



Learning that Connects

Recruitment and Selection Code of Practice

Policy date: September 2014

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Chair of Governors:

Governors Approval:

Date

Recruitment and Selection Code of Practice

1 Scope

The code applies to the recruitment and selection of all employees appointed by the school, whether permanent or fixed-term and full-time or part-time. This includes where the governing body provides extended services directly under the management of school staff. Additional requirements apply to the recruitment of members of the leadership group (head teachers, deputy head teachers and assistant head teachers) and these are set out in separate guidance.

Relevant parts of the code of practice will apply to the recruitment of unpaid volunteers.

2 Purpose

The purpose of this code of practice is to ensure that the recruitment and selection process is carried out in a fair, efficient and cost-effective manner and takes account of relevant legislation and the school's equalities policy. This should result in the appointment of suitably qualified employees, minimise the risk of unlawful discrimination and enable schools to compete effectively in the job market.

3 Roles and Responsibilities

- **Governing body:** The governing body has overall responsibility for all staff appointments. The governing body have delegated responsibility for staff appointments outside the leadership group to the Principal/Head of School.

Members of the governing body may also be involved in dealing with grievances or complaints from applicants.

- **Person(s) delegated to make appointment decisions:** Their role is to make sure that the recruitment and selection process is carried out fairly and without discrimination. They will:
 - decide how the vacancy is to be filled;
 - plan and manage the recruitment process;
 - finalise the job description, person specification and advert;
 - arrange appropriate selection panels and appoint a chair;
 - select an applicant to appoint;
 - make an offer of employment to the selected applicant and explain that this is conditional;
 - make sure all pre-appointment checks are satisfactory;
 - ensure a single central record of recruitment and vetting checks is maintained; and,
 - ensure that children are not put at risk by failing to recruit staff in line with the procedures to safeguard children.

- **Human Resources:** HR are responsible for managing the administration of the recruitment and selection process and will:
 - issue application forms and packs;
 - detach equalities monitoring forms from the returned application form;
 - send an interview letter and safe recruitment form to applicants;
 - ask for references;
 - inspect and copy proof of identity and qualifications documentation provided by the selected applicant;
 - send documentation to Employee Services to enable pre-appointment checks to be carried out and a statement of terms and conditions to be issued;
 - maintain the recruitment file;
 - maintain the single central record of recruitment and vetting checks; and,
 - complete equalities monitoring returns.

- **Local Authority Employee Services:** Employee Services will:
 - place adverts in external media at the request of the school;
 - include vacancies in the Council's Customer Service Centre, jobs bulletin and website;
 - carry out pre-appointment checks; and,
 - issue conditional letters of appointment, statements of main terms and conditions and confirmation of appointment letters.

4 **Legal Considerations**

- **Equalities legislation:** Employers must not discriminate, either directly or indirectly, against people because of their age, sex, race or ethnic origin, disability, sexual orientation or religion or belief. This applies to all aspects of the recruitment process from advertising jobs through to appointing staff. In limited circumstances there can be a genuine occupational requirement (GOR) to advertise for people of a particular age, sex, race or ethnic origin, disabled status, sexual orientation or religion or belief. The Equality Act (2010) prevents employers from asking applicants questions about their health before offering them work or including in a pool of successful candidates

- **Disabled persons:** An employer must make reasonable adjustments in the recruitment and employment of disabled people. This can include adjustments to recruitment and selection procedures, working arrangements and physical changes to premises or equipment.

- **Safeguarding children:** This code of practice complies with DfE guidance on safer recruitment and selection in education settings. It is a legal requirement that all posts in schools require the appointed applicant to obtain an enhanced certificate of disclosure from the Criminal Records Bureau. Schools are required to maintain a single central record of recruitment and vetting checks undertaken. The Governing Body must ensure that at least one member of the appointment panel has completed safer recruitment training approved by the Secretary of State.

- **Preventing illegal working:** Only applicants allowed to work in the UK under the Immigration, Asylum and Nationality Act 2006 can be appointed. (See Appendices 2 and 3 for further information)
- **Data protection:** People applying for jobs have a legal right to see the interview notes under the Data Protection Act 2001.
- **Political restrictions:** Under the Local Government and Housing Act 1989, certain staff are politically restricted (not able to take part in political activities or take up a political office, for example, as a member of parliament).
- **Working time directive:** The working time directive says that workers over the age of 18 must not work (on average) more than 48 hours a week (40 hours a week for people under 18). Appointed staff cannot work over 48 hours a week.

5 Policy Statement

This policy recognises that recruiting a skilled and effective schools' workforce is important in improving the outcomes for children and young people in Newcastle.

It reflects the commitment of the governing body to:

- recruit the best staff, no matter what their age, sex, race or ethnic origin, disability, sexual orientation or religion or belief;
- aim to make the workforce representative of the community that the school serves and remove barriers to employment for under-represented groups;
- safeguard and promote the welfare of children and young people;
- recruit within the law and according to best practice; and,
- treat applicants with dignity and respect.

The governing body expects all staff and volunteers to share this commitment.

It aims to:

- ensure that governors, principals/head teachers, managers and all others involved in recruitment and selection will follow this policy and code of practice; and,
- associate them to do so by ensuring that they understand their responsibilities and have access to appropriate training.

