

Recruitment & Selection Policy

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1. Introduction

1.1 Pathfinder Schools is committed to safeguarding and promoting the welfare of children and young people, this commitment is at the heart of all recruitment and selection decisions. Pathfinder Schools expects all colleagues to share this commitment in all aspects of their work and behaviour.

1.2 The success of Pathfinder Schools relies on appointing individuals who share the Pathfinder Schools values of Aspiration, Responsibility and Courage in addition to possessing the appropriate skills, knowledge, experience and potential to meet our requirements now and in the future.

- 1.3 All policies and guidance referred to in Pathfinder Schools policies are available upon request from the School/Academy HR Representative.
- 1.4 Pathfinder Schools is committed to equality and fair treatment in recruitment and selection and all appointments will be based on merit.

2. Purpose

- 2.1 The purpose of the Pathfinder Schools Recruitment and Selection Policy is to provide a fair, consistent and transparent framework that adheres to employment legislation and statutory requirements, enabling managers to;
- attract the best possible applicants to vacancies
 - ensure that the safeguarding and welfare of children and young people sits at the heart of recruitment and selection and is robust throughout the process
 - follow a fair and consistent process in recruiting and selecting employees
 - adhere to all relevant legislation and statutory requirements
 - ensure the most cost-effective use is made of resources
 - give applicants a clear understanding of the post and what is expected of them, measuring candidates against the criteria in a fair, transparent and reasonable way
 - minimise the risk of making an unsuitable appointment
- 2.2 Pathfinder Schools recognises the legal obligations it has as an employer under the Equality Act 2010, the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, the Data Protection Act 2018, the General Data Protection Regulations 2016 and the Human Rights Act 1998.
- 2.3 Pathfinder Schools understands its statutory obligations and will ensure that policies, procedures, processes, training and associated documentation is reviewed in line with changing legal and statutory requirements. Shortlisting, assessments and selection processes will always be carried out without regard to the nine protected characteristics:
- Age
 - Disability
 - Sex
 - Gender reassignment
 - Pregnancy and maternity
 - Race
 - Sexual orientation
 - Religion or belief
 - Marriage and civil partnership
- 2.4 The Trust recognises its legal obligations in safeguarding vulnerable groups and this procedure adheres to the requirements of the Police Act 1997, the Rehabilitation of Offenders Act 1974, the Protection of Children Act 1999, the Education Act 2002 and statutory guidance (e.g. Keeping Children Safe in Education and Disqualification under the Childcare Act 2018). The Safeguarding Vulnerable Groups Act 2006 and Protection of Freedoms Act 2012 and The Police Act 1997

2.5 This policy applies to all job applicants and employees of the Trust, aspects of the policy apply to volunteers, casual and agency workers, contractors and governors/trustees and members.

3. Roles and responsibilities

3.1 **The Pathfinder Schools Trust Board** has overall responsibility for staff appointments at Pathfinder Schools. Trustees delegate these responsibilities, for example to the CEO, the Headteacher of individual Academies or to Local Governing Bodies as appropriate.

3.2 **The Trust Board** is responsible for ensuring this policy is applied fairly and consistently across the Trust.

3.3 **The CEO** is responsible for ensuring candidates and employees are treated fairly and consistently across the Trust.

3.4 **The Pathfinder Schools HR Director** is responsible for overseeing the introduction, implementation, monitoring and review of this policy and will report to the CEO and the Trust Board as required.

3.5 **The Pathfinder Schools HR Team** will provide advice, guidance and support in the implementation of this policy and procedure, acting as a point of contact for those responsible for recruitment decisions at school level.

3.6 **The Pathfinder Schools Central Team** reviews and confirms all recruitment requests prior to a post being approved for advertising.

3.7 Where the **Headteacher** has been delegated responsibility for staff appointments they shall normally be expected to consult with the **CEO** when making **Senior Leadership** appointments.

3.8 **Local Academy Boards and Headteachers** are responsible for monitoring the application of this policy within their respective schools, ensuring the Trust's policy, and recruitment and selection processes are adhered to. They are also responsible for ensuring managers and leaders have access to appropriate training and development to enable them to apply this policy fairly, consistently and professionally, in line with legal and statutory requirements.

3.9 **Managers and staff** must ensure they carry out recruitment and selection fairly and consistently in line with this policy, accessing support, guidance and training as and when required.

4. Equality and Diversity

4.1 Pathfinder Schools is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines, adhering to the Equality Act 2010.
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged.

4.2 The Trust is committed to providing equality of opportunity for all and ensuring that all stages of recruitment and selection are fair.

