



RECRUITMENT & SELECTION POLICY

ADOPTED FROM BRADFORD METROPOLITAN COUNCIL MODEL POLICY

Agreed by Governors on; 05/09/2016

Signed by Chair of Governors: Sally Birkbeck

A handwritten signature in blue ink that reads "Sally Birkbeck".

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Introduction

The guidance covers the main stages of the recruitment and selection process such as reviewing the vacancy, job description and employee specification, advertising, shortlisting, assessment and selection, conducting preemployment checks, appointment and Induction

The purpose of this guidance is to give help and assistance on the key elements of the Recruitment and Selection process.

It is recommended that Schools follow this guidance to ensure that Recruitment and Selection is carried out consistently and follows best practise. This can also help deter people from applying who are unsuited to work with children. It is essential that Safeguarding and promoting the welfare of children and young people is an important factor that must be taken into consideration as part of the Recruitment and Selection process. This is because it is a key part of creating safe environments for children and young people.

When a Headteacher is being appointed, Governors may wish to contact the Local Authority for additional support and guidance.

Should you require further advice or wish to enquire about purchasing the PACT HR Headteacher recruitment package please contact your named HR Business Partner via the PACT HR Helpdesk on 01274 385999 to discuss your requirements.

The Recruitment & Advertising team can be contacted on 01274 385992 or 01274 385993 or via the PACT HR helpdesk on 01274 385999.

Scope of the Guidance

This guidance applies to all school employees including teachers, support staff, casual workers, volunteers, agency staff, contractors and consultants. This is a non-exhaustive list.

This document provides guidance to recruiting managers on the various stages of the process of what their responsibilities are.

Aims of the Guidance

The aims of the guidance are to help schools ensure that:

- They meet their statutory obligations by making sure that they adhere to all relevant legislation
- They promote equality of opportunity and are able to attract and retain a workforce that reflects the community it serves
- They employ the best candidate for the job, irrespective of race, gender, marital status, disability, religion/belief, sexual orientation, age etc
- They ensure that all recruitment is compliant with DfE safeguarding guidance with clear links to child protection policies and procedures making them better able to identify, deter or reject people who might abuse children, or who are otherwise unsuited to work with them.

- To ensure the most cost effective use is made of resources in the recruitment and selection process.

Relevant Legislation

- Equality Act 2010
- Equality Act 2006
- Work and Families Act 2006
- EU Directive 2000/78/EC on Equal Treatment in Employment and Occupation
- The Maternity and Parental Leave Regulations 1999
- The Data Protection Act 1998
- Keeping Children Safe In Education Draft September 2016
- Working together to safeguard children 2015

Collectively these Acts prohibit discrimination in employment (including the recruitment and selection process) on any of the following grounds:

- gender
- marital status
- family status
- disability
- race
- nationality, national or ethnic origin
- religion or beliefs
- sexual orientation
- age

Responsibilities as a Recruiting Manager

Your responsibilities as a recruiting manager are to ensure that:

- The school's policy on Recruitment & Selection is complied with
- The basis of the contract to be offered has been determined
- Relevant legislation such as the Equality Act 2010 is complied with
- All decisions are based on evidence gained through the selection process.

In all aspects of your process, you need to ensure that:

- You encourage a wide range of candidates;

- Your procedures and practices are fair, thorough and not discriminatory. You must treat all candidates with dignity and respect, giving them the opportunity to present their skills and experiences effectively.

The Vacancy

A vacancy is an opportunity to look at the needs of the school and where necessary to redefine a post so that these needs can be met more effectively.

Managers should also give reasonable consideration to making changes to physical conditions, supervision, training or job descriptions which would create better job/career opportunities, for people such as those with disabilities, maternity returners, young people, and people with other special needs.

All posts in school are eligible for job share requests subject to agreement by the Governing body and in line with the needs of the school.

Job Descriptions and employee specifications

A job description and the employee specification are the key documents in any Recruitment and Selection process. It is good practice that Recruitment and Selection be based upon properly drawn up job descriptions and employee specifications. Selectors must therefore use these as an integral part of their procedures.

The job description must be clear and reasonably concise and should be a fair representation of the post; it is not necessary or desirable to attempt to produce a highly detailed and definitive description of the post concerned. Therefore the job description should not just be a list of tasks but should also outline the responsibilities and accountabilities of the role as far as possible.