The governing body takes seriously any applicant who provides false information. This could result in:

- the applicant being rejected or summary dismissal of the employee if this comes to light after s/he has started work; and
- referral of the matter to the police and/or DfE.

6 Summary of the recruitment and selection process and its application

A summary of the recruitment and selection process is provided in Appendix 1.

The school will apply the recruitment and selection process as follows:

- all stages of the recruitment and selection process will apply to paid employees;

- all stages will apply where unpaid volunteers are actively sought and there are candidates about whom there is little or no recent knowledge; and,
- a streamlined process will apply where a parent well known to the school is approached: seeking references, checking to ensure others in the community know of no concerns and can make a positive recommendation, conducting an informal interview to gauge the person's aptitude and suitability, undertaking a List 99/Barred Persons check and obtaining an enhanced certificate of disclosure from the Disclosure and Barring Service.

The school will not need to apply the recruitment and selection process where:

- a volunteer is used on a one-off basis, for example accompanying a school trip or helping at a school event, provided that the person is not to be left alone and unsupervised in charge of children; or,
- a volunteer is recruited by another organisation, for example sports coaches from a local club, although the school should obtain assurance from that organisation that the person has been properly vetted.

7 Define the vacancy

- The following details need to be clear before starting the recruitment process:
 - the job role;
 - whether teaching or associate staff terms and conditions apply;
 - the pay and grading of the post;
 - whether the post is full- or part-time and, if part-time, the number/pattern of hours of work;
 - in the case of associate staff posts whether the post is required full year round or part year and, if part year, the number/pattern of weeks to be worked; and,
 - the duration of the contract to be offered to the appointed applicant.
- Posts within the school's staffing structure are determined by the governing body through the school staffing structure review process. This includes the number, type and pay/grading of teaching and associate staff posts. Consultation with staff on job roles and job descriptions is also within this process. The current school structure should be included as an annex to the school's 'Pay Policy for Teachers and Associate staff.'
- The duration of the contract is determined by the governing body. The factors to consider in whether the appointment is permanent or fixed-term are set out in the 'Policy and Procedure for Making Appointments and Contractual Changes'.

8 Define the scope of the recruitment process

- All vacancies will normally be advertised to external applicants . This promotes open competition, avoids indirect discrimination and attracts a wider field of applicants to select from.
- The school will restrict the recruitment process for a vacancy in the following circumstances:
 - where there is an existing employee at the school who must be considered for redeployment because s/he is under notice of dismissal or at risk of dismissal on grounds of redundancy, ill-health, capability,

- conduct (except gross misconduct), contravention of a statutory enactment or for some other substantial reason and the vacancy may be suitable alternative employment;
 - where it is decided that the appropriate method of appointment to the post is “ringfencing” or “slotting in.”
- The school can choose to restrict the recruitment process for a vacancy in the following circumstances:
 - where the vacancy can be filled without advertising by converting an employee’s contract from fixed-term to permanent (using the procedure set out in the ‘Policy and Procedure for Making Appointments and Contractual Changes’);
 - where the vacancy can be filled without advertising by transferring an employee from another post within the school at the same grade (if more than one person is interested in transferring, a selection interview should take place);
 - where an employee asks to “step down” to a lower-graded job;
 - where a post is already covered by job sharing and one of the sharers leaves as the remaining sharer can be offered the option of holding the post full-time; or,
 - where a vacancy arises within six months of the same or an identical one having been filled as the school may appoint one of the previously unsuccessful applicants without advertising the position, as long as the applicant meets all of the essential conditions.

9 Define the job description

- The job description is a statement of the purpose and responsibilities of the post. The delegated person(s) must ensure it is up-to-date before the post is advertised. Consultation with staff and consideration of the pay/grading is needed if the proposed changes to the job description are significant.
- The job description must include:
 - the title of the post;
 - the grade;
 - the payscale/grade/range and any additional payments that apply;
 - the post to which the holder is responsible;
 - the posts for which the holder is responsible;
 - the job purpose or main function;
 - the main duties and responsibilities;
 - the post’s responsibility for promoting and safeguarding the welfare of children and young people;
 - a statement about the school’s commitment to safeguarding children and young people, for example “We are committed to safeguarding children and young people and expect all staff and volunteers to do the same”; and
 - the date of the latest revision.

10 Decide if this vacancy has a genuine occupational requirement (GOR)

- In certain circumstances it is a genuine occupational requirement (GOR) to advertise for people of a particular age, sex, race, sexual orientation, disability status, religion or belief.

- These circumstances are likely to be rare within community schools but, if you consider that a GOR may apply, contact your human resources adviser before taking further action.
- Where the delegated person(s) decide that a GOR applies, a detailed written record must be made of the reasons for the decision.

