Extend Learning
Academies Network

Recruitment and Selection and Ex-Offenders

Policy and Procedure

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4.0	July 2024	HR Lead	Added further wording on internal moves
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5.0	July 2026	HR Lead	Strengthened introduction. Safer recruitment- added in safeguarding responsibilities Advertising – added in that internal adverts can be used for succession planning References – include safeguarding related questions Interviews – candidates asked same core questions and interview notes retained. DBS section – added in a consistant approach Ex-Offenders statement - Added in 5.4 – disclosures, risk assessing & retaining DBS certificate

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1. Introduction

Recruiting and retaining high-quality staff to the ELAN Trust is vital for our continued success in providing the highest standards of education to our pupils.

We are committed to attracting, selecting and retaining individuals who share our values and who will contribute positively to our schools and communities. It is vital that we appoint the right people to our roles as to not do so, can have a negative impact on the performance of our Academy/Trust.

The Head Teacher is accountable for recruitment decisions within their school, with the exception of the Head Teacher role which are led by the Governing Body/Board.

ELAN will promote a "'pull" strategy that attracts talent to our Trust because of its reputation to deliver extraordinary education for our children and a great place to work. We will deliver according to our shared values of individuality, doing the right thing and working together.

All recruitment will be fair, transparent and robust, ensuring that safeguarding is at the centre of all decision-making and that only suitable individuals are appointed to work with our pupils.

Our recruitment processes are driven by the following principles:

- Commitment to attract and retain high-quality staff to our schools
- Commitment to the creation of a safe environment for our pupils by prioritising safeguarding by operating safer recruitment practices in line with the statutory requirements and guidance e.g. Keeping Children Safe in Education.
- Compliant with the requirements of Data Protection Legislation being the General Data Protection Regulation ((UK) 2016/679 - 2021) as set out in our Data Protection Policy.
- Will comply with the requirements of the Equality Act (2010) and are committed to seeking out a diverse workforce through targeting and ensuring that throughout our external and internal 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.

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.

Recruitment both internally and externally 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.

If an applicant makes ELAN 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

The purpose of this policy is to set out our processes for recruiting, selecting externally primarily but also internally and appointing any employee to work within our Trust.

Sections 13 and 14 on Disclosure and Barring Service checks also applies to everyone including governors, trustees and volunteers in our Trust.

3. Safer Recruitment

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.

The recruitment of all applicants and volunteers to ELAN must, without exception, follow the processes of safer recruitment to identify, deter and prevent individuals who may pose a risk to children.

Any person involved in recruiting to ELAN must read the "Keeping children safe in education" guidance (or updated statutory guidance) produced by the Department or Education (DfE) and our Trust's child protection policy. These can be obtained from our website or from the HR central team. At least one member of the interview panel must have carried out up to date Safer Recruitment in Education Training and hold a current certificate confirming this.

All recruitment must be planned to ensure that there is adequate time available to recruit safely including adequate time to complete pre-employment checks prior to start date. Headteachers are responsible for ensuring all safeguarding requirements are met before appointments within their school and HR will be responsible for central and Headteacher appointments.

Any person who becomes aware that this policy is not being followed during recruitment must inform the Head Teacher/and /or Designated Safeguarding Lead immediately.

All of the checks described in Sections 12 and 13 of this policy must be carried out and have been determined as satisfactory before an applicant can start their employment in ELAN.

At least one member of every interview panel must hold up-to-date safer recruitment training.

4. Advertising

Any vacant position will normally be requested by the **Recruitment Request Form** with approval from HR and finance and advertised via the appropriate channels to ensure the most appropriate field of applicants is obtained. The ELAN central team will advise and support their schools with advertising and selecting fairly and equitably, including budgeting and monitoring.

Internal advertising for a role is acceptable before or instead of going to external advertising or at the same time as appropriate to ELAN needs. Internal advertising may be used where appropriate to support career progression and retention.

All advertisements will include safeguarding statements and the requirement for enhanced DBS check, references and online check in order to comply with safeguarding children and young people and safer recruitment.

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. 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 and written English required for the role if it is an essential criteria.

All applicants will have access to a copy of our Recruitment Notice found in our Privacy Notice for employees which sets out how we will gather, process and hold personal data of individuals during and after the recruitment process.

For teaching posts, schools may want to take into account the timing of when they advertise any vacancies to reflect teacher's statutory resignation dates which are; 28/29 February, 31

May and 31 October. The contract notice periods for teachers are 3 months in the Summer term, and 2 months for the Autumn and Spring term.

For Headteachers, the resignation dates are: 31 January, 30 April and 30 September, with an additional 1 month notice to that of teachers being required.

5. Internal Recruitment/Succession Planning

ELAN actively supports the internal progression of employees for their own development and progression planning. ELAN's senior leadership team review all employees annually to assess their current performance and ability to progress with the trust (with developmental support). Should suitable role opportunities become available, individuals who have been identified as 'ready now' during annual talent and succession planning to progress to the vacancy level will be notified and guaranteed an interview.

In order to apply for another role in the trust, an employee must have successfully passed their probationary period, not be on a support plan or in a capability or formal disciplinary process and have informed their line manager of their intention prior to application.

All substantive (including FTC) job vacancies will typically be advertised internally as a minimum unless the CEO identifies exceptional circumstances and redeploys internally to meet business need.

Internal applicants do not have to complete a full application form just an internal Expression of Interest form. Shortlisting of internal applicants will be done unredacted and verbal references only gathered from their current line manager or headteacher.