Before the specification is used for recruitment purposes it should be reviewed and agreed by all members of the selection panel. If the post is a new one, the job description and employee specification must also have been graded accordingly (for support staff).

It is recommended that the following standard statement should appear in all employee specifications. It is an essential requirement and can only be tested at final selection stage:

Candidates should indicate an acceptance of, and a commitment to, the schools policies in relation to equality and safeguarding and promoting the welfare and children.

Selection Panel

The selection panel has the responsibility for appointing the person who best matches the employee specification and meets the requirements of the role. It is best practise not to have any staff governors on the panel.

The panel must also ensure that all relevant employment legislation and school policies are followed and that the selection process is managed in an equitable and courteous manner. Each panel should have a Chair acting as an appointing officer who is normally the person responsible for the management of the whole process.

It is good practice that selection panels should have a minimum of *two* members and no more than four for all appointments below Senior Management Level. Where there is an even number of panel members the Chair should have the casting decision.

It is also good practice that all members of the selection panel are involved in the whole process from the outset agreeing the job description and employee specification, the method of recruitment, short-listing and finally interviewing and selection.

The panel is responsible for agreeing documentation and for producing the recruitment information pack which is sent out with application forms. Before preparing the advertisement it is useful to determine the outline of the selection process and to arrange the dates when shortlisting and interviewing will take place as these dates will be included in the text of the job advertisement.

Other Appointments

Temporary Staff: Anyone involved in the appointment of temporary staff should ensure that they apply the same high standards of selection to temporary appointments. There must be an assessment against the criteria in the employee specification and a proper selection process should take place.

Members must be sure that the applicant is appointable and should only appoint an existing temporary member of staff where they are the best person available to fill the job, taking into account the aspirations of other employees. Public advertising is recommended as the fairest method of attracting applicants and filling vacancies.

Advertising and Attracting Candidates

The aim of Recruitment Advertising is to attract the right person for the job and to promote your school as an interesting and attractive place to work.

It is recommended that recruitment advertising should be placed through the Council's HR Recruitment & Advertising Service (Tel: 01274 385992) by doing this you will obtain discounted rates in media and on Prospects online.

When choosing external media and preparing advertisements, take account of the school's equalities policy and the need to reach disadvantaged groups. Managers should compose advertisements in a way which makes them as attractive as possible to candidates of all ages, sex, ethnic origin, disability etc. Restate your commitment to equalities in your advert or information pack.

Adverts must be non-discriminatory. Descriptions of jobs must reflect accurately the data set out in the job description and the employee specification.

- **Informal channels:** It is best practise not to recruit using word of mouth or from those whose access to jobs information is by personal association and not open access. The benefits of open advertising are that this will attract a wider pool of applicants and reduce the risk of contravening equalities legislation.
- **Responses:** Applicants should be made clearly aware of the contact point for enquiries by telephone and all application forms sent out must show the closing date, time and to whom the form should be returned.

Other Recruitment Sources

Waiting Lists: No other form of recruitment register or waiting list has been approved and these methods of recruitment, along with word of mouth advertising are not recommended.

Casual Staff: It is recommended that where Casual Staff are used, all those people employed in this way should first go through some form of assessment to determine their suitability for the post. The equality aspects of any such arrangements must be very carefully monitored. School should carefully consider the circumstances in which it may be appropriate to employ staff on a casual basis. The rationale for this may be where the work is occasional or where there is no definite requirement to work a particular number of hours. In the event that you are unsure about the type of contract that an employee should be on please see further guidance on the use of contracts on the PACT HR website.

Where school is unsure whether it is appropriate to employ staff on a casual basis advice should be sought from your Human Resources Business Partner.

Recruitment Information for Candidates

This information should aim to encourage suitable candidates to apply and help others to decide for themselves whether completing and returning an application is appropriate (i.e. to self-select). As a minimum, this should include the advertisement, information about the school, job description, employee specification, job information, any relevant code of conduct, and equalities statement. Staff Job descriptions and personnel specifications (on a rolling programme beginning with new posts) contain reference to KCSIE 2015 and reflect their duty to report concerns, undertake the KCSIE Part 1 training and not to have sexual relations with pupils and the need to promote Fundamental British values.

Delius' Teacher and Career Standards also make the above references and questions are asked and recorded at interview, in regard to these safeguarding requirements.