11 Define the person specification

- The person specification describes the skills and abilities needed to carry out the post. The delegated person(s) must ensure it is up-to-date before the post is advertised. It cannot be amended once the recruitment process has begun.
- The person specification must only contain criteria that:
 - are objective, fair, measurable and do not discriminate unlawfully; and,
 - genuinely affect job performance and can be justified.
- The person specification must not include, unless there is objective justification to do so:
 - specific formal qualifications (that are not necessary to do the job);
 - general qualifications as an entry requirement (for example, five GCSEs);
 - a specific number of years of experience (it should be defined in terms of quality, level and type);
 - age as a condition or as an indicator of experience or maturity; or,
 - physical requirements that could exclude people with disabilities.
- The following requirements must be included in the person specification for posts in schools:
 - no adverse criminal record;
 - satisfies requirements for General Teaching Council registration (qualified teaching posts only); and
 - any Genuine Occupational Requirement (GOR) that applies.

There must also be a statement about the school's commitment to safeguarding children and young people, for example "We are committed to safeguarding children and young people and expect all staff and volunteers to do the same".

- The person specification must identify the method that will be used to assess applicants against each of the criteria. The recruitment process must involve an interview that uses information collected from other sources, for example, a job application form, references and so on. It is not essential, but strongly recommended, that at least one other method of assessment, such as a lesson observation, occupational test, work sample or practical job-related exercise, is used to give unbiased information.

12 Plan the recruitment exercise

- The delegated person(s) should identify the key timescales for the different stages of the recruitment process and allow sufficient time at each stage so

that safeguarding requirements are met. For example, the process must allow references on short-listed candidates to be obtained before interview.

- Applicants should be given advance notice of the planned interview dates in the advert or application pack.
- In the case of a teaching appointment, the plan may need to consider resignation dates in case the selected applicant is already employed as a teacher. These are:
 - Autumn Term: 31 October (30 September for head teachers)
 - Spring Term: 28 February (31 January for head teachers)
 - Summer Term: 31 May (30 April for head teachers).

13 Prepare the job advert

- Except as detailed in the 'Define the vacancy' section above, all vacancies will be available to both external and internal applicants. The delegated person(s) must prepare an advert, decide the publications it is to be placed in and the closing date (where possible, two weeks later).
- All external advertisements will be placed on the school website and in the City Council's Customer Service Centre, weekly jobs bulletin and public website as a minimum.
- Internal opportunities will be circulated to all staff by email.

14 Decide the content of the application pack

- People enquiring about a job must receive:
 - the job advert;
 - an application form;
 - the job description and person specification;
 - the safe recruitment form that includes information about the pre-appointment checks that will be made on the short-listed and appointed applicants; and
 - any additional information about the school or job that the delegated person(s) decide to provide.
- There are two application forms available. Both include all of the requirements for safer recruitment in education settings. The delegated person(s) must decide which form is most appropriate for the post being advertised:
 - Form 1 is appropriate for all teaching and most associate staff jobs;
 - Form 2 is appropriate for associate staff jobs with no or limited entry requirements.

The job application form is divided into three sections. Part A covers personal details, part B covers experience, qualifications and skills, and part C covers equality monitoring. CV's cannot be accepted under any circumstances.

15 Set up the recruitment file

- The HR team will set up a recruitment file and update it during the recruitment

process. It will be retained for 12 months and include copies of the following:

- job description, person specification and any additional information provided to applicants;
 - a written record of the reasons for a Genuine Occupational Requirement (if this applies);
 - job advert;
 - application forms;
 - safe recruitment form;
 - equality monitoring forms;
 - record of shortlisting decisions;
 - interview notes and a record of the decisions made and reasons why;
 - test results and other forms of assessment (if this applies);
 - reference request letters and references received;
 - rejection letters; and
 - all other correspondence relating to the appointment.
- Additional documentation for the appointed applicant is set out in the 'Offer of employment and pre-appointment checks' section below.

16 Handling applications

16.1 Sending out applications

- The HR team will send out the application pack to applicants.

16.2 Receiving and acknowledging applications

- When the form is returned the HR team will remove part C (equalities monitoring) of the application form. This is used for monitoring purposes only and will not be seen by anyone involved in the selection process.
- The HR team will scrutinise the application form and safe recruitment form to ensure that they are fully completed. Incomplete forms will not be accepted and returned to the applicant for completion.
- Completed forms should be returned by the closing date. The HR team will contact the delegated person(s) to ask if they will accept any applications received after the closing date. Late applications should not be accepted once the short-listing process has started.
- The school will not acknowledge application forms or contact people who have not been short-listed due to the costs involved.

16.3 Alternative formats

- Disabled people may choose to apply for jobs in Braille, on audio tape or in large print. Advice on these formats is available from Employee Services.
- An applicant who cannot fill in a job application form themselves (for example, because of reading or writing difficulties or a disability) should still be considered, unless this is directly relevant to the job. In such

cases, they may get help to fill in the form. .

16.4 Applicant's relationship with a governor or senior staff

- An applicant must tell us about any relationship with a governor or senior staff in the school where they are applying for a post
- Staff must tell the head teacher in writing about their relationship to an applicant for a job in the school.

16.5 Canvassing

- Any applicant who canvasses (tries to use their relationship to gain an advantage in the recruitment process) or allows someone to canvass on their behalf will be disqualified.
- Unless they are related to or have a close personal relationship with someone applying for a job, governors and employees are allowed to act as referees for an applicant for a post in the same school. If they are involved in the recruitment process (short-listing or interviewing) it must be an employment reference, not a personal reference.