For a more detailed description of the above, please refer to Appendix 1. ELAN Talent Succession Planning/Recruitment Process and Protocols

Any previous length of service will be honoured when a current employee moves to a new role within ELAN (assuming there is no break in service). Current employees will also not be required to pass another contractual probation in their new role. However, there will be regular progress check-ins for any employees new to their role. Any relevant (in-year) appraisal information should also be shared with the new/receiving school. Personnel files should be transferred to the receiving school as soon as possible (with the exception of headteacher files which are held by central HR).

If an employee is moving between schools, the notice period can be agreed between the outgoing and receiving schools. We would not encourage the internal movement of teachers in the last two terms of the academic year i.e. Term 5 and 6 as this could negatively impact children's outcomes.

An employee referral system using individual's networks, and internal succession planning are valuable tools as long as the perception of equality of opportunity and zero discrimination is managed openly and with evidence to support a fair, objective selection process if challenged.

6. Job Description

An ELAN job description stating ELAN values 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, experience, qualifications and knowledge requirements for the post.

All job descriptions and person specifications must make reference to the responsibility for safeguarding and promoting the welfare of children.

Any new or revised job descriptions should be job evaluated by HR before being processed.

7. Application form

All external applicants are required to fill out our standard application form. Internal ELAN candidates should complete an ELAN Expression of Interest form which is available on the Staff Portal.

CVs may be accepted for senior level roles only but it will be made clear that a full job history is vital to ensure safeguarding and that the CV will not replace the application form which will be required as a condition for interview, if not already filled in. School/Central Administration teams should ensure that any personal information for external candidates e.g. name, gender, age, education, address, dates (such as GCSE/degree etc.), photos, citizenship etc. are redacted from application materials, before sharing with the shortlisting team. This is to help increase the diversity of candidates and reduce any potential (real and/or perceived) recruitment bias.

8. References

All offers of employment will be conditional upon receipt of at least two satisfactory written references. ELAN's Reference Request From, follows safer recruitment practices, will:

- Be requested for all shortlisted applicants, including verbal references for internal applicants;
- 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;
- Ask the current employer for details of any history regarding evidenced issues of performance in the previous two years, and the reasons for this;
- Be obtained directly from the referee;
- Not be accepted if they are 'to whom it may concern' letters;
- Request information on the applicant's suitability to work with children and young people and include safeguarding-related questions;
- Be requested before the interview, if possible so any questions can be followed up on; and
- Not contain any discriminatory statements
- Be explored further with the referee and with the applicant during the interview if necessary

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.

In order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after an employment offer has been accepted as part of the on boarding documentation process with emphasis on wellbeing action planning.

9. Short-listing

Applicants will be short-listed against the requirements of the person specification. Ideally the same people should carry out the short-listing and the interviews and this is essential for headteacher and deputy headteacher roles. If this is not practical for other roles, shortlisting should be carried out by at least two people one of whom is safer recruitment trained.

The outcome of the short-listing process will be recorded and retained.

All shortlisted candidates will undergo an online check, in line with the KCSIE guidance, from 1 September 2024.This check is to ensure the following: -

- the individual is qualified for the role
- they do not pose a potential safeguarding risk
- they do not risk damaging the reputation of the school/trust

A copy of the Online Search template is available on the staff portal or from central HR, please contact central HR if you have any questions on this process.

Ideally we should aim to obtain references prior to interview.

The equal opportunities monitoring form is voluntary and must be separated from the application form and not provided to the short-listing panel. Equality and diversity monitoring will be anonymised and used for legal compliance only.

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 must be obtained from the applicant during the interview process. Shortlisting should be conducted after the advert closing date so that the redacted applications can be shortlisted against both the hiring criteria and against each other.

An employee who is involved in the selection process (shortlisting and/or interviewing) and is aware that a family member, partner, relative or friend of theirs or any other person they know personally, has applied, they should declare this to the other members of the shortlisting/interview panel at the earliest opportunity. Ideally, they should then be withdrawn from the selection process and replaced by another suitable colleague. If, however, this is not possible, then the school should ensure someone impartial monitors the process and the decisions made so the school is able to demonstrate the recruitment process has been conducted fairly and equitably. This will also ensure the employee concerned, the candidate and the school are protected from any allegations that personal relationships influenced the result.

10. Interviews

A face-to-face interview must take place for all applicants to all posts. The use of video conferencing, MS Teams, Skype, FaceTime or other similar technologies is also acceptable for this purpose although not for headteacher and Deputy headteacher roles.

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 a valid, up-to-date safer recruitment training accreditation. Headteacher interviews will usually involve trustees, governors and central team members, as laid out in the ELAN Scheme of Delegation.

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.

Interviews should be conducted with a minimum of two interviewers on the panel (three – five interviewers ideally). Having a larger panel enables one interviewer(s) to assess the applicant, observe and make notes whilst the applicant talks to the other interviewer.

Before the interview commences the interview panel should have:

- Prepared appropriate competency-based set interview questions for the role and other follow-on questions as may be required to drill down to evidence of competence and only tasks they are asking candidates to complete;

- Prepared appropriate questions to test the applicant's suitability to work with children and young people; HR will hold a set of updated and compliant standardised safeguarding questions/activities/procedures which must be used in all selection processes.
- Identified any areas for further probing, e.g. if a criminal record has been declared or if there are gaps in employment etc;
- Agreed assessment and scoring criteria which reflects the person specification; and
- Decided a structure to the interview and established which member of the panel will ask which questions.