4.3 Job descriptions, person specifications, advertisements and other recruitment and selection documentation must only contain objective, justifiable, non-discriminatory information. Managers should take care not to include:

- Explicit references to age or age ranges

- Language that could be perceived as age bias (such as young, mature, energetic)
- Specifications for a particular gender, race, religion or age unless it is defined as a Genuine Occupational Qualification
- Language that could be perceived as discriminatory (e.g. 'must be fit', 'able bodied', 'generally healthy', or 'able to drive')
- Qualifications that could be age bias (e.g. GCSEs) without adding 'or equivalent'

4.4 The Equality Act 2010 allows for specifications to include a requirement for a particular gender, race, sexual orientation, religion or age as long as it is defined as a Genuine Occupational Qualification. Managers must seek advice from the Pathfinder Schools HR Team if they believe that a vacancy they have approval to recruit to has a genuine occupational qualification.

5. Principles

5.1 The Trust adheres to the following principles in recruitment and selection:

- All applicants will receive fair and reasonable treatment.
- The job description/person specification is an essential tool, which is used throughout the process and applied equally to all applicants.
- All recruitment decisions will be based on the assessment of how candidates match the criteria detailed in the job description/person specification (e.g. knowledge, skills, qualifications, experience, abilities and competencies).
- Selection should be carried out by a panel of at least two people, preferably three people where possible. At least one panel member must have received safer recruitment training.
- Selection should be based on a minimum of a completed application form, shortlisting and interview.
- All posts will normally be advertised, unless there are specific circumstances (e.g. situations requiring ring-fencing or slotting, such as people at risk and seeking suitable alternative employment).
- The Equality Act 2010 requires the Trust to make reasonable adjustments to the recruitment process if an applicant makes us aware that they have a disability. This applies to the entire recruitment process, from advertisement to appointment and Pathfinder Schools is committed to meeting this requirement

6. Documentation

6.1 The recruitment process will be documented at each stage, resulting in a clear audit trail demonstrating transparency of decision making.

6.2 All documentation relating to the recruitment process should be retained in line with Pathfinder Schools data retention guidelines (usually for 6 months from the date of the appointment decision).

6.3 Documentation relating to the successful candidate will be transferred to their personal file.

- 6.4 By keeping appropriate records, the Trust can demonstrate in the event of an enquiry or complaint that appropriate procedures have been followed.
- 6.5 Information on candidates must be treated in the strictest confidence and restricted to those directly involved in the recruitment process.
- 6.6 Those responsible for the recruitment process will use appropriate ICT systems, vacancy and applicant data will be stored electronically and all recruitment documentation will adhere to the requirements of the Data Protection Act 2018 and the General Data Protection Regulations 2016.

7. Recruitment proposal process

- 7.1 Where a school/workplace has identified a need to recruit, the recruiting manager must consider fully the need to recruit including;
 - Whether the post needs to be filled and how best to fill it
 - Any required changes to the role and responsibilities
 - Any changes to the qualifications, knowledge, skills, experience and competencies required for the role alongside the potential re-evaluation requirements
 - Any foreseen/expected future changes to the job or department /team
 - Organisation changes elsewhere in the Trust alongside potential redeployees
 - The need to minimising redundancy situations in line with the Trust Redundancy Policy, Organisational Change Policy and Redeployment Procedure.
 - Where the Headteacher is not the recruiting manager, the headteacher must agree with the decision to recruit to the vacancy.
- 7.2 Where the vacancy represents a permanent change to the school staffing structure agreed for the academic year, the school must submit a recruitment proposal to the Pathfinder Schools HR team. Once agreed an advert request form, job description and person specification must be sent to the HR Team who will advertise the vacancy.
- 7.3 Vacancies that replace an existing role in the staff structure may be submitted to the HR Team for advertising by submitting an advert request form, job description and person specification only.

8. Job Description/Person Specification

- 8.1 The recruiting manager is responsible for describing the role and responsibilities clearly, concisely and accurately within the job description/person specification.
- 8.2 The recruiting manager must also ensure that for support staff roles the job description has been evaluated and is positioned at the correct pay grade.
- 8.3 The Pathfinder Schools HR Team will check that the job description has been evaluated, therefore if the recruiting manager has or intends to materially revise the job description and/or person specification they must notify the Trust HR Team.
- 8.4 The recruiting manager is responsible for ensuring the job description/person specification includes all the essential and desirable qualifications, knowledge, skills, experience and competencies required for the role, ensuring that the

stipulated criteria are measurable and non-discriminatory (Save for Genuine Occupational Requirement).