16.6 Declaring outside interests and other employment

- People applying for an associate staff job over spinal column point 30 must not carry out any other business or take up additional appointments without the school's permission.

17 Short-list applicants

17.1 Short-listing process

- Applications should be short-listed by at least two people who will be involved in the final interview panel. As far as possible, the people short-listing for each post should be a reasonable balance of men and women.
- All applications should be scrutinised to ensure that the information provided is consistent and does not contain any discrepancies. Any gaps in employment should also be identified. Any anomalies or discrepancies or gaps in employment should be noted and consideration of the totality of these may influence whether the applicant is short-listed.
- The people creating the short-list review each application form and assess that applicant against the person specification for the post. Any applicant who does not meet the minimum essential conditions should not be included on the short-list. A record of each decision should be made on the short-listing form.
- The delegated person(s) are responsible for the security and confidentiality of the application forms.

- The short-listing form should be returned, together with the application forms of the successful and unsuccessful applicants, to the recruitment administrator.
- It is policy to interview all disabled applicants who meet the essential requirements for the post. The HR team is responsible for reviewing the short-listing form against the equalities monitoring forms (which were separated from the application forms on receipt) to identify any disabled applicants who have not been short-listed. The delegated person(s) responsible for short-listing will add to the short-list any disabled applicants who meet the essential conditions.

17.2 Contacting short-listed applicants

- The HR team will check if any of the short-listed applicants have asked for special interview arrangements on the application form and make the necessary arrangements.
- HR will send a letter to the short-listed applicants inviting them to an interview and enclose an interview expenses claim form.

17.3 Take up references and verify facts

- All short-listed applicants must provide two referees, one of which must be the current or most recent employer. References must be requested direct from the referee. References provided by the applicant or open references addressed “to whom it may concern” will not be considered.
- Written references must be requested before the final selection stage and made available to the people carrying out the interview. HR will write to the referees and enclose the reference request form, job description and person specification.
- In exceptional circumstances it may not be possible to obtain references prior to interview, either because of delay on the part of the referee or because the candidate strongly objects to the current employer being approached at this stage but that will be the aim in all cases. It is up to the delegated person(s) to decide whether to agree to a candidate's request to approach their current employer only if s/he is the preferred applicant after the interview.
- If a short-listed applicant claims to have some specific qualification or previous experience that is particularly relevant to the post that will not be verified by a reference, the delegated person(s) should telephone the relevant previous employer and ask for written confirmation of the facts.

18 Interview and assessment

18.1 Interview panel

- At least one member of each interview panel must have undertaken specialist training on safer recruitment in Education.

- The interview panel must include the delegated person(s) making the appointment. One-to-one interviews are not acceptable and, as far as possible, the panel should have a reasonable balance of men and women.
- People other than the delegated person(s) can be on the interview panel. This may include people external to the school, for example, where there are partnership arrangements in place. Their role should be viewed as advisory and only the delegated person(s) can make the final decision on appointing staff.
- The panel must meet before the interviews to:
 - agree their interview questions to assess the relevant criteria on the person specification; and,
 - consider the issues to be explored with each candidate based on the information provided in the application form, safe recruitment form and references.

18.2 Conducting the interview

- All applicants must be asked a series of standard questions. It is acceptable to follow up the standard questions with related questions to make sure the applicant has the opportunity to demonstrate their knowledge or to expand on the information they have given on their application form. The interview panel must always ask for information about previous employment and get satisfactory explanations for any gaps in employment or discrepancies in the information provided.
- The selection process for all posts in schools must include an assessment of each applicant's suitability to work with children. Appropriate questions must be asked at interview to assess this including the applicant's:
 - attitude towards children and young people and their motivation to work with them;
 - ability to form and maintain appropriate relationships and personal boundaries with children;
 - emotional resilience in working with challenging behaviours; and,
 - attitudes to discipline.
- The interview panel must discuss the safe recruitment form with each applicant, even if no convictions have been declared. The delegated person(s) must consider the requirements of the 'Code of Practice on the Disclosure of Criminal Convictions '.
- Where there is a discrepancy or concern about the information provided by a referee, the interview panel must discuss this with the applicant. If references have not been received before the interview, the applicant must be asked at interview if there is anything s/he wishes to declare or discuss in light of the questions that have been put to the referee.

- The interview panel must use an interview record form to record the questions asked and to summarise each applicant's answers. It must show how each applicant has met (or not met) the person specification. Interviewers should summarise the evidence presented by the applicant.
- At the end of the interview, the panel should discuss the responses given by each applicant and agree who best meets the person specification and the reason why. A summary of their decision must be recorded on an applicant assessment form. This must have enough detail to make sure that the reason for the decision is clear in case of any future complaint about the recruitment process.

18.3 **Other forms of assessment**

- Observing applicants as part of the formal assessment process is an ideal opportunity to assess how they deal with children and young people. This may be by observing a lesson or through a structured task that directly involves children, young people, parents and carers or other stakeholders in the recruitment process. The delegated person(s) must make sure that they are effectively briefed on their role within the process.
- Reasonable adjustments must be made for disabled persons where the assessment method would put them at a disadvantage. The applicant may need to complete tests or presentations in alternative formats, be allowed more time or have a support worker.