It is recommended that candidates are informed that they have the right to bring to the attention of the selection panel any concerns they have about the procedures especially if they felt that discrimination occurred or may have occurred during the process. Candidates may be reminded that panel members are also glad of any positive feedback.

Application Forms

Application forms should be used for all appointments. All forms, whether complete or incomplete, must be considered by the selectors. The panel must arrange to have completed applications for use in the final selection process. It is not recommended that schools accept CV applications as they can make fair comparison at short listing difficult to achieve.

Closing Dates

Closing dates and response arrangements should be clearly indicated - on the advertisement, on the application form and in any covering letter.

Always ensure that applicants are aware and understand what will happen after their application form is received (e.g. timescale/notification of rejection).

Short-Listing

All members of the selection panel should be equally involved and contribute to the short-listing process otherwise selectors have advisory status.

The use of a Matrix system for short listing will assist recruiters to be systematic when short listing for vacant posts. The matrix is based on the employee specification. Please see the PACT HR website for a sample short listing matrix.

Assessment

When drawing up a short list, selectors must assess applicants solely against the employee specification criteria. Only ever shortlist candidates who fully meet the requirements of the role and, who from the application form at least, appear to be appointable.

It is good practice to read all the material presented by candidates and privately work through your assessment and then share your view with other selectors in a group session. School may want to consider limiting the amount of material presented by candidates to a set amount.

Selectors must draw up their shortlist systematically, measuring candidates' experience and qualities methodically, against the employee specification. The candidates' experience, qualities, qualifications etc must be carefully assessed against the employee specification and copies of the selectors' assessment placed on file.

Test out only those criteria assessable from a screening of the forms at this stage. It would be helpful if the employee specification identified when the criteria would be assessed e.g. from the assessment form, at interview or in a test.

Consistent Practices

Selection criteria must be applied consistently to all candidates.

All application forms should be processed in exactly the same way.

Remember the importance of adopting the same criteria for both internal and external applicants.

Beware of short listing known candidates especially those within the Section/workplace for the sake of interview experience or to meet their heightened expectations.

Never take account of pressure to shortlist a particular candidates this can potentially be discriminatory and is unlawful.

Disabled Applicants

Section 60 of The Equality Act (2010) dictates that you can not ask questions about health or disability prior to job offer or during an interview except in certain specified circumstances. One of the exceptions to this rule is that you can ask a question to find out if a disabled person needs a reasonable adjustment during the recruitment process itself, or for monitoring purposes, which is used to record the diversity of applicants and employees.

It is best practice to request that applicants inform you about any adjustments required (to the application form or the assessment/interview) by telephone or on a separate document/covering letter that does not contain any information relevant to deciding whether to short list the application. This, along with the monitoring form (if applicable) should be kept separate from the rest of the information an applicant provides. The easiest way to make sure the information about reasonable adjustments and equality monitoring is not used in the wrong way (i.e. by excluding a disabled person from the application process) is to take steps to ensure that the short listing panel do not see this information before making their decision. There should be a member of school staff who takes responsibility for coordinating and administering the recruitment process who is not involved in the short listing or interviewing stages. This will ensure that the information is not used to discriminate unlawfully against disabled candidates and school should be able to evidence that this is not the case.

It is suggested that governors may adopt a 'Guaranteed Interview Policy' as best practise. This means that any disabled candidate who meets the essential requirements as outlined on the employee specification will be included on a shortlist to interview. In applying the policy, it is important to assess whether the person would be capable of meeting the requirements after reasonable adjustments have been taken in to account.. It is recommended that Governors consider adopting a similar policy for the school. If they decide to do so, it would

be good practice for the short listing panel to consult with the person administering the recruitment process to cross check whether candidates meeting the essential criteria (but not necessarily the desirable criteria if it is being applied) should be invited to interview under the Guaranteed Interview Policy.

When inviting candidates to interview, schools should ensure that the invitation letter asks what special requirements, if any, they require to accommodate their needs on the day of interview or assessment.

Please see the 'Good Practice Guide – Employing Staff with Disabilities' for more information.

Access To Work Scheme

Access to Work is a government scheme that is available to help overcome the problems resulting from disability. It offers practical help in a flexible way that can be tailored to suit the needs of an individual in a particular job, by giving advice and information to disabled people and through grants towards any extra employment costs that result from a person's disability.