All candidates will be asked the same core questions to ensure fairness. A set of common open, value and behaviourally-based 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 in order to obtain evidence of essential criteria. Any gaps in employment history must be explored during the interview process.

Candidates shortlisted for interview will be asked about their suitability to work with children. They will also be required to disclose and then 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 (see Appendix 2)

Interview records must be clear, objective and retained.

11. Other selection methods

In addition to a face-to-face interview with the interview panel a variety of other selection methods may be used, such as:

- Observation of teaching practice;
- One or more additional panel interviews (for example, a panel made up of pupils from our academy)
- An oral presentation;
- In-tray exercises for example an analysis and comment of data and information;
- Involvement of pupils;
- Numerical computation;
- Personality and behaviour assessment

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.

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.

It is a good idea to involve as many people as reasonably possible in the recruitment process in order to gain an overall assessment.

12. Level of language proficiency

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. 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 children in schools).

ELAN will accept a range of evidence of spoken English language ability as follows:

- competently answering interview questions in English;
- possessing a relevant qualification for the role attained as part of education in the UK or fully taught in English by a recognised institution abroad,

13. Pre-employment checks

An offer of appointment to the successful applicant will be conditional upon the following:

- receipt of at least two satisfactory written references (one of which must be their current or most recent employer);
- verification of the applicant's identity, preferably from current photographic ID and proof of address;
- verification of qualifications where relevant;
- 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;
- satisfactory enhanced DBS check (see Section 13);
- for management positions (Applicable to governors/trustees, Headteachers, members of the Senior Leadership Team and department leads only), verification that they are not subject to a section 128 direction by checking the Teacher Services System. https://teacherservices.education.gov.uk/
- 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;
- 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]
- a clear children's barred list check (except supervised volunteers);
- verification of right to work in the United Kingdom; any further checks where the applicant has lived or work outside of the UK including receipt of criminal record information from overseas; https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants
- confirmation that the applicant is not disqualified from providing childcare for, our before or after school clubs or provides education for children up to the age of 5

All checks must be confirmed in writing, retained on the personnel file and/or recorded in the school's or central team single central records (SCR).

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

ELAN will take a proportionate and consistent approach to DBS checks in line with statutory guidance and will carry out a risk assessment to determine if a DBS check is required for each volunteer in accordance with Annexe E of Keeping Children Safe in Education. 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:

[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.

Who?	Definition	Type of check
Employees who will be engaging in regulated activity	As an educational institution which is exclusively or mainly for the provision of full-time education to children, ELAN 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 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.	An enhanced DBS check with children's barred list check will be obtained
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	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.

	for example, the age (including the variation in ages), number and vulnerability of children the individual is working with, the nature of the work and opportunity for contact with children, whether other individuals are helping to look after them and how many workers a supervisor is supervising).	

Only 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. ELAN must ensure a declaration check is done, a risk assessment completed and 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.

Any applicant who refuses to produce their DBS disclosure will not be able to start work at an ELAN Academy 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 any ELAN Academy

DBS certificates will be retained for Decisions will be made on a case-by-case basis, considering the relevance of any offence to the role.

Applicants 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 £16 per year (free for volunteers). The expectation is that individuals personally fund this if required. Where the applicant or volunteer has subscribed they should provide ELAN with the original disclosure document to be verified and the ELAN will check the online update service 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) See the ELAN statement below policy

It is an offence for someone to apply for a role that requires regulated activity if they are barred from doing so, this is the applicants responsibility. ELAN will report any concerns immediately to the relevant body.

Information relating to an individual's criminal record will only be shared with the relevant people to enable the School/Academy/Trust to make a decision about their suitability to work with children and young people.

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

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 existing employee or unsupervised volunteer (subject to risk assessment) where ELAN 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 ELAN has concerns about their suitability to work with children and young people.

DBS certificates will only be issued to the applicant. ELAN 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 their Head teacher 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). ELAN 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 ELAN or their head teacher of any change.

16. Employment of unqualified teachers

Academies have the same freedom as free schools over teachers and the funding agreements for all new academies after 2012 state that academies can employ teaching staff who they believe to be suitably qualified - without the automatic requirement for them to have qualified teacher status (QTS).

ELAN recognises that there may be some particular roles within schools that may require specific skills, qualifications and knowledge which may be suited to an alternative to a qualified teacher. In these instances, the trust may consider the appointment of an unqualified teacher.

Guidance on the employment of unqualified teachers is detailed in Appendix 3: Guidance on the employment of unqualified teachers

17. Agency staff

In the case of agency staff, ELAN 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 ELAN would otherwise complete for its staff. ELAN 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).

Upon the engagement of an agency worker, the agency must be supplied with a copy of ELAN's Disciplinary Policy and Procedure unless they have previously been provided with the most recent version of this procedure.

18. 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 ELAN disciplinary/ complaints policy or grievance policy for existing employees.