- 8.5 The manager must also propose the hours, employment status (e.g. full-time, part-time, term-time, permanent, and fixed-term) and working pattern.
- 8.6 It is vital that care is taken when writing/reviewing the job description/person specification as this is used as a baseline for the recruitment and selection process (i.e. applicant's suitability for the post is measured against this throughout the process).
- 8.7 Care must be taken to avoid the inclusion of unnecessary, marginal or blanket requirements as this could lead to allegations of discrimination (e.g. ability to drive may be viewed as discriminating against disabled applicants unless justifiable).
- 8.8 Competencies should align with the Pathfinder Schools values of Aspiration, Responsibility and Courage. They should link to safeguarding, detailing and measuring behaviours and attributes individuals must have or must acquire to perform effectively and safely at work.
- 8.9 Where the post is considered 'customer facing', i.e. where the post holder is required to speak with members of the public (including pupils and parents) as a regular and intrinsic part of their role, the 'fluency duty' may apply and the person specification may note as an essential criterion the ability to fulfil all spoken aspects of the role with confidence and fluency in English.
- 8.10 The Pathfinder Schools HR Team can provide advice and support in reviewing, applying or developing competencies.
- 8.11 Essential criteria enable the recruitment panel to sift out candidates that will not be able to perform satisfactorily in the role.
- 8.12 Unless in exceptional circumstances the recruiting panel must not shortlist a candidate that does not meet the essential criteria for the post.
- 8.13 Desirable criteria help recruiting managers to differentiate between satisfactory and outstanding candidates. The job description/person specification must be finalised before the vacancy is advertised as prospective candidates are encouraged to use the advert, job description and person specification as a means of selecting or de-selecting themselves.

9. Advertising

9.1 All adverts must contain the following as a minimum:

- our commitment to safeguarding and promoting the welfare of children, including pre-employment safeguarding checks relevant to 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
- an introduction to Pathfinder Schools and the specific school the role sits within, the ethos, values and benefits of working within the Trust and the school
- the role's purpose and key responsibilities

- basic details about the post e.g. job title, salary/pay point, hours, contractual status
- special working arrangements or requirements
- any additional payments, allowances or benefits
- where possible, the intended date for interview
- a named contact for informal enquiries
- details of how to apply
- the closing date for applications
- a safeguarding statement
- a link to the Safeguarding and Child Protection Policy of the workplace location
- Information on how candidates can access the Pathfinder Schools Recruitment and Selection Policy which includes a statement on the recruitment of ex-offenders
- an equality & diversity statement
- Disability Confident Logo

9.2 Internal candidates wishing to apply for a post advertised within the Trust may be offered a preferential interview, prior to external candidates, maximising opportunities for employees who wish to widen their experience and work at other schools in the Trust. However, this may only apply where they meet the essential criteria for the post.

9.3 External advertising may not always be required, however decisions to advertise internally only should be carefully considered.

9.4 The Trust HR Team will provide recruiting managers with advice in relation to the most appropriate media for external advertising, to ensure that adverts are within budget whilst ensuring that they reach the target audience.

10. Secondments and expressions of interest

10.1 Secondments must be authorised by the CEO before such opportunities are advertised or recruited to. Adverts for secondment opportunities must explicitly state that the role is a secondment opportunity and the intended duration of the secondment. Applicants must seek approval from their line manager prior to applying for a secondment opportunity as there may be occasions where the manager is unable to support the release of one of their team members for a secondment (e.g. if their substantive role is a difficult to recruit to role).

10.2 Pathfinder Schools may, in exceptional circumstances, utilise an internal expression of interest recruitment process. This may be justifiable for a temporary appointment, for example, where the role is of a specialist nature or where a developmental opportunity is available internally.

10.3 Expressions of interest allow for a quick turnaround and remove the external element of recruitment. However, this is the only difference to the normal recruitment process as once expressions of interest are received the normal recruitment and selection processes follow (e.g. shortlisting, interviews, assessments etc.)

11. Application & shortlisting

- 11.1 Once a vacancy has been advertised, applicants will be able to access the relevant information on the Pathfinder Schools website. Our application forms include a statement making clear 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).
- 11.2 All external applicants must complete an application form; however, applicants with a disability may submit their application in an accessible alternative format, in liaison and agreement with the Pathfinder Schools HR Manager.
- 11.3 Applications submitted electronically must be signed by the applicant if they are invited to an assessment/interview process.
- 11.4 Late applications shall not generally be considered and not once shortlisting has commenced.
- 11.5 All applications must be treated in the strictest confidence and restricted to those directly involved in the recruitment process.
- 11.6 Shortlisting will involve at least two people and must be conducted initially against the essential criteria detailed in the job description/person specification, ensuring that the information on the application form is used to assess each applicant. This must be fairly and consistently applied to all applicants. If there are too many applicants shortlisted against the essential criteria, the panel may then use the desirable criteria. If there remain too many applicants to interview, the panel should seek further advice and guidance from the Pathfinder Schools HR team.
- 11.7 All application forms must be reviewed to ensure that they are fully completed and the information provided is consistent and does not contain any discrepancies. Any potential concerns, anomalies, gaps in employment and reasons given must be noted for discussion with the candidate if they are shortlisted.
- 11.8 Unless in exceptional circumstances the recruiting panel must not shortlist a candidate that does not meet the essential criteria for the post.
- 11.9 Advice may be sought from the Pathfinder Schools HR Team where candidates have flagged disability considerations, criminal records or disciplinary alerts on their application form.
- 11.10 Schools/workplaces have access to template shortlisting/scoring documents developed by the Trust HR Team.
- 11.11 Once shortlisting is completed, the school will notify shortlisted applicants of the next steps in writing, ensuring shortlisted candidates are aware of the need for them to bring appropriate documentation with them to their interview. This will include proof of identity, right to work in the UK, essential qualifications and a self-declaration of their criminal record or any information that would make them unsuitable to work with children. The information we will ask for on the declaration includes:
 - o If they have a criminal history
 - o Whether they are included on the barred list
 - o Whether they are prohibited from teaching
 - o Information about any criminal offences committed in any country in line with the law as applicable in England and Wales
 - o Any relevant overseas information

