation due to concerns about your behaviour towards children that were found to be 'substantiated'?	Yes/ No
If yes, please provide details:	
Have you ever been dismissed for misconduct from any employment, volunteering, or other position previously held by you, in circumstances which may have bearing on your suitability for this position?	Yes/ No
If yes, please provide details:	
Are you currently subject to any fitness to practise investigations or proceedings by a regulatory, governing, or licensing body in any country, which may have bearing on your suitability for this position?	Yes/ No
If yes, please provide details:	
Have you lived or worked overseas for three months or more during your adult life?	Yes/ No
If yes, please provide details:	

SECTION B - Childcare Disqualification Declaration

If the following does not apply to you, please move on to section C

<u>Disqualification under the Childcare Act 2006</u> applies to all schools and settings who provide childcare and/or are directly concerned with the management of early years childcare (up to the age of 5) or later years childcare (children above reception age but have not attained the age of 8).

Have you ever been disqualified from caring for a child, including your own child?	Yes / No
Have you ever had your registration refused or cancelled relating to childcare, or children's homes, or been prohibited from private fostering?	Yes / No
Do you have any convictions for certain violent and sexual criminal offences against children and/or adults?	Yes / No
Have you ever 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?	Yes / No

SECTION C - Further In	formation and Declaration
If you have answered continue on a separate	yes to any of the above questions, please provide further information below (or sheet):
(For candidates as par	t of the recruitment process):
I agree that the inform	ation provided here may be processed in connection with recruitment.
•	valid DBS certificate for viewing and consent to the organisation clarifying any on the disclosure with the agencies providing it.
(For candidates as par	t of the recruitment process, and for existing employees repeating this disclosure):
as requested, now or	he information is found to be false or misleading, or I fail to declare any information at any future time during my employment with the organisation, then this may be gross misconduct which may lead to disciplinary action and potential dismissal from
I understand that I have during my employmen	ve a duty to inform my employer should any of this information change at any time t.
•	rganisation if I am subsequently investigated by any agency or organisation in relation behaviour towards children or young people.
supplied by third par	information contained on this form, the results of the DBS check and information ties may be supplied by the organisation to other persons or organisations in his is considered necessary to safeguard children.
Signature	
Print Full Name	
Date	

Thank you for taking the time to complete this form. Please return this form in a sealed envelope.

Please note that it is an offence to apply for the role if you are barred from engaging in regulated activity relevant to children. We are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to share this commitment.



CANDIDATE ONLINE SEARCH CHECKLIST

This table outlines our search parameters and what we are searching for.

SEARCH PARAMETERS	CONCERNS RAISED
Google search: The following terms, looking at the first page of results: • 'Candidate name' • 'Candidate name' + 'current school/employment' • 'Candidate name' + 'previous school/employment' • 'Candidate name' + 'educational institution' • 'Candidate name' + 'job title'	 Only record information that suggests the candidate: Is unqualified for the role Poses a potential safeguarding risk Risks damaging the reputation of your school/trust Don't include any irrelevant personal information. Evidence of necessary findings will be included.

CANDIDATE AND SEARCH DETAILS	
Candidate name	
Role shortlisted for	
Searcher name	
Date and time of online search	

COMMENTS		

NECESSARY EVIDENCE OF FINDINGS MAY BE PROVIDED ON FURTHER PAGES