

Safer Recruitment and Selection Policy

Introduction

Eastwood Primary School and Nursery is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to share and demonstrate this commitment in every aspect of their work.

We are committed to using disciplinary procedures that deal effectively with adults who fail to comply with the school's safeguarding and child protection procedures and practices, including referring any allegation of abuse against an adult working with children to the Local Authority Designated Officer (LADO) within one working day of the allegation being made. A referral will be made if an adult has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children

The purpose of this policy is to set out the requirements of a recruitment process that aims to:

- Attract the best possible applicants to vacancies
- Deter prospective applicants who are unsuitable to work with children or young people
- Identify and reject applicants who are unsuitable to work with children or young people

The appointment of all employees will be made on merit and in accordance with the provisions of Employment Law and Keeping Children Safe in Education.

We will ensure that people are treated solely on the basis of their abilities and potential.

We will comply with the requirements of DfE Keeping Children Safe in Education.

Roles and Responsibilities

The Governing Body of the school will:

- ensure the school has effective policies and procedures in place for the safe and fair recruitment and selection of staff and volunteers in accordance with Department for Education guidance and legal requirements
- monitor the school's compliance with them
- ensure that appropriate staff and governors have completed safer recruitment training

The Headteacher will:

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

- ensure that all appropriate checks have been carried out on staff and volunteers in the school
- monitor any contractors' and agencies' compliance with this document
- promote the safety and well-being of children and young people at every stage of this process

Key legislative and statutory requirements

Equal Opportunities

The School is an Equal Opportunities employer and undertakes not to unlawfully discriminate against any candidate, internal or external on the basis of their:

- Age
- Disability
- Gender reassignment
- Marriage or civil partnership
- Pregnancy and Maternity
- Race
- Religion of belief
- Sex
- Sexual orientation

More information on this is provided in the Recruitment and Selection Procedure.

Safer Recruitment

The School is aware of and committed to complying with all aspects of safer recruitment guidance as set out in:

- Keeping Children Safe in Education, (KCSIE) (Department for Education Statutory Guidance, September 2016)
- Disqualification under the Childcare Act 2006, Department for Education, June 2016

The School will also comply with any guidance notes that are published by the Local Safeguarding Children's Board (LSCB) and /or Local Authority Designated Officer, (LADO).

As part of KCSIE the School will ensure that at least one interview panel member has been trained in safer recruitment. This training which must include at least the requirements of KCSIE can be accessed from various bodies and the School will consult with the LCSB in sourcing appropriate training.

Delegation of Appointments and Constitution of Selection Panel

The Governing Body delegates the power to offer employment for all posts to the Headteacher. The Headteacher may not delegate the power to offer employment to any other senior manager or governor. The Headteacher will aim to involve at least one governor in the appointment of all teaching staff and also in the appointment of other posts, where possible.

Selection panels will comprise a minimum of two people (normally three). In accordance with the statutory requirement, every selection panel will have at least one member who has undertaken Safer Recruitment Training.

Advertising

All vacant posts will be advertised to ensure equality of opportunity and encourage as wide a field of candidates as possible. This will normally mean placing an advertisement externally. However, where there

is a reasonable expectation that there are sufficient, suitably qualified internal candidates, or staff are at risk of redundancy, vacancies may be advertised internally before an external advertisement is placed. Any internal recruitment process will follow the procedures set out in this policy.

All advertisements for posts, paid or unpaid, will include the following statements:

“Eastwood Primary School and Nursery is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to share and demonstrate this commitment”

“The successful candidate will have to meet the requirements of the person specification and will be subject to pre-employment checks including a health check, an enhanced DBS check, and satisfactory references.”

Information for Applicants

All applicants will be provided with:

- A Job Description, outlining the duties of the post, and a Person Specification
- An Application Form (CVs will not be accepted)
- Guidance for Applicants and Equal Opportunity monitoring form
- Copy of the Safer Recruitment and Selection Policy
- The closing date for the receipt of applications

Prospective applicants must complete, in full, and return a signed application form. Incomplete application forms will be returned to the applicant where the deadline for completed forms has not passed.

Candidates submitting an application form completed on line will be asked to sign the form if invited to interview.

A CV will not be accepted in place of a completed application form.