18.4 **Contacting interviewed applicants**

- The delegated person(s) must make arrangements to tell short-listed applicants the outcome of their application as soon as possible. Applicants with a sight or hearing difficulty must be contacted in the appropriate way, for example, a phone call or in Braille for people with a sight difficulty or by letter or minicom for people with a hearing difficulty.
- Both internal and external applicants may ask for feedback on how they performed during the selection process. If asked, the delegated person(s) should make arrangements for this to happen.

19 **Offer of employment and pre-appointment checks**

19.1 **Conditional offer of employment**

- Any offer of appointment must be made on the condition that the applicant satisfactorily meets all of the pre-appointment checks required by the post. These are listed in Appendix 2. It is the responsibility of the delegated person(s) making the appointment to ensure that the checks have been carried out, decide whether the outcome is satisfactory and ensure that school's single central record of recruitment and vetting checks is updated.
- There is a duty to make reasonable adjustments for disabled people.

Disabled applicants should be asked about workplace adjustments only if they are selected for the job. The job offer should be on the condition that reasonable adjustments can be made.

- In the case of community and voluntary controlled schools the local authority must appoint the selected candidate unless they fail to meet one of the requirements relating to qualifications, health and physical capacity, professional registration or conduct.

19.2 Documentation requirements

- The recruitment administrator must take to all reasonable steps to check that the following documents are original and valid, and be satisfied that the applicant is the person named in the document before copying for the selected applicants:
 - identity documents including photographic evidence;
 - the specific proof of identity documents required for an application for an enhanced certificate of disclosure from the Disclosure and Barring Service;
 - the specific proof of identity documents required to show the right to work in the UK or any documents required to submit an application for entry clearance or leave to remain in the UK under the points based immigration system; and,
 - certificates, diplomas or letters of confirmation for the academic qualifications that the applicant has stated on their application form.
- The principal/head teacher or HR Manager must sign the appointment instruction form before it is sent to Employee Services. This confirms those pre-appointment checks that have already been satisfactorily completed and gives instructions for the remainder to be done.
- HR must send the appointment instruction form to Employee Services with a copy of:
 - the appointed applicant's application form;
 - references received;
 - the safe recruitment form;
 - proof of identity documents obtained;
 - the employee appointment/changes form confirming the key terms and conditions of the post; and,
 - any interview expenses claimed.

Copies of these documents should also be kept on the individual's personal file in the school and a record maintained of when the outstanding pre-appointment checks are satisfactorily met.

- Employee Services will take up the outstanding pre-appointment checks and issue an appointment letter and statement of main terms and conditions to the appointed applicant. This is regardless of whether a provisional start date has been identified or not.

19.3 Identifying a start date

- The selected candidate must not be confirmed in post or start work until all the pre-appointment checks in Appendix 2 are satisfactorily completed.
- The only exception is that the delegated person(s) do have discretion for an individual to start work before the enhanced certificate of disclosure is received from the Criminal Records Bureau, subject to certain conditions. These are set out in the 'Code of Practice on Disclosure of Criminal Convictions'. If this discretion is used, the head teacher must sign a declaration form confirming that these conditions are met and send this to Employee Services.

19.4 **Starting salary**

- The arrangements for starting salaries are set out in the school's 'Pay Policy for Teachers and Associate Staff'.
- In the case of teaching staff the starting salary is the appropriate point on the payscale for the post. This is determined by the rules set out in the School Teachers' Pay and Conditions Document and the discretions it delegates to the governing body within the school's pay policy. Employee Services may need to undertake a salary check with another authority.
- In the case of associate staff the starting salary is usually the lowest point of the grade for the post. Exceptions are allowed in certain circumstances, for example, where the employee would not otherwise receive an increase in pay.

19.5 **Confirming the appointment**

- Employee Services will write to the selected applicant to confirm their appointment once all pre-appointment checks are satisfactorily completed and the start date and starting salary are agreed.
- A record of all pre-appointment checks will be retained on the employee's personal file in Employee Services. Employee Services will notify the delegated person(s) of the outcome of the checks so that the school can maintain its single central record of recruitment and vetting checks.

19.6 **Interview expenses**

- Interview expenses are paid to applicants at the rates set out in the policy once the interview process is complete. Expenses are not refunded if an applicant withdraws or turns down an offer of employment. The expenses of the appointed applicant are paid when they start work.
- Additional expenses may be paid to meet any reasonable requirements for a disabled person attending an interview. This could include travelling expenses for a support worker or the reasonable cost of

travelling by taxi rather than bus or train.

19.7 Resettlement Scheme

The governing body has discretion to pay the appointed candidate appropriate expenses if they need to relocate.