19. Record keeping and data protection

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

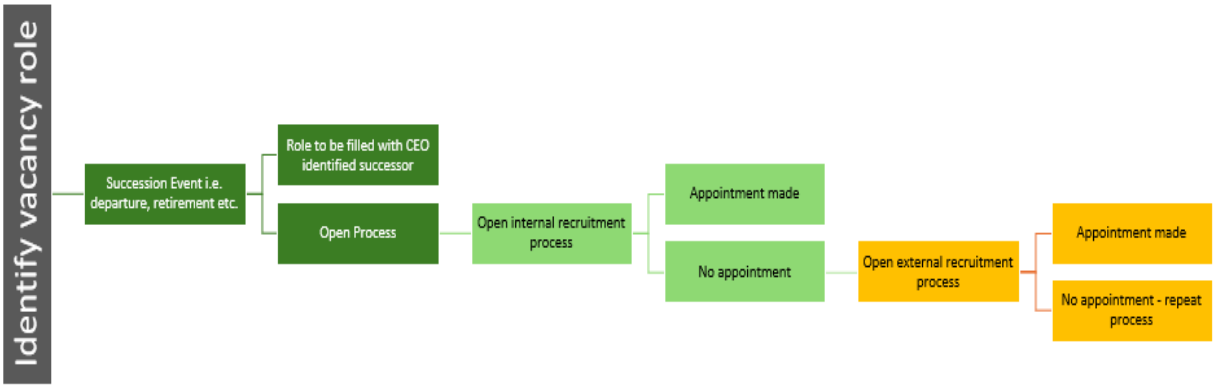
20. Review of policy

This policy is reviewed every two years by ELAN HR and the Advisory Board of headteachers and ratified by trustees in consultation with trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

21. Links to other documents

- Data Protection Policy and Retention Schedule
- Privacy Notice guidelines

Appendix 1. ELAN Talent Succession Planning/Recruitment Process and Protocols



Succession Event

- in an emergency, the CEO, after consultation with the HR Lead, may without wider consultation, place an existing member of staff into a vacant role. This would be in exceptional situations e.g. an unplanned/emergency departure or requirements for a particular unique skillset *or*
- when restructuring creates redundant roles and incumbents meet the minimal role requirements, current incumbents would be ring-fenced i.e. protected from redundancies and placed into these 'suitable alternative' roles
- **should the above two situations not apply, then the vacancy will move into an open process inline with trust policy**

Open Internal

- **open internal** advert
- **individual notification to all who have been identified as 'ready now' during annual talent and succession planning to progress to the vacancy level**
- guaranteed interview for those identified as ready to progress to the vacancy level
- expression of interest form to be completed including response to application questions
- unredacted short-listing of any other internal candidates based on trust knowledge and expression of interest against person specification
- person specification must be fully met in order to be shortlisted
- interview to include appropriate tasks and structured question to assess against the role requirements and person specification
- HR Lead to coordinate recruitment process for; executive headteachers, headteachers and heads of schools
- headteachers to lead recruitment for all school-based roles deputy headteachers and below
- ensure above compliant with the Scheme of Delegation
- note - hiring manager discretion to run internal and external adverts at the same time

Open External

- external advert (internal candidates welcome to apply with an expression of interest)
- full application form for external candidates
- redacted short-listing against person specification for external candidates
- unredacted short-listing against person specification of internal candidates
- interview to include appropriate tasks and structured questions to assess suitability against the role requirements and person specification
- if internal candidates have applied, existing trust knowledge will be taken into account at interview
- ensure above compliant with the Scheme of Delegation
- references for external candidates at shortlisting stage (internal candidates current head teacher/line manager verbal reference only)

Appendix 2: Disqualification from Childcare information for new employees
[See our Staff Annual declaration of criminal record].

This information is to make you aware of your obligations relating to disqualification under the Childcare Act 2006 which came into force in schools and academies in late 2014.

Your role within our school has been identified as one to which the disqualification declaration applies.

So what does this mean in practice?

We need to make you aware that there are certain things that may mean that you are automatically disqualified from providing childcare (affecting your role within this school) by you having committed a disqualifiable offence or a disqualifying event. These broadly fall into the four below categories:

1. That you have a caution/conviction for certain violent/sexual offences
2. Grounds relating to the care of children
3. That you have had registration refused/cancelled in relation to childcare
4. That you have committed an offence overseas which would constitute an offence regarding disqualification under the 2009 Regulations if it had been done in any part of the United Kingdom.

Ofsted have provided a list of disqualifiable offences/events in tables A & B of the below guidance

https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006

You need to read through this and report to the Head without delay if there is anything to declare under the disqualification guidance. It is only the offences/events on this list that we require you to declare. If you are unsure of a specific offence/event is applicable after reading the Ofsted lists, then please let us know so that we can advise you appropriately.

You should also be aware that from this point forward if your circumstances change relating to the disqualification guidance, you are obligated to inform us of this without delay.

You will be required to sign to confirm that you are clear relating to your obligations regarding disclosure pertaining to Disqualification under the Child Care Act 2016, so please do make sure that you ask any questions that you are unclear on. If you wish to do this, please speak with the Head in person.

If you require additional information or help with any aspect of this, then please let the Head know so that we can take advice from the central HR team HR provider on your behalf.

I have read and understood the information in this document.

Signed

Print name

Date

Appendix 3: Guidance on the employment of unqualified teachers

Scope and purpose of this guidance

Academies have the same freedom as free schools over teachers and the funding agreements for all new academies after 2012 state that academies can employ teaching staff who they believe to be suitably qualified - without the automatic requirement for them to have qualified teacher status.

The Extend Learning Academies Network (ELAN) recognises that there may be some particular roles within schools that may require specific skills, qualifications and knowledge which may be suited to an alternative to a qualified teacher. In these instances, the trust may consider the appointment of an unqualified teacher.

Definition of unqualified teachers

An unqualified teacher is a teacher who does not possess a formal Qualified Teacher Status (QTS) but still engages in teaching roles. Unqualified Teachers (depending on the role), can have specialist subject knowledge or relevant expertise that makes them suitable for teaching in specific areas or subjects and can also be referred to as instructors, industry professionals, overseas teachers, student teachers and nursery teachers.