Short Listing and Reference Requests

The selection panel will shortlist applicants against the Person Specification for the post. The criteria for selection will be consistently applied to all applicants. The selection panel will agree the applicants to be invited to interview.

Two references, one of which must be from the candidate's current/most recent employer, will be taken up before the selection stage so that any discrepancies may be probed during this stage of the selection process. Candidates are entitled to see and receive copies of their employment references and should request these from their referees.

References will be sought directly from the referee and, where necessary, s/he will be contacted to clarify any anomalies or discrepancies. Detailed written records will be kept of such exchanges.

Where necessary, previous employers who have not been named as referees may be contacted in order to clarify any such anomalies or discrepancies. Detailed written records will be kept of such exchanges.

If a candidate for a post working with children is not currently employed in a post working with children, a reference will be sought from the most recent employment in which the candidate has worked with children to confirm details of the candidate's employment and his/her reasons for leaving.

Reference requests will ask the referee to confirm, in writing:

- The referee's relationship to the candidate
- Details of the candidate's current post and salary
- The candidate's performance history and conduct
- Whether the candidate has been subject to capability procedures and the outcome of this
- Whether the candidate has been subject to disciplinary action relating to the safety and welfare of children, including where the sanction has expired, and the outcome of this
- Details of any substantiated allegations or concerns about the candidate relating to the safety and welfare of children
- Whether the referee has any reservations as to the candidate's suitability to work with children and young people (if so, the school will ask for specific details of the concerns and the reasons why the referee believes the candidate may be unsuitable to work with children)
- The candidate's suitability for the post with explicit reference to the job description and person specification.

All appointments are subject to satisfactory references, vetting procedures and DBS clearance.

References are the "property" of the selection panel and strict confidentiality will be observed. Employer testimonials i.e. those provided by the candidate and/or marked 'to whom it may concern' will not be accepted. References must be in writing and be specific to the job for which the candidate has applied. The selection panel will not accept references from relatives or people writing solely in the capacity as a friend of the candidate, for any post. References will be verified and any discrepancies or areas of potential concern will be discussed with the candidate at interview.

If the field of applicants is felt to be weak, the post may be re-advertised.

Interviews

Before the interviews, the selection panel will agree on the interview format.

Selection techniques will be determined by the nature and duties of the vacant post, but all vacancies will require an interview of short-listed candidates.

Interviews will always be face-to-face. Telephone interviews may be used at the short-listing stage but will not be a substitute for a face-to-face interview (which may be via visual electronic link).

Candidates invited to interview will receive:

- A letter confirming the interview and any other selection techniques
- Details of the interview day including details of the panel members
- Details of any tasks to be undertaken as part of the interview process
- The opportunity to discuss the process prior to the interview

The questions asked will be aimed at obtaining evidence of how each candidate meets the requirement of the Job Description and the Person Specification and each candidate will be assessed against all of the criteria for the post.

The same areas of questioning will be covered for each applicant and no questions which would discriminate directly or indirectly on protected characteristics under the Equality Act will be asked.

The selection process for every post will include exploration of the candidate's understanding of child safeguarding issues.

Candidates will always be required:

- To explain satisfactorily any gaps in employment
- To explain satisfactorily any anomalies or discrepancies in the information available to the selection panel
- To declare any information that is likely to appear on a DBS disclosure
- To demonstrate their capacity to safeguard and protect the welfare of children and young people

The interview will also include a discussion of any convictions, cautions or pending prosecutions, other than those protected, that the candidate has declared and are relevant to the prospective employment.

The recruitment documentation will be retained. Under the Data Protection Act, applicants have the right to request access to notes written about them during the recruitment process. After 6 months, all information about unsuccessful candidates will be securely destroyed.

Pre-appointment checks

Eastwood Primary School and Nursery will apply a number of pre-employment/vetting procedures. This will include:

Employment history checking. This includes the careful screening of application forms to identify employment gaps and anomalies which can be explored prior to or during interviews. It will also include taking up references prior to interview. Such references should not include questions about health, unless there is a specific requirement of the role that entails this, but should seek to verify previous employment. A reference will be sought from the last employer and last teaching employer.

Identity checking: Checks must be made to assure the Eastwood Primary School and Nursery that the successful candidates are who they claim to be before they can take up post. In practice, this will be done as part of the DBS checking process and the DBS guidance specifies a list of acceptable documents.