20 Equalities monitoring

- The HR team are responsible for collating equalities monitoring information on applicants and appointments

21 Complaints

- If anyone applying for a job believes that they have been unlawfully discriminated against during any part of the recruitment and selection process, they have the right to make a complaint within three months. Internal applicants within the school should submit their complaint under the formal stage of the school's 'Grievance Procedure', which will be investigated within the timescales set out in that procedure. External applicants should submit their complaint in writing to the chair of governors, which will be investigated within a reasonable timescale.
- If a complaint that an applicant has been unlawfully discriminated against is upheld, the solution offered will usually be for the person who made the complaint to rejoin the selection process. Examples of solutions are:
 - if an applicant is not included on the short-list and there is no justified reason for this, they may be put on the short-list for the job or for another appropriate vacancy;
 - if the questions asked at the interview are considered to be unfair, the applicant's suitability may be reassessed and another interview arranged for that job or another appropriate vacancy;
 - if it is found that the person making the complaint was the best person for the job, they may be offered either that job or another appropriate vacancy;
 - if it is found that the school has failed to make a reasonable adjustment for a disabled person who has been made a conditional offer of appointment and the post is still vacant, the adjustment will be made with an offer for that job; or,
 - if it is found that the school has failed to make a reasonable adjustment and the post applied for has been filled, arrangements will be made to interview the disabled person for another suitable vacancy and to make reasonable adjustments if the person is selected.

22 Relationship with other policies and procedures

- **Policy and Procedures for Making Appointments and Contractual Changes:** This sets out the circumstances when it is appropriate for schools to offer permanent or fixed-term contracts to appointed applicants.
- **Code of Practice on Disclosure of Criminal Convictions for Schools:** This explains the requirements for all staff appointments (as well as agency staff, governors and third parties).

Revision Record of Published Versions			
Author	Creation Date	Version	Status
HR Services	May 2011	1.0	Draft for consultation
HR Kenton	May 2014	2.0	Draft for consultation
			Approved by Staffing Committee

Appendix 1 – Summary of Recruitment and Selection Process

1. Define the vacancy
 - a. job role
 - b. pay and grading
 - c. hours and weeks to be worked
 - d. duration of the contract
2. Define the scope of the recruitment process
 - a. is it appropriate to restrict the recruitment process?
3. Define the job description
4. Decide if this vacancy has a Genuine Occupational Requirement (GOR)
5. Define the person specification
6. Plan the recruitment exercise
 - a. timescales for advert, closing date
 - b. who will be involved and responsibilities
 - c. resources needed
7. Prepare the job advert
 - a. text of advert
 - b. publications and dates
 - c. closing date
8. Decide the content of the application pack
9. Set up the recruitment file
10. Handle applications
11. Short-list applicants
12. Contact short-listed applicants
13. Take up references and verify facts
14. Interview and assessment
15. Make conditional offer of employment
16. Undertake pre-appointment checks
17. Confirm the appointment

Appendix 2 – Pre-Appointment Checks

Overview

- Pre-appointment checks are key to ensure that children are safeguarded and the risk of harm from those who are in contact with them is minimised.
- Everyone selected for appointment to a teaching or associate staff post in a maintained school must satisfy checks on:
 - identity;
 - criminal convictions;
 - List 99/Barred Persons Check (and in residential establishments Protection of Children Act POCA list);
 - the right to work in the UK, or gain entry clearance or the right to remain in the UK under the points based immigration system;
 - academic qualifications;
 - references;
 - previous employment history; and,
 - medical fitness.
- Teachers must also be registered with the Department for Education and have qualified teacher status, except in limited circumstances.
- Additional checks may be necessary for newly appointed staff who have lived outside of the UK.
- The delegated person(s) must ensure that information on pre-appointment checks is included in the school's single central record of recruitment and vetting checks.
- The delegated person(s) must report the facts to the police and/or the DfE Children's Safeguarding Operations Unit where:
 - the selected applicant is found to be on Barred Persons List or the PoCA list or the DBS disclosure shows s/he has been disqualified from working with children by a court;
 - an applicant has provided false information in, or in associate of, his/her application;
 - there are serious concerns about an applicant's suitability to work with children; or
 - there are medical grounds for barring a person from working with children.

The delegated person(s) should notify the DfE where they have refused employment, paid or unpaid, to an individual on the basis of the DBS disclosure information and where s/he does not already appear on the Barred Persons List.

Identity

- The delegated person(s) must make sure that the selected applicant is who he or she claims to be. Proof of identity such as a birth certificate, driving licence or passport combined with evidence of address must be seen. Some form of photographic identity should be seen except where for exceptional reasons none is available.

- Proof of identity is also required for an application for a certificate of disclosure from the Criminal Records Bureau and to confirm the selected applicant has the right to work in the UK.

Criminal Convictions

- The delegated person(s) must ensure that the selected applicant does not have an adverse criminal record. All new staff appointed to the schools workforce need an enhanced certificate of disclosure from the Criminal Records Bureau under the School Staffing (England) (Amendment) Regulations 2006.
- The procedure for obtaining a disclosure and deciding whether it is satisfactory is set out in the 'Code of Practice on Disclosure of Criminal Convictions for Schools'. This includes the need to check proof of identity to make an application to the Criminal Records Bureau (CRB) for an enhanced certificate of disclosure. There is a list of acceptable proof of identity documents (which is different to the list of acceptable proof of identity documents required for the right to work in the UK below).