Employing an unqualified teacher to a specialist role

Unqualified teachers can be appointed to deliver a subject which requires “a specific art or skill’’ where special qualifications, knowledge base or experiences are required for that particular subject area. This may include professionals such as sports coaches, musicians, photographers, scientists, engineers, as well as experienced teachers and heads from overseas who may be extremely well-qualified and are excellent teachers, but do not have QTS.

When making unqualified teacher appointments to specialised roles, the school would need to be completely satisfied that the appointed person was appropriate and the best appointment for the role with the relevant knowledge and qualification. The school would also need to be able to clearly justify the specialist skills that person brought.

Schools should consider that where specialist roles are being recruited to due to time limited funding (such as sports premiums) or a time limited project that an appropriate fixed term contract is offered. Where an individual employed as an unqualified teacher is absent either through sickness or maternity then the school may recruit someone on a fixed term contract to cover their absence in the usual way.

Appointing an unqualified teacher to a classroom teacher role

It is the expectation of ELAN that classroom teacher vacancies within its schools are filled by Qualified Teachers with QTS, or where appropriate Early Career Teachers (ECT’s). However, there is no evidence to suggest that unqualified teachers perform any differently than qualified teachers and ELAN recognises that there may be circumstances where the school is not able to employ a suitably qualified teacher, and in such circumstances may consider the appointment of an unqualified teacher.

If an unqualified teacher is appointed to a classroom teacher role, the school would need to be confident that the individual has the appropriate knowledge, experience, skills and qualifications to carry out the role.

Where an unqualified teacher is appointed to a teaching role, throughout the appointment they would be supported by a qualified teacher who directs and supervises them in the role considering strengths in teaching and where further CPD might be needed, along with the allocation of any additional support staff as deemed necessary.

Ensuring high quality teaching when appointing an unqualified teacher
Ensuring the highest quality of teaching is paramount to the success of each school in ELAN and the Headteacher within each school is responsible and trusted to employ staff that they believe to be appropriately qualified for the role. All schools will continue to be held accountable for the quality of teaching and therefore it is essential that they ensure the highest quality of teaching and learning within their school/setting.

Restrictions
Because of their unique and specialist role, Special Educational Needs and/or Disabilities Coordinators (SENDCO's) and Designated Teachers for looked after children will still be required to have QTS. All teachers in special academies/schools will also still need this qualification.

Unqualified teachers' pay
Unqualified teachers will be paid at the appropriate level of the unqualified teachers' pay scale and in line with ELAN's Pay Policy. If industry experts aspire to take up a long-term teaching career it is advised that they complete a course of initial teacher training, which would enable them to be paid as a qualified teacher.

The following categories of unqualified teacher are covered by the School Teachers Pay and Conditions Document if they provide primary or secondary education under a contract of employment in a school:

a) overseas trained teachers;
b) persons granted a licence under the provisions of Part II of Schedule 2 to the Education (Teachers) Regulations 1993;
c) student teachers, teacher trainees who have yet to pass the skills test and those undertaking employment-based teacher training leading to QTS;
d) assistant teachers at a nursery school or teachers of a nursery class, who were employed as teachers under the Education (Teachers) Regulations 1982 before 1 September 1989;
e) in England persons giving instruction in any art, skill, subject or group of subjects (including any form of vocational training) who have special qualifications and/or experience;

In the unique circumstance that a professional is appointed outside of this remit they will be appointed in accordance with the National Joint Council for Local Government Services, National Agreement on Pay and Conditions Document (The Green Book).

Allowances payable to unqualified teachers
Unqualified teachers may not hold TLRs or SEN allowances. In exceptional circumstances ELAN may pay an additional allowance to an unqualified teacher when it is deemed that the salary available on the Unqualified Teachers' scale is not adequate taking into account the responsibilities, qualifications and experience and will be issued in line with ELAN's pay policy.

An unqualified teacher who becomes qualified

Upon obtaining qualified teacher status, an unqualified teacher must be transferred to a salary within the main pay range for teachers in accordance with the School Teachers Pay and Conditions Document.

Appendix 4: Recruitment of Ex-Offenders Statement

1.1. As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), ELAN complies fully with the code of practice and undertakes to treat all applicants for positions fairly and equitably.

1.2. This process applies to all employees of ELAN, regardless of the role they hold or for which they are applying. It also applies to some voluntary roles within the organisation.

Equal Opportunities

2.1. ELAN is committed to the fair treatment of its staff, potential staff or users of its services, and no discrimination will be made on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation or offending background.

2.2. ELAN actively 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.

2.3. ELAN selects all candidates for interview based on their skills, qualifications and experience and undertakes not to discriminate unfairly against any subject of a criminal record check based on a conviction or other information revealed.

Information Required

3.1. An individual can only be asked to provide details of convictions and cautions that ELAN, as an organisation, are legally entitled to know about.

3.2. The position you are appointed to is exempt from the Rehabilitation of Offenders Act 1974, which means that <u>all</u> convictions and cautions in relation to specified offences and any custodial sentences on your record need to be disclosed. Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice Website and on the websites of charities NACRO and UNLOCK.

3.3. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended), ELAN can only ask an individual about convictions and cautions that are not protected.

Applications for an Enhanced DBS Certificate

4.1. An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. **However, given the nature of the organisation, it is a requirement that every member of staff working for ELAN must have an enhanced DBS certificate with a barred list check as a condition of employment.**

Recruitment

5.1. This requirement for an enhanced DBS certificate is identified as being necessary, on all application forms, job adverts and recruitment briefs which will contain a statement

explaining that an application for an enhanced DBS certificate will be submitted in the event of the individual being offered the position, and that all job offers made are conditional on this.