If you have a disabled employee or if you want to recruit someone with a disability, contact your local Disability Employment advisor (DEA) through your nearest Jobcentre Plus Office. The DEA will put you in touch with an Access to Work Adviser who will discuss your particular circumstances with you.

ATW can help in a number of ways. For example, it can help pay for:

- Communicator support at interview
- A support worker
- Special aids equipment
- Adaptation to premises or to existing equipment

Help with the additional costs of travel to, or in, work for people who are unable to use public transport

The ATW Adviser will speak to both the employer and the employee to arrive at the most effective solution.

It is usually the employer who arranges to purchase the agreed support and then you claim back the grant from ATW.

Rejecting Candidates

It is recommended that schools should include information in the pack about how and when unsuccessful candidates will be notified .e.g. If you haven't heard anything after 6 weeks you may assume you have not been shortlisted.

Declaration of Interest or Relationships

Any member of a selection panel should make a declaration if any applicant is a relative or a friend from outside the work environment. Employees/applicants also have a duty to declare any interest that they may have in respect of any aspect of the school's business.

It is the Recruiting Manager's responsibility to ensure that if an applicant declares an interest or relationship with someone in the school, that the person concerned does not take any part in the recruitment process. If the Recruiting Manager themselves identify that they have an interest or relationship with an applicant they must declare this immediately and remove themselves from the recruitment process. If this is not possible, for example in a small school, they should not be part of the decision making process.

Objectives of the Selection Process

The final selection is not just a test of the candidates. It is also a test of the interviewer's ability to listen, probe, assess - and, above all, to be objective and fair.

To determine each candidate's suitability for the job as measured against the employee specification.

To maintain the image of the school as a good employer.

To select the right person for the job.

Selection Methods

The role and function of the Chair of the selection process is absolutely crucial to its effective management.

The interview is the most commonly used method of assessing candidates for appointment but there may be some aspects of the job requirements which cannot be tested in interview and for which different forms of assessment are necessary, e.g. presentations, practical activities, specific skills exercises.

Provide candidates with an outline of the process they will be expected to undertake.

Be objective seek to identify each candidate's abilities and potential contribution. Set exactly the same standards for all candidates and assess against these agreed scoring ratings/criteria. Never make generalized assumptions about individuals based on your perception of them.

Each individual should be assessed according to his/her personal capability to carry out the particular post. It should not be assumed that certain kinds of candidate are more or less able to perform certain occupations or duties.

Always focus on questions related to the job and to those requirements set out in the employee specification.

It is important that selectors are aware of cross-cultural communication issues such as language, culture and non-verbal behaviour which may affect candidates from varied backgrounds and/or cultures.

The questions to be asked at the interview should, therefore, be well thought out and decided upon beforehand. As far as possible, the same questions should be put to all the candidates in order to avoid treating one candidate less favourably than another. However it is possible to ask supplementary questions of the candidates which will be specific to the individuals.

Testing

Certain occupational tests must only ever be used by trained and qualified administrators. Poorly designed tests may leave the school open to allegations of unfair procedures and practices where they are not validated against job related skills and linked to the employee specification criteria.

The use of psychometric (or personality profile) tests requires professional expertise within the selection process and it is recommended that they are not used as a cut-off device to reject candidates.

You should seek advice from your named Human Resources Business Partner via the PACT HR helpdesk on 01274 385999 where you are using practical/vocational or other testing techniques.

Decision Making

Relevant and objective selection criteria should be used, and it should be clear from the documentation how the final decision was reached. Scoring records will also be useful if the decision is later challenged on the grounds of discrimination.

The final decision must be based on the job description and employee specification using agreed criteria and defining the standards required to perform the job. Each candidate must be measured against these benchmark requirements.

Members must ensure they have sound and accountable reasons why all candidates were not selected at any stage and take into account all the evidence they have collected. The selection panel should normally unanimously agree their final selection and formally record this. Where there is no ideal candidate school should consider whether it may be better to re-advertise the post rather than offering the role to the second best candidate.

School should record reasons for rejection based on the employee specification requirements. All selection assessment records should be handed to the Chair of the panel. Although the Data Protection Act does not specify any particular retention periods for selection data it stipulates that personal data should not be kept longer than necessary for the purpose for which it was processed. The retention times should be based on business needs, but it is advisable that applications and interview records should be kept for approximately 12 months after notifying unsuccessful candidates. This takes into account the fact that an

applicant can bring a claim for discrimination within 3 months from the date of the rejection for the role, but also that this time limit can be extended where a Tribunal feels it is 'just and equitable to do so'.