- 11.12 Advice may be sought from the Pathfinder Schools HR Team where an applicant with a disability has highlighted any special requirements they may have for the interview.
- 11.13 The School Business Manager/HR representative for the school will normally contact candidates to thank them for their interest and confirm when they have not been shortlisted. Candidates that are not shortlisted are not normally provided with feedback; however, recruiting managers must provide internal candidates with opportunities to seek constructive feedback in support of their continual learning and development.

12. Online searches-KCSiE

- 12.1 In line with the statutory document Keeping Children Safe in Education, online searches may be undertaken on external shortlisted applicants as part of due diligence. This forms part of the Pathfinder Schools Safer Recruitment process. Candidates are notified of this process within the advert for the position and at application stage via the Pathfinder Schools application form.
- 12.2 Finding out personal information about a candidate can lead to unconscious bias, to minimise the impact of this individuals undertaking the online search will not be involved in the interview or appointment components of the recruitment process.
- 12.3 The purpose of the check is to support the Trust to identify any incidents or issues that have happened, and are publicly available online, which the school/academy might want to explore with the applicant at interview.
- 12.4 Online searches do not form part of assessment scoring, searches forms part of safer recruitment and are limited to the consideration of content that may suggest that the candidate:
- Poses a potential safeguarding risk
 - Risks damaging the reputation of the school and/or Pathfinder Schools

13. Interview & assessment

- 13.1 Where required the HR team will advise managers on the suitability and options regarding the assessment process, ensuring that it does not breach legislation, good practice or safer recruitment guidelines. As a minimum, the assessment process will include shortlisting and an interview and candidates invited to interview will be advised of the assessment process. Alongside an interview, additional assessment tools may include:
- Pupil or stakeholder panel
 - Lesson delivery/observations
 - Seen/unseen presentations
 - In-tray exercises
 - Knowledge or technical tests
 - Group work
 - Ability tests (e.g. numeracy/literacy)
 - Data analysis

- 13.2 The interview panel must prepare in advance appropriate questions and assessments. Where required example competency based and safeguarding interview questions and template interview paperwork/scoring sheets are available from the Pathfinder Schools HR Tea. The recruiting manager is responsible for ensuring that the interviewing panel is provided with;
- Job description/person specification
 - Application form
 - Interview questions
 - References
 - Other assessment documentation as appropriate
- 13.3 Where required the HR team will advise on the best approach when measuring candidates against set criteria, ensuring that assessment tools are appropriate, justifiable and in line with legislation, best practice and statutory guidelines.
- 13.4 Only appropriately qualified, trained, experienced and knowledgeable staff will assess candidates, providing training and support as appropriate.
- 13.5 Pupils or stakeholders involved in the recruitment process will have access to training, advice and guidance and they will have clear parameters for their involvement. They will provide feedback to the recruiting panel.
- 13.6 On the interview day, the school must check the candidate's identity (including the candidate's eligibility to work in the UK), qualifications and membership of a professional body (where appropriate). The panel should be notified of any issues arising from these checks.
- 13.7 The interview panel must consist of at least two people, preferably three. One of them should have been involved in the shortlisting process and one of the panel members should be the person whom the post reports to. At least one of the interviewers must have completed safer recruitment training within the last three years.
- 13.8 All questions must relate to the job as detailed in the job description and person specification, measuring the candidate's suitability against the criteria in a fair, transparent and consistent way.
- 13.9 During interview the panel will probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain these. The panel must explore any potential areas of concern to determine the candidate's suitability to work with children.
- 13.10 The interview panel must make notes throughout the interview. Time should be allocated at the end of each interview for scoring to take place. Each interviewer must score each question and their comments on the form should ensure that each score is justifiable and that constructive feedback can be given. The panel should complete the scoring sheet and return all documentation to the School Business Manager/School HR representative upon completion of the assessment process. Records will be retained in line with the Pathfinder Schools Records Retention Policy.