Barred Persons List and POCA list (Protection of Children Act list)

- The delegated person(s) must ensure that the selected applicant is not barred from working with children.
- The Barred Persons List is a confidential document kept by the Department for Education which contains the names, dates of birth, National Insurance numbers and, in the case of teachers, the teacher reference numbers, of people who have been stopped or restricted from working in certain jobs by the Secretary of State. A Barred Persons List check is required for all posts in schools.
- The POCA list is managed by the Department for Education on behalf of the Department of Health (DH). It lists people banned from working with children. A POCA list check is required for posts in residential establishments.
- The enhanced certificate of disclosure from the DBS will contain details of whether the person is included on the Barred Persons List and/or the POCA list. A separate Barred Persons List check is required if the DBS certificate of disclosure remains outstanding and the delegated person(s) have used their discretion to allow the person to begin work.

Right to work in the UK

- The delegated person(s) must ensure that the selected applicant has the right to work in the UK .
 - The delegated person(s) must make sure that the documents presented as proof belong to the selected applicant, and that they allow the applicant to do the type of work they are being appointed to do. If an applicant gives two documents which have different names, ask them for a further document to explain the reason for this, such as a marriage certificate, a divorce decree, a deed poll or statutory declaration.
 - The proof of eligibility to work in the UK will either show an ongoing right to work in the UK (List A) or it will show an entitlement to work in the UK for a limited period only (List B). These lists are attached as Appendix 3

- If you appoint someone who provides the specified documents from List B you must make repeat checks at least once every 12 months to ensure the employee can still work legally in the UK.
- Further advice is available if you wish to appoint someone who is from Bulgaria or Romania, or from the Czech Republic, Estonia, Hungary Latvia, Lithuania, Poland, Slovakia or Slovenia, or someone who is not an EEA national
- Where the selected applicant does not have the right to work in the UK, the school can ask the authority to submit an application to the UK Border Agency to gain entry clearance or the right to remain in the UK for the individual. This application will be made under the appropriate tier of the points based immigration system where this applies.

Academic qualifications

- The delegated person(s) must always check that the person selected has actually got the academic or professional qualifications that are legally required for the post and should check any others that they claim they have on their application form. Schools can do this by asking to see the relevant certificate or diploma, or a letter of confirmation from the awarding institution. If original documents are not available, the school must ask to see a properly certified copy.

References

- The delegated person(s) must make sure that two satisfactory references are received for the selected candidate, one of which must be from the current or most recent employer. The references must be scrutinised and any concerns resolved satisfactorily before the appointment is confirmed.
- If the applicant is not currently working with children but has done so in the past, the delegated person(s) should contact their previous employer to make sure they are suitable to work with this group.
- The reference request should remind the referee that they have a responsibility to ensure that the reference is accurate, that relevant factual content of the reference may be discussed with the applicant and they may be subsequently contacted for clarification of any part of a reference. As all posts in schools involve working with children it should ask:
 - about the referee's relationship with the applicant, for example, the nature of any working relationship, how long the referee has known the applicant and in what capacity;
 - whether the referee is satisfied that the person has the ability and is suitable for the post based on the criteria in the person specification;
 - whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, for specific details of the referee's concerns and the reasons for these.

Where the referee is the applicant's current or previous employer in work with children, it should also ask:

- confirmation of the applicant's current post, employment dates, position held,

- salary record;
 - specific verifiable comments about the applicant's performance history and conduct;
 - details of any current disciplinary procedures the applicant has been subject to in which the disciplinary sanction is current;
 - details of any disciplinary procedures the applicant has been subject to involving issues related to the safety and welfare of children or young people including any in which the disciplinary sanction has expired and the outcome of those; and,
 - details of any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of or behaviour towards children or young people and the outcome of those concerns, for example whether the allegations or concerns were investigated, the conclusion reached and how the matter was resolved.
- If the delegated person(s) telephone the referee for more information, a written record should be made and attached to the reference received from that referee.
- The reference should be compared to the application form to ensure that the information provided is consistent. Any discrepancy in the information should be taken up with the applicant.
- Any information about past disciplinary action or allegations should be considered by the delegated person(s) in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago or an allegation was unfounded or did not require formal disciplinary sanctions, and in which no further issues have been raised are not likely to cause concern. More serious or recent concerns or issues that were not resolved satisfactorily are more likely to cause concern. A history of repeated concerns or allegations over time is also likely to give cause for concern.

Previous employment history

- The delegated person(s) must discuss previous employment history with applicants at interview and ensure that there is a satisfactory explanation for any gaps in employment.
- If an applicant for a teaching post is not currently employed as a teacher, the delegated person(s) should also check with the school, further-education institution or local education authority at which they were most recently employed to confirm details of their employment and their reasons for leaving.
- The General Teaching Council for England (GTC) may also be able to confirm details of a registered teacher's previous employment history.

Medical fitness

- Anyone appointed to a post involving regular contact with children or young people must be medically fit. The delegated person(s) should consider advice from the Council's Occupational Health service.
- The selected candidate will be asked to complete a confidential medical

questionnaire. This is assessed by Occupational Health and s/he may be asked to attend Occupational Health in person to assess their fitness for that particular post.