Confidentiality

Information obtained within the whole selection process must be treated as confidential. All information will be handled sensitively and used only for its proper purpose. Comments about specific candidates' performance must not be revealed outside the process (except, of course, personal feedback to individual candidates where they have requested this).

Safer Recruitment Practice

This guidance complies with national and local guidance on safer recruitment practice. The school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Please see Guidance on Safer Working Practice for Adults who Work with Children and Young People more information.

Training and Monitoring

Governors with a responsibility for recruitment and selection must be aware of their legal obligations under existing employment legislation.

From 1st January 2010, the School Staffing (England) Regulations (2009) states that the Governing Body must ensure that any person who interviews an applicant for any position or where there is a selection panel established for that purpose, at least one member of that panel or group should have completed the safer recruitment training as approved by the Secretary of State. It is best practice for Headteacher recruitment that this would be a non-staff governor. The Safeguarding Children and Safer Recruitment in Education document advises refresher training to ensure that knowledge and skills are kept up to date.

Safer Recruitment is a training package developed for Headteachers, Governors or recruiters that aims to improve recruitment processes in schools to help identify, deter and reject applicants who might be unsuitable to work with children and young people. The Safer Recruitment training provides valuable background information, advice about a safer school culture, best practice suggestions and practical advice to strengthen safeguards against employing unsuitable people. The training is valid for 5 years after which it is recommended that refresher training is attended.

Where the Governing Body is involved in the recruitment process for example in Headteacher recruitment it is recommended that they involve the person who has undergone the safer recruitment training at all stages in the recruitment process.

Employment Checks

Governing bodies must undertake the relevant employment checks (in respect of Regulations 12 and 24 of the School Staffing (England) Regulations) to establish:

- The preferred candidate's identity
- Their qualifications: and
- Their right to live and work in the UK

Schools must act in accordance with the Immigration Asylum and Nationality Act 2006. The Act requires employers to establish the eligibility of people to work in the UK before their employment is confirmed. It is a criminal offence to employ someone who is subject to immigration control and:

- Who does not have current and valid permission to be in the United Kingdom or
- Who does not have permission to work in the UK.

Employers may incur a fine of up to £10,000 if they employ an illegal employee. A new offence of knowingly employing an illegal worker can incur an unlimited fine and/or up to two years' imprisonment.

To ensure that recruitment practices are not discriminatory, all short listed applicants, regardless of their race, nationality, or ethnic or national origin, must be asked to produce original documents as evidence of their right to work in the UK. For logistical purposes these original documents will be checked and photocopied by the person managing the recruitment process on the day of interview. For further advice on the Right to Work in the UK please see guidance note on the PACT HR website. Should you require further clarification on this please contact your named HR Business Partner via the PACT HR helpdesk on 01274 385999.

Once there is a preferred candidate and before any appointment is made, the Headteacher or Governing Body should:

- take up references from the applicant's current or former employer, following up with the author of the references if there is anything that appears to be contradictory or incomplete.
- consider asking the candidate's current employer for details of any capability history in the previous two years, and the reasons for this. Governing Bodies of maintained schools must confirm in writing whether or not a teacher at the school has been the subject of capability procedures within the last two years and, if so, provide details of the concerns which gave rise to this, the duration of the proceedings and their outcome, if asked to do so by the Governing Body of any maintained school or the proprietor of an Academy School to which that person has applied for a teaching post (Regulation 8A);
- consider whether the candidate has the necessary health and mental fitness to teach, including whether any reasonable adjustments are

required to enable the individual to provide effective and efficient teaching (as required by the Education (Health Standards) (England) Regulations 2003). Governing bodies should ensure that their recruitment policies and practices comply with the Equality Act 2010 as well as the Education (Health Standards) (England) Regulations 2003; and

When making any appointment, due consideration must be given to the requirements of equalities legislation and to best employment practices. When sharing information governing bodies should ensure that they act in accordance with the Data Protection Act 1998 and data protection principles, making sure that the information provided to prospective employers is fair and transparent. It is good practice to make teachers aware in the school's policies that information about performance and capability will be provided to potential employers when requested. Similarly, when requesting information, governing bodies should explain why information is being sought, what it will be used for and how long it will be retained.