14. Appointment decisions and pre-employment vetting

- 14.1 Once all assessments have been completed, each individual panel member will total their scores and usually the candidate with the highest score in rank order will be the preferred candidate.
- 14.2 For school appointments where the Chair of the panel is not the Headteacher they must discuss their preferred candidate choice with the Headteacher prior to offering a position and only when the Headteacher has agreed with their preferred choice can a conditional offer (subject to satisfactory checks) be made.
- 14.3 For Central Team and Headteacher/Principal appointments, where the Chair of the interview panel is not the CEO, they must discuss their preferred candidate choice with the CEO prior to offering a position and only when the CEO has agreed with their preferred choice can a conditional offer (subject to satisfactory checks) be made.
- 14.4 Once a decision to appoint has been made the Chair of the panel should discuss the offer with the preferred candidate, explaining that it is conditional subject to satisfactory pre-employment checks.
- 14.5 The interview panel must contact the unsuccessful candidates and where requested provide them with constructive feedback that is honest and balanced, giving them examples of where they could improve in the future.
- 14.6 The conditional offer letter and pre-employment checking process will be overseen by the School Business Manager/HR representative for school level appointments and by the Pathfinder Schools HR Team for Central or Headteacher/Principal appointments. A Pathfinder Schools Safer Recruitment Checklist must be used to track the vetting process; this will be transferred to the individual's personnel file when the process is complete.
- 14.7 Records of pre-employment/safer recruitment checks will be recorded on the individual's entry on the single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel file.
- 14.8 The appointed individual must be provided with their contract of employment either prior to their start date or on the first day of their employment. Contracts must not be issued until all pre-employment checks have been satisfactorily completed.
- 14.9 Contracts are issued centrally; requests should be made via the Pathfinder Schools Contract Request Form.
- 14.10 Recruiting managers must not arrange for a new starter to start work until they have received confirmation that all clearances have been received, are deemed satisfactory and the contract of employment has either been issued or is ready to be issued on the first day of employment.
- 14.11 All offers of employment (verbal and written) are subject to satisfactory clearances:
 - Verified references which meet the requirements of Keeping Children Safe in Education
 - 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.

14.12 **Regulated activity** means a person who will be:

- Responsible, on a regular basis 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
- Pre-Employment Medical Clearance-verify mental and physical fitness to carry out their work responsibilities
- Professional Qualifications and Membership of Professional Bodies
- ID Check -photographic and address
- Right to Work in the UK
- Childcare Disqualification Declaration for our workplaces and schools will pupils under 8 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.
- Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available, commencement of work without a compliant DBS must only be approved in exceptional circumstances and a risk assessment must be completed to assess whether the safeguarding risk can be managed. Risk assessments should be noted on an individual's personnel file and recorded on the SCR.
- Prohibition Clearance for teaching posts or posts that will be undertaking teaching work.
- Section 128 checks where for management appointments. Management positions are most likely to include, but are not limited to, headteachers, principals and deputy/assistant headteachers.
- 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: from January 2021 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

14.13 Existing staff

14.13.1 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

14.3.2 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

14.4 The purpose of seeking references is to allow the Trust to obtain factual information to support appointment decisions. Pathfinder Schools will:

- not accept open references e.g. to whom it may concern;
- not rely on applicants to obtain their reference;
- ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school based, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations);
- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed;
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer;
- always verify any information with the person who provided the reference;
- ensure electronic references originate from a legitimate source;
- contact referees to clarify content where information is vague or insufficient information is provided;
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate;
- establish the reason for the candidate leaving their current or most recent post; and,
- ensure any concerns are resolved satisfactorily before appointment is confirmed

14.5 Reference requests must be made on the Pathfinder Schools Reference Request template and will include as a minimum a request for the following information;

- The referee's relationship with the candidate.
- Details of the applicant's current post and salary.
- Performance history.
- All formal time-limited capability warnings which have not passed the expiration date.

- All formal time-limited disciplinary warnings where not relating to safeguarding concerns which have not passed the expiration date.
 - All disciplinary action where the penalty is “time expired” and relate to safeguarding concerns.
 - Details of any substantiated allegations or concerns relating to the safety and welfare of children.
 - Whether the referee has any reservations as to the candidate's suitability to work with children. If so, the School must ask for specific details of the concerns and the reasons why the referee believes the candidate may be unsuitable to work with children.
- 14.6 References are the "property" of the selection panel and strict confidentiality must be observed. References must be in writing and be specific to the job for which the candidate has applied. The selection panel shall not accept references from relatives or people writing solely in the capacity as a friend of the candidate.
- 14.7 References must be verified and any discrepancies must be discussed with the candidate at interview.
- 14.8 References are normally requested prior to interview in line with Safer Recruitment guidelines. However, some candidates request that their referees are not contacted unless an offer is made. Therefore, any verbal offer must be subject to satisfactory pre-employment checks being received, including the requirement for verified references
- 14.9 There must be a minimum of two references
- 14.10 References will not form part of the assessment scoring, but any concerns raised within a reference should be discussed with the Pathfinder Schools HR Team and the Headteacher and then discussed with the candidate during their interview, or during a documented follow up interview/meeting/discussion as appropriate.
- 14.11 The School Business Manager/school HR representative will contact the preferred candidate to arrange for them to complete the online DBS application (unless the preferred candidate is registered with the DBS update service). The preferred candidate will complete their medical questionnaire and once assessed, the Occupational Health provider will contact the school to confirm the outcome.
- 14.12 It is a criminal offence to employ someone who is subject to immigration control and who does not have current and valid permission to be in the UK. The identity checks, normally undertaken on the interview day, will include a check of the candidates' eligibility to work in the UK. Qualifications and membership of professional bodies (where appropriate) will normally be checked on the same day.
- 14.13 The Childcare (Disqualification) Regulations 2018 are made under section 75 of the Childcare Act 2006, and set out the circumstances in which an individual will be disqualified for the purposes of section 75 of the Act. Section 76 (2) of the 2006 Act provides that a person who is disqualified under the 2018 Regulations may not provide relevant childcare provision or be directly concerned in the management of such provision.
- 14.14 Schools are prohibited from employing a disqualified person in connection with relevant childcare provision. The criteria for disqualification relevant to a school setting include the following:
- Inclusion on the DBS Children's Barred List