5.2. At interview, or in a separate discussion, ELAN ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought by the candidate could lead to withdrawal of an offer of employment.

5.3. ELAN undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

5.4. For any criminal disclosures, decisions relating to continuing an offer of employment will be made on a case-by-case basis, risk assessing the relevance of any offence in relation to the role. If employment commences, the DBS certificate will be retained on the individuals personnel file along with the risk assessment in line with statutory guidance.

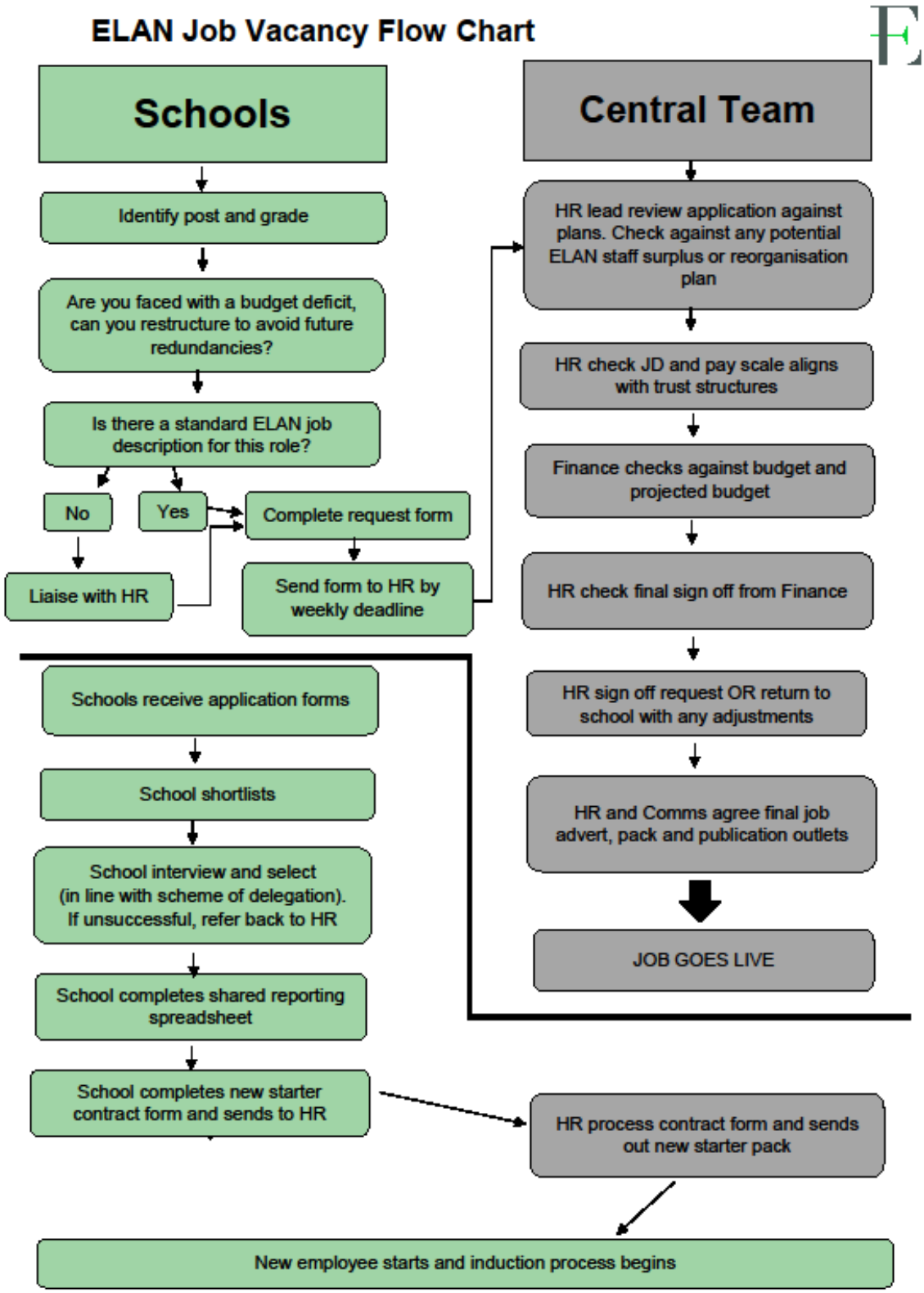
Checking Applications

6.1. ELAN ensures that all those within the organisation who are involved in the recruitment process, in particular the criminal records checking, have been suitably trained to identify and assess the relevance and circumstances of offences.