The right to work in the UK: Under UK asylum and immigration legislation all prospective employees must be able to demonstrate the right to work in the UK. The exact requirements in terms of documentary proof are set out on the government website. All applicants invited to interview will be asked to bring proof of the right to work in the UK. This is expanded upon in the procedure.

Safeguarding Children and Rehabilitation of Offenders: The Rehabilitation of Offenders Act 1974, as amended allows the Eastwood Primary School and Nursery to ask applicants to disclose both spent and unspent convictions and/or cautions bar those which would be filtered from the Police National Computer when it is processed by the Disclosure and Barring Service. Eastwood Primary School and Nursery will not discriminate unfairly against an employee with a record of convictions and/or cautions but reserves the right to refuse employment to any applicant whose criminal history makes them unsuitable to work with children, for example people with a conviction for a crime of sexual abuse.

Disclosure and Barring Service, (DBS): Eastwood Primary School and Nursery will require all employers to undergo a DBS check. The majority of school employment meets the definition of regulated activity and applicants for such posts will be expected to complete an enhanced list with barred list check. More information is provided in the Recruitment and Selection Procedure. No employee will usually be allowed to start without a satisfactory DBS check but in exceptional cases Eastwood Primary School and Nursery may decide to commence employment providing a risk assessment is undertaken in line with the DBS Check and Rehabilitation of Offenders Act policy. Also a barred list check must be obtained before commencement, in line with "Keeping Children Safe in Employment".

Prohibition from teaching check: Individuals employed to do teaching work will also be subject to a Prohibition from Teaching check. The check can be run through the National Council for Teaching and Leadership (NCTL) Teacher Services system.

Section 128 checks: For certain positions a check will need to be done to check whether the candidate is subject to a Section 128 Direction by the Secretary of the State. A person who is prohibited is unable to participate in the management of an independent school such as a management position in an independent school, academy or free school as; an employee a trustee

of an academy or free school trust; a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibility. A check can be carried out through the Teacher Services system.

English Language requirement for Public Sector workers: In line with legislation introduced into the UK in 2017 Eastwood Primary School and Nursery is obliged to ensure that staff in customer-facing roles are fluent in the English Language. In summary candidates who are customer-facing which will include teaching and support staff but most likely exclude staff who are responsible for e.g. maintenance activities. Standards of fluency can be assessed normally as part of the selection interview and the requirement for it should be built into job descriptions and person specifications. For more detailed guidance please refer to appendix 1.

Disqualification under the Childcare Act 2006: Under this act individuals may be disqualified from registration on the Ofsted early years register or the general childcare register from provision of childcare in a number of settings. More detail is provided in section 6 of the recruitment and selection procedure.

An offer of appointment to a successful candidate, including one who has lived or worked abroad, will be conditional upon satisfactory completion of pre-employment checks. When appointing new staff, we will:

- Verify a candidate's identity from current photo ID (originals) and proof of address (originals) except where, for exceptional reasons, none is available; the advice of HR will be sought if this is the case
- Obtain a certificate for an enhanced DBS check with a barred list information where the candidate will be engaging in regulated activity
- Obtain a separate barred list check if, after carrying out a risk assessment, an individual will be judged as suitable to start work in regulated activity before the DBS enhanced disclosure is available
- Check that a candidate to be employed as a teacher is not subject to a Prohibition Order issued by the Secretary of State, using the Employer Access Online Service
- Use the Employer Access Online Service to check information about any teacher qualifications held and whether induction has been passed
- Verify the candidate's mental and physical fitness to carry out their work responsibilities (a job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role)
- Verify the candidate's right to work in the UK (if there is uncertainty about whether an individual needs permission to work in the UK, then we will follow advice on the GOV.UK website)
- Make any further checks that we consider appropriate, if the candidate has lived or worked outside the UK
- Verify professional qualifications (original certificates), as appropriate

All checks will be:

- Documented and retained on the personnel file
- Recorded on the school's Single Central Record
- Followed up if they are unsatisfactory or if there are any discrepancies in the information received

Offer of Employment by the Selection Panel

The offer of employment by the selection panel and acceptance by the candidate is binding on both parties, subject to satisfactory completion of the pre-employment checks and satisfactory references. The successful candidate will be informed, normally by offer letter, that the appointment is subject to satisfactory completion of these checks.