- 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
- 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
- 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
- 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 UK.

Staff covered by this legislation include the following:

- Early year's provision – staff providing care for a child up to and including reception age (including education in nursery and reception classes and/or any supervised activity such as breakfast clubs, lunchtime supervision and after school care)
- Later years provision – staff employed to work in childcare provided by the school outside school hours for children above reception age, but younger than 8 (this doesn't include education or supervised activity above reception age during school hours, but it does include before school settings (e.g. breakfast clubs) and after school provision)
- Staff employed by childcare providers (not employed by the school) who hire or rent school facilities or premises (the Trust will ensure the provider has appropriate policies and procedures in place regarding safeguarding children and the 2018 Regulations)

14.15 The Trust will ensure agencies and other providers undertake appropriate checks for staff deployed to work at the Trust, including the requirement for staff to inform their employer they would be committing an offence if they are deployed to work in relevant childcare, or are directly concerned in the management of such provision, if they are disqualified under the 2018 Regulations

14.16 The Trust will ensure that self-employed contractors working in relevant childcare provision comply with the requirements of the legislation

14.17 The Trust must ensure that initial teacher training providers adhere to the legislation

14.18 Staff directly concerned with the management of early or later year's provision are covered by the legislation

14.19 Volunteers and casual workers directly concerned with the management of childcare provision or who work in relevant childcare on a regular basis (supervised or unsupervised) are covered by this legislation

14.20 Staff not covered by this legislation include the following:

- Caretakers
- Cleaners
- Drivers & transport escorts
- Catering and office staff who are not employed to directly provide childcare

14.21 However, Pathfinder Schools has opted to ensure ALL staff working within a relevant setting are subject to the same clearance process.

14.22 Most staff who are only occasionally deployed, and are not regularly required to work in relevant childcare are not automatically covered, therefore

Headteachers will work with the Pathfinder Schools HR Manager to assess the risk and thus exercise their judgement.

- 14.23 School governors are not covered by this legislation unless they volunteer to work in relevant childcare on a regular basis, or they are directly concerned with the day-to-day management of such provision
- 14.24 Pathfinder Schools requires shortlisted candidates and staff to complete a self-declaration form to capture information relation to the 2018 Regulations. The declaration form is available from the vacancies section of the Pathfinder Schools website. Candidates should be advised of the Ministry of Justice guidance which will assist them in answering those questions <https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>
- 14.25 Questions on the declaration form are relevant and limited to the requirements of the legislation (e.g. cautions or convictions for a relevant offence; where a care order is issued with respect to a child who has been in the person's care; or whether they are named on the DBS Children's Barred List).

15. Confirmation of an offer of employment

- 15.1 When all satisfactory checks have been received, the individual responsible for completing the pre-employment checks will notify the recruiting manager and the successful candidate to advise that clearance has been received and to discuss a start date and time.
- 15.2 The individual will be issued with a contract of employment prior to their start date or on their start date.
- 15.3 Once the starting arrangements have been confirmed preparations will be made to ensure arrangements are in place for their induction.
- 15.4 The member of staff responsible for personnel records will close the job file and initiate a personnel file, using the Safer Recruitment Checklist as a compliance check. The file will be held securely and access will be restricted.
- 15.5 For some individuals, there may be an extended period of time between the offer and start date. Regular communication can dispel any worries new starters may have and it provides the manager and their new member of staff with opportunities for clarity prior to formal commencement. It also allows the manager time to begin to discuss key objectives and initial training, development needs and plans.
- 15.6 Managers must complete the induction with their new starter and support staff will also require probationary meetings to be held, ensuring any challenges and learning and development needs are addressed in a supportive, swift and effective way (managers of support staff must read this policy in conjunction with the Pathfinder Schools Probationary Policy).

16 Agency Workers

- 16.1 Where a school wishes to use an agency worker the appropriate manager will obtain written notification from the agency or third-party organisation that it has carried out the necessary safer recruitment checks that the school would otherwise perform. Managers will also check that the person

presenting themselves for work is the same person on whom the checks have been made.