References

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. They should always be sought and obtained directly from the referee. Schools should seek two references, one of which must be from the current employer and preferably another from a previous employer, unless the candidate has no previous employer in which case references from their university/college tutor (or someone in a similar position of authority) is acceptable. If the candidate already works for the school, a reference will be sought from their current line manager. References from friends and family members are not acceptable. It is recommended that references for shortlisted candidates are obtained prior to the interview; however you should not read until you have selected the candidate.

If the references provided by the candidate do not cover a period of 5 years employment, it is recommended references should be sought from previous employers. Verbal references will not be accepted in any circumstances.

For posts in schools, the line manager will verify references once opened after selecting the preferred candidate to check:

- The organisation the referee works for exists
- The referee's relationship to the candidate
- The name and job title of the referee match what the candidate has stated
- The referee was the author of the reference received by the school
- The information given in the reference (candidate's job title, dates of employment, reason for leaving match what has been provided in the application form and through the interview and selection process.

References should not be sought at an early stage for use as an aid to shortlisting.

References should not request details about the candidate's sickness record or disability, in order to ensure that they comply with the Equality Act 2010. Further information regarding the candidate's sickness record should be obtained after interview and for the successful candidate only.

References should be held by the Chair of the selection panel until after the final decision has been made and only at that stage should the reference of the successful candidate be shared with other members of the panel.

Structured questionnaires are recommended along with job/employee specification material to assist referees to provide useful responses. Please see the PACT HR website for a template reference request form.

The use of references is best restricted to the identification of contra-indicators, in other words information as to why a particular candidate might not be suitable for appointment. If an appointment is not to be confirmed due to "unsatisfactory" references the panel should ensure that the decision is fair and reasonable and based on justifiable grounds.

A formal offer of employment should not be made until references and a DBS check that is satisfactory to the school have been received.

It is not good practice to request references for some of the short listed candidates (unless they have so requested), and not for others, as this could lead to perceptions that some candidates are being treated more or less favourably than others. It is a breach of the applicant's confidentiality to seek references, or make informal enquiries, from any person other than the applicant's nominated referees.

Where the reference is unclear or hints at problems it is advisable to telephone the referee in order to clarify the information. Notes of the telephone conversation should be made.

All employees must undergo vetting by the Disclosure and Barring Service (DBS) **prior** to commencing employment. The DBS helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) and was formed under the Protection of Freedoms Act 2012.

It is illegal for anyone barred by the DBS to work, or apply to work with the sector (children or adults) from which they are barred. It is also illegal for an employer to knowingly employ a barred person in the sector from which they are barred.

If the candidate has revealed information about a criminal background the panel must decide whether, in relation to the post in question, the nature of their background is sufficiently serious to justify non-selection for the post. In the event of the panel deciding not to select on the grounds of a declared criminal background advice must be sought from Human Resources before further action is taken.

It is important to note that the possession of a criminal background does not automatically debar an applicant from employment.

All information about previous convictions given by applicants must be treated in the strictest confidence.

Failure to disclose previous offences or pending legal action for posts could lead to the offer of employment being withdrawn.

Overseas applicants

Where the individual has lived outside the United Kingdom, further checks may be appropriate, particularly where a DBS check is required. These checks may need to be undertaken by the school and can include, for example, verifying the individual's references by telephone and seeking criminal record information from their country of origin. Please seek further advice from the HR DBS team where unclear.

Overseas-trained teachers (OTTs) may be employed to teach in state maintained and non-maintained special schools in England. OTTs are people who have qualified as teachers in a country outside of the European Economic Area (EEA) and Switzerland having successfully completed a course of initial teacher training which is recognised by the relevant authorities in their home countries.

The Education (Specified Work and Registration) (England) Regulations 2012 set out the conditions under which overseas-trained teachers are allowed to carry out specified work. The Education (Specified Work) (England) Regulations 2012 allow teachers trained in a country outside of the UK to teach in state maintained schools and non-maintained special schools in England for up to four years.

Since 1 April 2012 qualified teachers from Australia, Canada, New Zealand or the USA can apply to the National College for Teaching and Leadership (previously the Teaching Agency) for qualified teacher status (QTS) without undertaking further training or assessment in England. Further information, including applying for QTS, is on the [Department for Education website](#).