Attendance Record

The Equality Act prevents employers from using information relating to health in a decision on suitability for a post before a job offer is made. Successful applicants will be asked for details of their absence record on the EAS11 Employee Details Form. The delegated person(s) must be satisfied that this is acceptable before a final offer is confirmed

Department for Education Registration (teaching posts only)

- The delegated person(s) must ensure that the legal requirement for relevant teachers to be registered with the Department for Education is met by the selected applicant.
- The following people must be registered:
teachers with Qualified Teacher Status (QTS) who are employed to carry out 'specified work' in a maintained school, a non-maintained special school or a pupil referral unit. 'Specified work' is defined as:
 - planning and preparing lessons and courses for pupils;
 - delivering lessons to pupils;
 - assessing the development, progress and attainment of pupils;
 - reporting on the development, progress and attainment of pupils.
- The following people must have provisional registration with the DfE:
 - trainee teachers on mainstream initial teacher training (ITT) courses;
 - staff on an employment-based teacher training scheme, such as the Graduate Teacher Programme, Registered Teacher Programme and Overseas Trained Teacher Programme.
- Those teachers who should be registered with the DfE are exempt from this requirement to be registered for up to four weeks from the date they take up the post, provided that they have already applied for registration.

Additional checks for staff who have lived outside the UK in the last 5 years

- DBS Disclosures will not generally show offences committed by individuals whilst living abroad. Therefore in addition to an enhanced DBS Disclosure, if an applicant has worked or lived overseas in the previous 5 years where possible the school will check the applicant's criminal record from the relevant authority in that country or additional checks such as obtaining certificates of good conduct from relevant embassies or police forces are necessary.
- If it is not possible to get this information within a reasonable time scale, the delegated person(s) must take extra care in taking up references and carrying out other background checks. For example, additional references should be sought and references followed up by telephone as well as letter.

Appendix 3 -LIST A and LIST B

Acceptable Documents for Preventing Illegal Working

LIST A - DOCUMENTS WHICH SHOW AN ONGOING RIGHT TO WORK

Any one of the following **original** documents should be provided:

- a passport showing that the holder is a British citizen, or has a right of abode in the UK;
- a passport or national identity card showing that the holder is a national of a European Economic Area¹ (EEA) country or Switzerland;
- a residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office or the UK Border Agency (UKBA), to a national from a EEA country or Switzerland;
- a permanent residence card issued by the Home Office or the UKBA to the family member of a national of EEA country or Switzerland;
- a Biometric Immigration Document issued by the UKBA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK;
- a current passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

If one of the above documents can not be provided, a combination of **two** of the following **original** documents should be provided:

- An official document issued by a previous employer or Government Agency which contains the permanent National Insurance number and name of the person. This could be a P45, P60, National Insurance card or a letter from HM Revenue and Customs.

AND one of the following documents:

- An Immigration Status Document issued by the Home Office or the UKBA to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK; **OR**
- A full birth certificate issued in the UK, which includes the name(s) of at least one of the holder's parents; **OR**
- A full adoption certificate issued in the UK which includes the names of at least one of the holder's adoptive parents; **OR**
- A birth certificate issued in the Channel Islands, the Isle of Man or Ireland; **OR**
- An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland; **OR**
- A certificate of registration or naturalisation as a British citizen; **OR**
- A letter issued by the Home Office or UKBA to the holder which indicates that the person named in it can stay indefinitely in the UK.

¹ The EEA is made up of Austria, Belgium, Bulgaria*, Cyprus, the Czech Republic*, Denmark, Estonia*, Finland, France, Germany, Greece, Hungary*, Iceland, Republic of Ireland, Italy, Latvia*, Liechtenstein, Lithuania*, Luxembourg, Malta, the Netherlands, Norway, Poland*, Portugal, Romania*, Slovakia*, Slovenia*, Spain and Sweden. Although Switzerland is not a member of the EEA, their nationals can work in the UK without restriction. *NB There are additional regulations regarding employing people from these countries. Please see further guidance.

LIST B - DOCUMENTS WHICH SHOW A RIGHT TO WORK FOR UP TO TWELVE MONTHS

Any one of the following **original** documents should be provided:

- a passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that it does not require the issue of a work permit;
- A Biometric Residence Permit issued by the UKBA to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question;
- A residence card or document issued by the Home Office or the UKBA to a family member of a national of a EEA country or Switzerland;

If one of the above documents can not be provided, one of the following combinations of **original** documents should be provided:

First Combination

- a work permit or other approval to take employment issued by the Home Office or the UKBA;

AND one of the following documents:

- a current passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question; **OR**
- a letter issued by the Home Office or the UKBA to the holder or the employer or prospective employer confirming the same.

Second Combination

- a certificate of application issued by the Home Office or the UKBA to or for a family member of a national of a EEA country or Switzerland stating that the holder is permitted to take employment which is less than six months old; **OR**
- an Application Registration Card issued by the Home Office or the UKBA stating that the holder is permitted to take employment.

NOTE either one of the above documents is only valid when it has been checked by the UKBA Employer Checking Service.

Third Combination

- an official document issued by a previous employer or Government Agency which contains the permanent National Insurance number and name of the person. This could be a P45, P60, National Insurance card or a letter from HM Revenue and Customs.

AND one of the following documents:

- an Immigration Status Document issued by the Home Office or the UKBA to the holder with an endorsement indicating that the person named in it can stay in the UK, and is allowed to do the type of work in question; **OR**

- a letter issued by the Home Office or the UKBA to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the UK and is allowed to do the work in question.