- 16.2 Those responsible for engaging agency staff must be aware that under the Agency Workers Regulations 2010 and the Temporary Agency Work Directive 2008, agency workers have the right to equal treatment in relation to collective facilities and amenities and the same information about relevant vacancies as comparable workers from day one of their assignment.
- 16.3 Following a 12-week qualifying period, agency workers are entitled to equal treatment in relation to basic working and employment conditions (including pay, working time and holiday). This means they are entitled to equal treatment (e.g. pay and conditions) to that of employees. This right doesn't include occupational sick pay, pension, family leave pay or redundancy pay.

17. Contractors

- 17.1 Those responsible for appointing contractors to work on the school premises will ensure that they have had the appropriate level of DBS check.

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.
- 17.2 Contractors who have not had the required checks will not be permitted to work unsupervised or engage in regulated activity under any circumstances.
- 17.3 The identity of all contractors and their staff will be checked on arrival at the school.
- 17.4 Schools with pupils under the age of eight will ensure that self-employed contractors such as music teachers or sports coaches, have had the appropriate checks to ensure that they are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where schools determine that an individual falls outside of the scope of these regulations and therefore does not carry out such checks, a record of the assessment will be retained. This must include evaluation of any risks and control measures put in place, and any advice sought.

18. Trainee/student teachers

- 18.1 Where applicants for initial teacher training are salaried by Pathfinder Schools, responsibility for vetting checks will be held by the school.
- 18.2 Where trainee teachers are fee-funded, the school must 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.

- 18.3 Schools with pupils aged under should ensure that trainee/student teachers are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

19. Governors/Trustees/Members

- 19.1 All trustees, local governors and members will have an enhanced DBS check without barred list information. Those identified as working within regulated activity will have an enhanced DBS check which includes barred list information.
- 19.2 The Chair of the Trust Board will have their DBS check countersigned by the secretary of state.
- 19.3 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
 - Medical clearance. This is recommended where the volunteer has declared a medical condition which should be taken into consideration by the Headteacher, or where the volunteer will be required to undertake a role that involves a significant level of physical activity.

20. Volunteers

- 20.1 Any individual who expresses an interest in becoming a volunteer will be asked to complete a Pathfinder Schools Registration Form.
- 20.2 The completed form should be used as a framework for structuring a discussion with the individual about the school's needs, their needs, potential contribution and the expectations of the volunteering arrangement.
- 20.3 Two satisfactory references will be obtained before volunteers begin to carry out activities in the school.
- 20.4 Schools will issue all volunteers with an induction pack that includes support materials and key information.
- 20.5 Volunteers who are engaging in regulated activity must have an enhanced DBS check with barred list information.
- 20.6 Schools must 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. The risk assessment will be retained.
- 20.7 Volunteers who have not been subject to appropriate DBS clearance must not be left unsupervised or permitted to work in regulated activity.
- 20.8 For schools with pupils under the age of 8, appropriate checks will be carried out to ensure that volunteers are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where it is determined that an individual falls outside of the scope of these regulations

and checks are not completed, a record of this assessment will be retained, including an evaluation of any risks and control measures put in place, and any advice sought.

- 20.9 In fairness to all concerned, volunteers will be made aware of the rules governing behaviour at the School and Trust. This will include;
- 20.10 Procedures designed to avoid hazards or risks associated with the tasks that they are being asked to carry out and, importantly, details of first aid and emergency arrangements such as procedures to follow in case of fire.
- 20.11 As part of their induction to life at the School, volunteers will also be provided with basic information such as a plan of the site and details of those facilities available to them e.g. staff room, toilets etc.
- 20.12 Volunteers will be made aware of the following procedures as a minimum:
- - expectations with regard to confidentiality
 - access to information related to pupils and/or staff-data protection/GDPR
 - Pathfinder Schools Code of Conduct
 - Pathfinder Schools Complaint Policy
 - Pathfinder Schools Safeguarding and Child Protection Policy
 - Pathfinder School Equal Opportunities policy – especially focussing on issues relating to discrimination

20. Casual Workers

- 20.1 Casual workers are not employees.
- There is no obligation on the School/Trust to provide work, or guarantee regular work to the worker.
 - There is no obligation on the worker to accept any work offered
- 20.2 Casual workers will:
- receive equal pay for equal work;
 - be protected from discrimination under the Equality Act;
 - be protected from less favourable treatment under the Part-time Workers (Prevention of Less Favourable Treatment) Regulations;
 - benefit from rights under the Working Time Regulations 1998, including paid leave;
 - be paid wages free from any unlawful deductions;
 - not suffer a detriment for making a protected disclosure under Whistleblowing Policy; and
 - have the same health and safety protection as employees.
- 20.3 The School/Trust will engage casual workers when the need for the work is genuinely casual i.e. the worker is needed on an “as and when” basis.
- 20.4 It is not appropriate to engage casual workers when the work is ongoing and does not fluctuate. In such cases, an employment relationship should be entered into rather than a casual engagement.
- 20.5 Casual engagements will be regularly reviewed. If the work begins as casual but then later becomes more consistent, consideration should be given as to whether a contract of employment is more appropriate.
- 20.6 Cover for long-term sickness absence or maternity leave should normally be on a fixed-term contract of employment and not on a casual basis.