The four year rule

The four year rule applies to teachers who qualified in countries outside of the EEA and Switzerland except for teachers who qualified in Australia, Canada, New Zealand and the USA.. OTTs are allowed to teach in state maintained schools and non-maintained special schools in England as unqualified teachers for four calendar years. However, they are not permitted to teach in pupil referral units (PRUs) until they have been awarded qualified teacher status (QTS). An OTT is allowed to work as an unqualified teacher and the four year period begins on the first day the individual taught in a state maintained school or a non-maintained special school in England and expires exactly four years later regardless of whether the OTT has taught throughout the four year period.

Teachers who qualified in countries outside the EEA and Switzerland are still subject to the four year rule even if they do not require Home Office permission to work or remain in the UK.

It is essential that schools make OTTs aware on their appointment that there is a legal limit on the length of time they are allowed to teach without QTS. It is strongly recommended that the following action is undertaken by OTTs either before or shortly after arrival in the UK:

- They arrange a check with UK NARIC to establish whether their home qualifications are equivalent to a UK first degree and also to a GCSE grade 'C' in maths and English (and science if the person is a primary teacher). It is important these checks are carried out at an early stage as some teachers may need to top up their qualifications before they can undertake QTS training and extra time is not available for this purpose.
- They arrange to undertake an employment-based training course leading to QTS by contacting the National College for Teaching and Leadership (previously the Teaching Agency) Teaching Information Line.

The position of OTTs after four years

In order to teach after four years, OTTs must have been awarded QTS. OTTs who have been awarded QTS by the end of their four year period become qualified teachers and are allowed to continue teaching subject to UK Border Agency permission if required under the terms of their UK entry.

It is unlawful for OTTs to continue teaching in state maintained schools and non-maintained special schools in England beyond four years if they have not been awarded QTS. OTTs without QTS may only continue teaching after four years if:

They have taken statutory maternity, paternity, adoption or parental leave or pregnancy related absences during the four-year period. In such cases, the OTT is eligible for extra time equal to the amount of statutory maternity, parental, adoption or parental leave taken under the Employment Rights Act 1996. For example, if a teacher has taken 34 weeks statutory maternity leave during her four-year period, she is allowed an extra 34 weeks to obtain QTS.

They are employed as an Instructor who may fill a teaching post if they have skills, qualifications and experience relevant to the teaching post in question.

Instructors

Since 1 September 2012, schools are no longer required to recruit a qualified teacher before appointing an instructor, but an instructor can still only be employed to teach subjects or courses that require special qualifications and/or experience. An OTT's role should not be reclassified to an instructor unless they meet this requirement. It is important to note that an unqualified teacher can't lead a class and as such instructors should not be used in this way. Instructors can only be paid on the unqualified teachers' pay scale.

Instructors are unqualified teachers who may teach pupils where specialist qualifications and/or experience are required. There is no generic definition of skills, qualifications and experience, but the appropriate types are decided by individual headteachers based on the subject they are teaching. Instructors may now be appointed as a first choice and on a permanent basis. Schools decide who is best qualified to teach subjects where specialist knowledge and experience are required.

Withdrawing a job offer

All offers of employment are made on a provisional basis, subject to all necessary clearances being successfully completed. This means that you are able to legally withdraw an offer of employment should you need to do so. You will need to weigh up the information available before making a decision.

If you wish to withdraw an offer of employment, you should seek advice from your named Human Resources Business Partner via the PACT HR helpdesk on 01274 385999 before doing so. Where the employee has already commenced work it ceases to be a job offer and you should also seek advice from your Human Resources Business Partner on the appropriate course of action.

Where:

- The candidate is found to be on a barred list, or the DBS Disclosure shows s/he has been disqualified from working with children by a Court: or
- An applicant has provided false information in, or in support of, his or her application; or
- There are serious concerns about an applicant's suitability to work with children; school will need to consider what the appropriate course of action is.

In relation to serious safeguarding concerns school will need to report these to the police and/or DfE Children's Safeguarding Operations Unit. You should discuss this with your Human Resources Business Partner where unclear.

Medical Issues

The 2010 Equality Act limits the circumstances when an employer can ask general health-related questions before a job offer has been made. Prior to making an offer of employment to an applicant, health-related questions must only be asked to help the employer to:

- Decide whether there is a duty to make any reasonable adjustments for the person to undertake any part of the assessment/selection process;
- Decide whether an applicant can carry out a function that is essential to the job once reasonable adjustments are in place;
- Monitor diversity among people making applications for jobs;
- Take positive action to assist people with disabilities;

This means that applicants must not be asked, as a matter of course, to complete generic health questionnaires as part of the application process.