Personnel file and Single Central Record

Single central record

Eastwood Primary School and Nursery must keep a single central record, or register covering all staff, including supply staff and teacher trainees on salaried routes, who work at the school.

The information that must be recorded is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained. Recruitment and selection information for the successful candidate will be retained securely and confidentially for the duration of his/her employment with the school including:

- Application form – signed by the applicant
- Interview notes – including explanation of any gaps in the employment history
- references – minimum of two
- Proof of identity
- Proof of right to work in the UK
- Proof of relevant academic qualifications
- Evidence of medical clearance from the Occupational Health service
- Evidence of DBS clearance, Barred List (where applicable) and Teacher Prohibition checks
- Offer of employment letter and signed contract of employment

The school will maintain a Single Central Record of employment checks in accordance with DfE guidance.

For supply staff, Eastwood Primary School and Nursery should also include whether written confirmation has been received that the employment business/agency supplying the member of staff has carried out the relevant check and obtained appropriate certificates, the date the confirmation was received and whether any enhanced DBS check certificate was provided in respect of the member of staff.

The record should not comprise the copies of the certificates themselves; indeed for DBS certificates these should be kept centrally and should not be retained for longer than six months; rather they form a record verifying that these checks have been done.

Pay

The salary offered will normally be at the minimum entry point to the evaluated salary level, in the case of support staff. Teaching staff will be paid according to the School Teachers Pay and Conditions Document (STPCD)] or in line with the School Teachers Pay and Conditions Document (STPCD). Exceptions to this must be approved by the Headteacher and Governing Body.

Start of Employment and Induction

The pre-employment checks listed above must be completed before the employee starts work. Exceptions will only be made in circumstances where a risk assessment has been undertaken. Exceptions will never be made in the case of the Barred List and Teacher Prohibition checks.

All new employees will be provided with an induction programme, which will cover all relevant matters of school policy including safeguarding and promoting the welfare of children, child protection procedures, whistle blowing and guidance on safe working practices.

Pre-employment checks

A number of pre-employment checks must be completed before the successful candidate can be given an unconditional offer of employment and commence work. These are described below. All the checks referred to are as stipulated by "Keeping Children Safe in Education".

Verification of identity

The candidate's identity must be verified to ensure they are who they claim to be and not an imposter who may pose a threat to the school's pupils. Guidance is provided on the gov.uk website but in practical terms ID verification is a requirement of the DBS process, so it is recommended that the ID check be incorporated in the DBS check process, but with an independent record being kept. The candidate can be asked to bring into the interview a copy of their passport which would serve as proof of identity.

DBS Check

The normal level of check to be applied in Eastwood Primary School and Nursery will be either an enhanced check or enhanced with barred list check.

An enhanced check would show any spent and unspent cautions, convictions, reprimands and final warnings, minus any that were filtered out in accordance with the law. (Such cautions and convictions as would be filtered would not be for a manner of offence that makes someone unsuitable to work with children.)

An enhanced with list check also includes a check of the DBS barred lists, which will disclose whether the individual is barred from working with children.

An enhanced with barred list check is performed for staff working in a regulated activity, which includes:

- a. Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,
- b. Work for a limited range of establishments (known as specified places), which includes schools and colleges with the opportunity for contact with children, but not including work done by supervised volunteers.

The above work is only classified as regulated if done regularly. This is taken to mean in the case of bullet point above if it performed for more than three days out of thirty or, also in the case of bullet

point a, (except for driving a vehicle only for children) the work is done between 2 and 6 a.m. and gives the person the opportunity to have face to face contact with children.

Some work will always be classed as regulated activity regardless of frequency or whether or not they are supervised. This includes:

- Relevant personal care or health care provided by or under the supervision of a health care professional.

Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing.

Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Applicants whose DBS check is not returned will not usually be allowed to commence until such time as a satisfactory check is received. However, in exceptional circumstances Eastwood Primary School and Nursery may decide an applicant can start employment before their DBS check is complete providing that a full risk assessment is carried out in conjunction with the School's DBS check and Rehabilitation of Offenders Policy. Additionally a Barred list check must be obtained before the applicant can commence.

DBS checks and Barred List checks are both overseen by DBS and can be processed through Eastwood Primary School and Nursery HR provider/DBS umbrella organisation. The impact of a DBS check being returned with convictions, cautions or additional information under a Barred List check is covered in section 7, Rehabilitation of Offenders and Safeguarding.