- 20.7 Casual workers will be subject to pre-engagement checks for safeguarding purposes. These include references, medical clearance and DBS as appropriate to the role.
- 20.8 Casual workers will be issued with a Casual Engagement Agreement. This will contain a clause stating that there is no obligation on the part of the Trust to provide work, or for the casual worker to accept any work offered. Allocation of work is entirely at the Trust's discretion.
- 20.9 Casual workers have the right to equal pay for equal work. Casual workers will be paid an hourly rate and this will be based on the first pay point for the job they are engaged to undertake. Performance related pay progression does not apply to casual workers.
- 20.10 Teachers engaged directly by the school as casual workers will be paid in accordance with the pay ranges in the School Teachers Pay and Conditions Document.
- 20.11 Support Staff engaged directly by the school as casual workers will be appointed to jobs that have been evaluated in accordance with the Job Evaluation Policy. Where a job has not been evaluated the Headteacher will arrange for the job to be graded before the casual engagement is offered.
- 20.12 It is usual practice for casual workers to use a timesheet to record hours worked, which is then submitted for payment to the school's Business Manager/HR representative.
- 20.13 Casual workers are entitled to statutory paid leave of 5.6 weeks (28 days) per annum – this is inclusive of bank holidays. Due to the nature of casual work, payment will be made for leave that is accumulated per month and based on the hourly rate for the job undertaken by the casual worker.
- 20.14 Casual engagements can be ended in writing by either party, and there is no notice period.

Appendix 1- The recruitment of ex-offenders



- In accordance with the Disclosure and Barring Service Code of Practice this statement is made available to all job applicants at the outset of the recruitment process. The DBS Code of Practice is available at <https://www.gov.uk/government/publications/dbs-code-of-practice>
- As an organisation which uses the Disclosure and Barring service, Pathfinder Schools complies fully with the DBS Code of Practice and undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of conviction or other information revealed.
- Pathfinder Schools meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974. A DBS check will therefore be carried out before appointment to any job at Pathfinder Schools is confirmed. This will include details of convictions cautions and reprimands.
- In line with the requirements of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) as an employer we will only request that individuals provide details of convictions and cautions that we are legally entitled to be aware of. Where the Trust is in a position to request a standard or enhanced DBS (for positions included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended) we can only ask an individual about convictions and cautions that are not protected. Further information on filtering is available at [See https://www.gov.uk/government/publications/dbs-filtering-guidance/dbsfiltering-guide](https://www.gov.uk/government/publications/dbs-filtering-guidance/dbsfiltering-guide)
- A criminal record will not necessarily be a bar to obtaining a position.
- Pathfinder Schools is committed to the fair treatment of applicants on all protected grounds and in relation to all history of offending.
- Pathfinder Schools promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. Pathfinder Schools selects all candidates for interview based on their competencies, qualifications and knowledge.
- Application forms and recruitment information will contain a statement that job applicants will be required to disclose their criminal record if they are invited to interview and a DBS check will be carried out if they are offered the job. Disclosure will only be seen by those who need to see it as part of the recruitment and employment process.
- At interview, or in a separate discussion, the Trust will ensure that an open and measured discussion takes place on the subject of any offences or other

matters that might be relevant to the position. Failure to reveal information that is directly relevant to the job sought could lead to withdrawal of an offer of employment.

- Pathfinder Schools undertakes to discuss any matter revealed in a Disclosure with the person seeking the job before withdrawing a conditional offer of employment.
- Pathfinder Schools ensures that people at the Trust who are involved in the recruitment process have access to professional advice to identify and assess the relevance and circumstances of offences. Pathfinder Schools also ensures that they are in receipt of appropriate guidance and the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- Having a criminal record will not necessarily bar individuals from working for Pathfinder Schools. This will depend on the nature of the position and the circumstances and background of offences.
- A Pathfinder Schools Criminal Record Impact Assessment must be undertaken in all circumstances where information is received about an employee, volunteer or casual worker who has a criminal conviction, caution, reprimand, warning or a fixed penalty resulting from unsocial behaviour (not a traffic offence), or where legal action is being taken against an individual which may result in a legal penalty being imposed.
- The prime focus of the impact assessment is to carefully assess any information received and consider whether there is any impact on the individual's suitability to undertake the role applied for, or remaining in their current role. The individual undertaking the assessment must be aware of the dangers of personal prejudices that might cloud judgement and good practice.
- Following an impact assessment, decisions must be made based on objective and factual consideration, with the rationale for the decision clearly set out and understood. The rationale must show that serious consideration has been given to the potential risk of employing the individual.
- Pathfinder Schools is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with Data Protection Legislation and the DBS Code of Practice. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment purposes and will not be disclosed to any unauthorised person.