6.2. ELAN also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

6.3. ELAN makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.

Appendix 5: ELAN recruitment flowcharts



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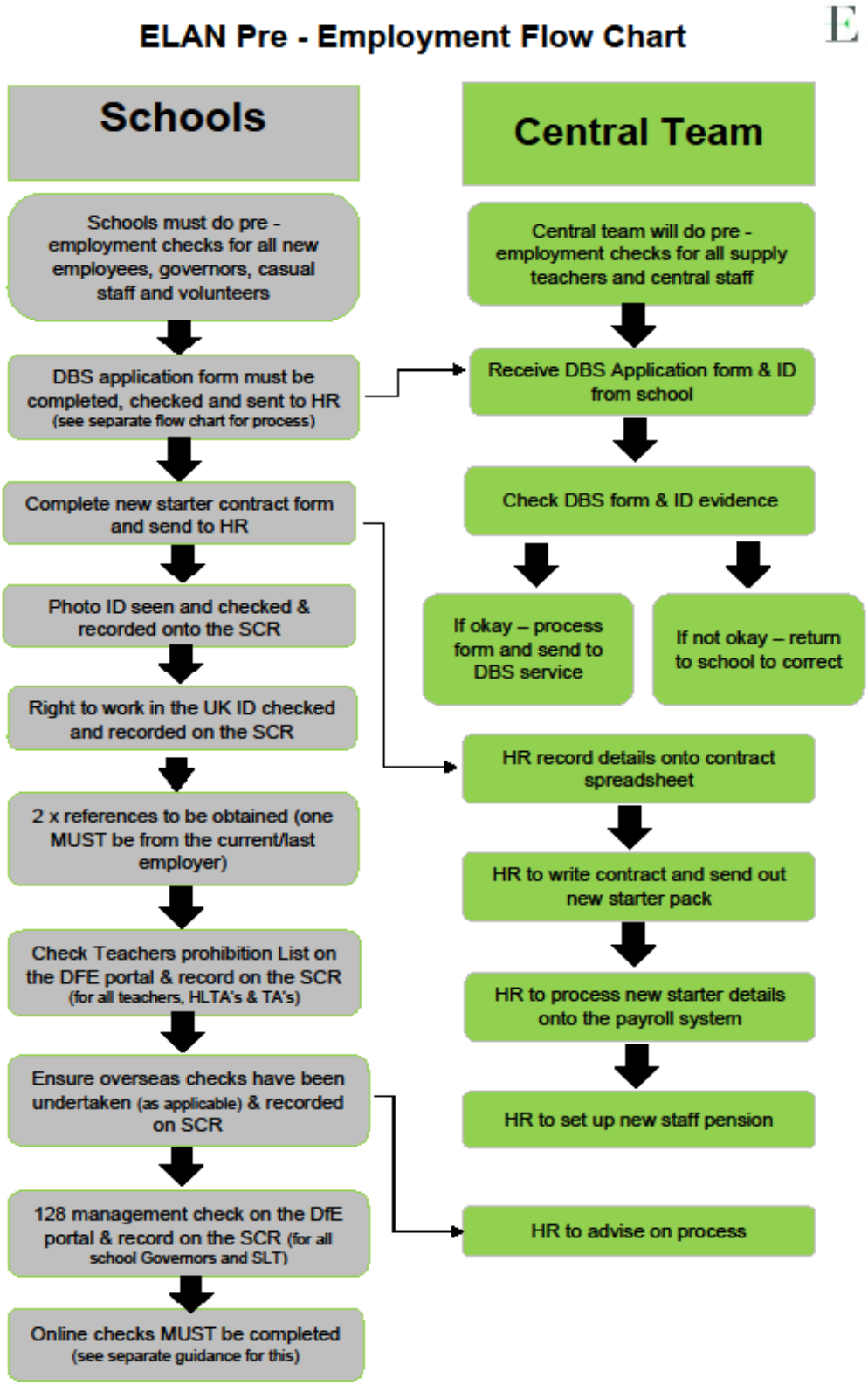