Verification of candidate's mental and physical fitness to do the job

This will be assessed post interview by the School's Occupational Health Provider post interview.

Verification of the right to work in the UK

This may previously have been validated at interview but if it has not it must be completed before the individual takes up employment. Ideally the candidate will provide a passport demonstrating their right to work in the UK but failing that the HR Service provider will be able to advise on what documents can be used to verify the right to work in the UK. A list of such documents is available on the gov.uk website.

Additional checks for candidates who have lived or worked outside the UK

An additional requirement added under the Immigration Act 2016 for overseas workers on tier 2 sponsorship is that they must obtain a criminal record certificate for each country in which they have resided continuously or cumulatively for 12 months or more in the 10 years prior to making their visa application. It is for the individual to gather this information and provide it to the employer. Professions covered by this stipulation include nursery, primary and secondary teaching professionals.

In addition to the checks that are performed for all staff, Eastwood Primary School and Nursery must make any further checks they think appropriate so that any relevant events outside the UK can be

considered. This should include a check for information about any teacher sanction or restriction that an EEA professional regulator has imposed, using the NCTL Teacher Services system. Such a restriction does not prevent a person being employed in the UK but Eastwood Primary School and Nursery should consider the circumstances leading to the restriction or sanction being imposed when considering a candidate's suitability for employment. Separate guidance is available on DBS checks for overseas applicants on the government website.

Such checks do not need to be made if in the three months prior to appointment the applicant has worked:

- In a school in England in a post which brought them into regular contact with children or young persons in any post in a school.

Verification of Professional Qualifications

If not already verified at the interview the original qualifications certificates should be obtained and a copy kept.

Prohibition from Teaching Check

A check should be made for teaching staff that they are not prohibited from teaching. This can be done via the NCTL Teacher Services system. A person who is prohibited may not legally be employed as a teacher.

N.B. for Qualified Teacher positions. A check must also be made that the teacher has QTS, (Qualified Teacher Status) and this can also be checked on Teacher Services.

Section 128 check

For certain management positions as detailed below, a section 128 direction check will also need to be done.

A check for a section 128 direction can be carried out using Teacher Services. If the prospective employee is to be engaged in regulated activity a DBS Barred list check will also identify a section 128 direction.

Disqualification under the Childcare Act 2006

Under this act individuals may be disqualified from registration on the early years register or the general childcare register from provision in a nursery, primary or secondary setting of:

A. Early years childcare, which covers ages from birth to reception age (the 31st August following the child's fifth birthday). Early years childcare means any form of childcare up to reception age, including education in nursery and reception classes and/or supervised activity, such as breakfast clubs, lunchtime supervision and after school care provided by school, both during and outside school hours for children in this age range.

B. Later years childcare. This covers those children above reception age but under age 8 in childcare provided outside school hours, including before school settings, such as breakfast clubs and after school provision but excluding education or supervised activity for children above reception age during school hours, (including extended school hours for co-curricular learning activities, e.g. school

choir, sports team.

C. Direct involvement in the management of early or later years childcare. This would cover a school Headteacher or other members of management with direct responsibility for day to day management of childcare.

It is a criminal offence to employ a person who is disqualified under the Act. For the purpose of this legislation an employed person may also be a volunteer, casual worker or self-employed contractor who is directly concerned with the provision of childcare. An employer may have a legal excuse if they can prove that they did not know and had no reasonable grounds for knowing that a person it employed was disqualified.

It may be possible for the applicant to seek a waiver from disqualification from Ofsted. Guidance on the circumstances where this may be possible is available on the Ofsted section of the gov.uk website. The website lists where a waiver can or cannot be granted. In the case of serious criminal offences such as sexual offences a waiver will not be granted. If, the School is satisfied that the applicant is or is likely to be disqualified by Ofsted they may agree to them seeking a waiver in cases where they are able to.

References

As stated earlier in the procedure, references should be sought prior to interview, albeit without health details that may be discriminatory. If they are not obtained prior to interview then references must be chased. At least two references for the successful candidate should be kept on file, one from the most recent employer. If the most recent employer was not an education establishment a further reference should also be sought from the most recent education employer of the candidate. Where the prospective employee has a limited career history, e.g., a school leaver or graduate it may be possible to seek a character reference from the educational establishment where they studied.

References should be viewed and used as factual information to support the appointment decision, not as the basis of it.

References requests should include information on:

- Candidate suitability for the post
- The qualities and experience the candidate has;
- Details of any disciplinary offences against children or if there have been any child protection concerns, if the post involves working with vulnerable groups, and the outcome of them;
- The referee's relationship to the candidate;
- Whether the referee is satisfied that the candidate is suitable to work with children and if not, the referee's concerns and rationale as to why the candidate is not suitable.

Upon receipt references should be scrutinised carefully to ensure questions have been answered fully and satisfactorily, with no gaps or anomalies. If further information is needed this can be done by letter or by phone call provided a record of the conversation is kept.

Any disciplinary offences revealed must be carefully considered in light of the nature of the post the

prospective candidate is applying for.

HR advice should be sought if a concern arises.

Single Central Record

A record of the above checks being carried out and the date any checks/certificates were received back will form part of the Single Central Record, which is described in more detail in the policy.

Certificates of Sponsorship

If the person to be appointed is from a non-EU country a Certificate of Sponsorship may be required, in which case it will not be legal to employ the person until one is obtained.

The criteria for issuing a Certificate of Sponsorship is that:

- The job is in a “designated shortage “ occupation, or
- Passes the “Resident Labour Market test”
- The job is at National Qualification Framework, (NQF) level 6 or above, and
- Minimum salary levels are met.

Advice should be sought from the HR service provider before offering a post in this situation. Further guidance can also be obtained from the gov.uk website.

Safeguarding and Rehabilitation of Offenders

Eastwood Primary School and Nursery undertakes not to discriminate unfairly against employees with a criminal record. Where, therefore information comes to light that a prospective employee has a conviction or caution this will not automatically mean that they are barred from employment. The type and severity of offence, and the time that has lapsed since it was issued must be weighed against the nature of the role and where applicable the subsequent employment history of the individual in determining suitability for the role. Further details can be found in Eastwood Primary School and Nursery DBS checks and Rehabilitation of Offenders Policy.

Withdrawal of offer

Once a conditional offer of employment has been made it can be withdrawn if the checks it was conditional upon are not satisfactory to the employer. The offer may also be withdrawn on the grounds of legality, e.g., the right to work in the UK or a person being on the barred list in which case they may not be legally employed in regulated activity.

It is recommended that the recruiting manager consult with Eastwood Primary School and Nursery HR provider before withdrawing an appointment. If concerns are raised during the process in respect of safeguarding these must also be discussed with/reported to the LADO.

Unconditional offer of appointment

When all pre-employment checks are returned and are satisfactory to the School then an unconditional offer of appointment can be made. At this stage the recruiting manager must also seek to finalise the pay and an induction plan for the pending employee.

Adults working with children who are not employed directly by the school Supply Staff

We will only use those agencies which operate a Safer Recruitment Policy and supply written confirmation that all relevant checks have been satisfactorily completed. We will carry out identity checks when the supply staff member arrives at school.

Volunteers

DBS and pre-start vetting checks appropriate to the post will be carried out and regular volunteers will be required to provide details of two referees. References are taken up, as detailed in this policy. Volunteers who help on an occasional basis (e.g. trips/PTA events) are supervised, in accordance with legislation.

Students on placement

When volunteers are working in school as part of a recognised training course (such as PGCE, NVQ etc.), references and completion of an application form will not be required. However, we will require proof of DBS enhanced clearance with barred list check and will carry out identity checks when the student arrives at school.

Students on work experience

Students on work experience will always be supervised.

Contractors

We ensure that contractors, or any employee of the contractor, working at the school have been subject to the appropriate level of DBS check, if any such check is required.

Contractors and contractors' employees for whom an appropriate DBS check has not been undertaken will be supervised if they will have contact with children.