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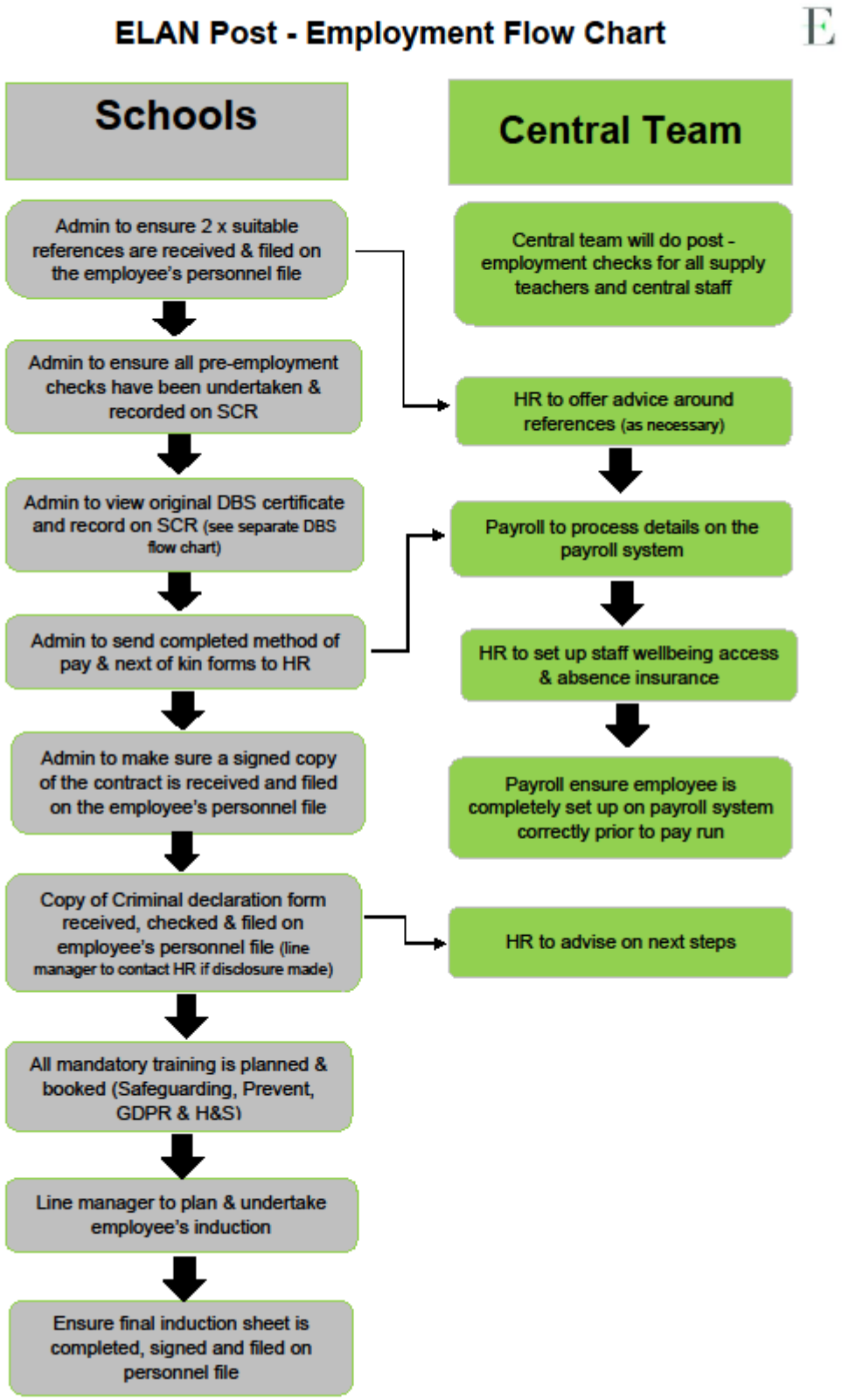
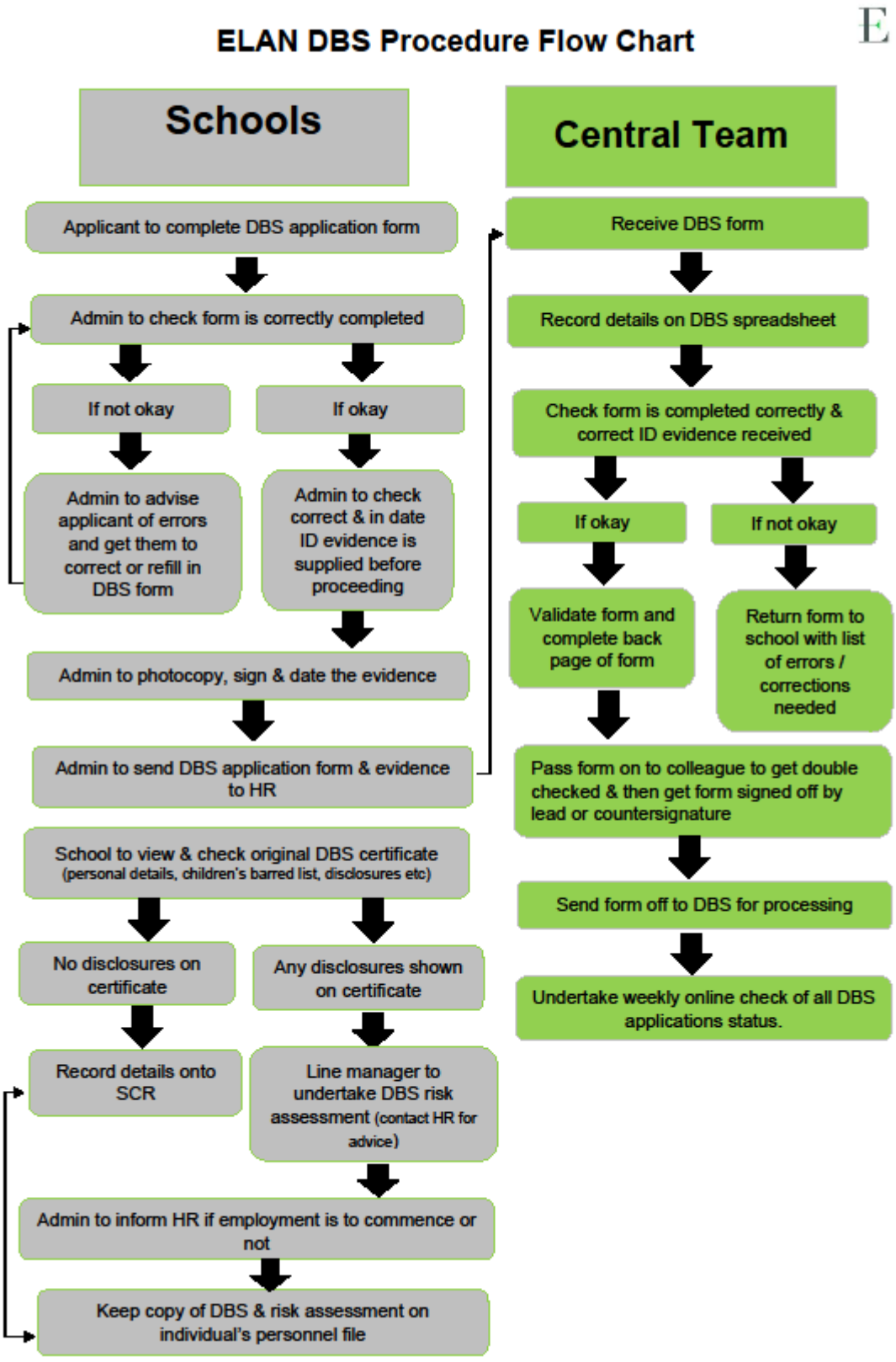
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