If a contractor working at school is self-employed and will be in regulated activity, we will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

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

Written by	S Moon June 2020
Checked by	

English Language Requirement for Public Sector Workers – application in Schools and Academies

Introduction

The Code of Practice on the English language requirement for public sector workers, effective from October 2016, sets out the statutory duty of Public Authorities to ensure that employees with customer facing roles speak English fluently. Eastwood Primary School and Nursery will ensure that employees, including agency and supply staff in customer facing roles are able to converse to a degree of fluency in the English language sufficient to fulfil all spoken aspects of the role with confidence. [Schools and Academies can choose to use this standard or themselves set out another provided that it meets the expectations of the Code of Practice i.e. that it meets as a minimum the Common European Framework of Reference for Languages (CEFR) certificate B2. A higher level of fluency will be expected from teachers and Eastwood Primary School and Nursery may choose to continue the standards required of teachers in maintained schools in this respect.]

Schools and Academies need to determine which of their posts meet the Code of Practice criteria of 'customer facing roles'. This must include all of their staff who work in customer-facing roles including permanent and fixed-term employees, apprentices, self-employed contractors, and agency temporary workers. They need to include provisions in recruitment of staff.

Definitions and Criteria

The Code of Practice sets out that 'Member of the public' should be given its usual dictionary meaning for members of the general population. It notes that public authorities may use other terminology to describe a person using, interacting or receiving a service such as 'customer' or 'client'.

The Code of Practice states:

1. Members of staff who, as a regular and intrinsic part of their role, are required to speak to members of the public in English are considered as working in a customer-facing role. Customer-facing roles would include, but are not limited to the following illustrative examples:
 - A work coach directly employed by the Department of Work and Pensions would be viewed as operating in a customer-facing role, as s/he will have face-to face interactions with the public, in the form of claimants, on a daily basis.
 - A local government employee working in customer service, receiving calls and fielding queries from the public would be viewed as operating in a customer facing role, as they will have regular telephone and face-to-face interactions with the public.
 - A teaching assistant required to communicate with pupils to support their learning, would be viewed as operating in a customer-facing role.
2. As shown in these examples, both face-to-face and telephone conversations bring a role within the scope of the fluency duty. The degree of interaction with the public needs to be regular and planned to be an intrinsic part of the job role, as defined in a job description or in clear occupational goals.
3. The examples set out below are of roles that require occasional interaction with the public and this interaction is therefore not a regular or an intrinsic part of the role. These roles are not, therefore, considered customer-facing and would be outside the scope of the fluency duty:
 - A local authority employed street cleaner would not be viewed as a customer facing role as their main duties do not require regular interaction with members of the public.

- A clerical officer or IT user technician providing internal support within an organisation would not be viewed as a customer-facing role as they are not required to communicate with members of the public over the telephone or face-to-face on a regular basis.
4. When determining whether a role is customer-facing or not, employers should consider the following aspects of the work involved:
- is there a business need for interaction with the public;
 - what is the frequency and form of this interaction;
 - what is the level of service quality and responsiveness expected by the public;
 - what is the proportion of the role which would require spoken interaction with members of the public;
 - what is the nature of the role; and
 - is English language the primary language required for the role?
5. For example, taking these considerations into account, the fluency duty is unlikely to apply to members of staff whose role involves performing content or editorial functions for a public service broadcaster, such as journalists, programme-making roles or broadcast output. The nature of these roles may require interaction with members of the public, but the extent, frequency and form of interaction with the public either face-to-face or by telephone is likely to be limited and thus not an intrinsic part for the effective performance of the role.

Using this definition, staff who work with pupils will be included (which will mean teaching, classroom support and mid-day staff) and it is likely that office staff who interact with pupils and/or parents/carers of pupils will also be included. Catering staff may be included, but it is less likely that site staff or cleaners would be.

Action required

Schools should:

- identify those posts they believe fall within the criteria of English language requirement for public sector workers with customer facing roles
- insert that requirement in the Person Specification for those posts
- make it clear in adverts and Job Descriptions the necessary standard of spoken English required for the sufficient performance of the customer-facing role – this can be “The ability to converse at ease with pupils/parents/carers/service users and provide a service in accurate spoken English is essential for the post”, or similar
- ensure those responsible for evaluating candidates for those posts understand the spoken language requirements for the role and use an objective method of evaluating candidates against clear criteria set out in the Person Specification
- notwithstanding this, ensure that their recruitment processes do not contravene the Equality Act 2010; all job applicants must be treated in the same way at each stage of their recruitment process (save for any reasonable adjustments required for disabled applicants)
- apply these language requirements to agency workers (including Supply Teachers) and set them out in the relevant Contract or Service Level Agreement with the Agency