Notification of Results of Selection Process

School should inform interviewed candidates as quickly as possible about the outcome. School should determine options concerning starting salary and terms for the successful candidates(s) in line with the schools pay policy and the School Teachers Pay and Conditions document. Differential terms must be justifiable and any negotiations within normal parameters.

Feedback to Candidates

All short-listed candidates should be told of the outcome of their interview, and any unsuccessful applicants seeking information about why they were not selected, should be given honest and thorough feedback about their application.

To ensure consistency, one member of the interview panel should be designated to give such feedback or, alternatively, the interview panel must reconvene to meet the candidate(s) concerned. There should be an agreed message' determined at the end of the selection process final decision.

Review and Monitoring

At the end of each selection process, those responsible should review the decisions they have made and the procedures used to ensure that they are confident that the approach adopted has reflected the school's commitment to equality. Selectors should be able to justify every decision taken and the process which has been adopted to arrive at their selection.

A note of the reason for rejection for each unsuccessful candidate must be made on the back of the application form. The reasons should relate to an area or areas of the employee specification.

- The Recruitment master file must be kept for at least 12 months and should contain key documentation. This should include interviewer's notes.
- It is always important to review the whole process on completion to ensure equality of opportunity has been observed and to set out, for future exercises, more pro-active steps where candidates from underrepresented groups have not applied/or have not performed as expected within the selection process.

Notifying Human Resources

Once all of the recruitment procedures are complete, all relevant documents for setting up a new starter should be sent to Human Resources. The school is

responsible for informing the senior school support officer via anycomms of the new appointment. The contract will be issued on the basis of the information that school provides, therefore it is important that this information is accurate.

Salary Assessment

The school is responsible for determining the starting salary of the appointee. School must undertake the salary assessment for any new starter in accordance with the School Teachers Pay and Conditions, the stated intention in the advertisement, and the school's own Pay Policy.

Account may be taken of the previous experience of the individual and of the salary level in their current post.

Maintaining a Single Record

Schools are required to maintain a single record of the recruitment checks for all staff who are employed to work at the school and have regular contact with children and any employees that have been appointed since 12 May 2006, whatever level of contact they have with children:

All staff employed as supply staff to the school whether employed directly by the school or local authority or through an agency and have regular contact with children

All staff who work at the school and have regular contact with children. This will cover volunteers, Governors who also work as volunteers within the school, and people brought into the school to provide additional teaching or other experience for pupils but who are not staff members e.g. a specialist sports coach or artist.

The record must indicate whether or not the following have been completed:

- Identity-name, address and date of birth
- Qualifications-where the qualification is a requirement of the job i.e. those posts where a person must have QTS;
- Evidence of permission to work for those who are not nationals of a European Economic Area (EEA) country;
- DBS—for all those who require a check under the guidance and regulation applying at the time they were recruited
- Date that the check was evidenced

Complaints

School should be aware that an applicant can allege discrimination against a potential employer although there is no direct employment relationship.

Formal complaints about the recruitment process should be dealt with through the schools' complaints procedure. If school requires any further advice on this please contact your named Human Resources Business Partner via the PACT HR helpdesk on 01274 385999.

Induction

A systematic induction programme should be prepared to help the new employee adjust to the new social and working environment and to become effective in the job as soon as possible. Headteachers should ensure that they follow the statutory induction programme for Newly Qualified Teachers where applicable. Where school is unsure about any issues in relation to the induction of Newly Qualified teachers please contact Mike Garside on 01274 385981 for further advice.

The purpose of induction is to:

- Confirm the conduct expected of teachers and support staff within the school
- Provide training and information about the school's policies and procedures
- Support individuals in a way that is appropriate for their role
- Provide new employees the opportunity to discuss any issues or concerns about their role or responsibilities; and
- Enable the headteacher or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and take steps to address these in a timely manner.

The content and nature of the induction process will vary according to the role and previous experience of the new staff member but should include information about and written statements of:

- Policies and procedures in relation to safeguarding and promoting welfare e.g. child protection, anti-bullying, anti-racism, physical intervention or restraint, intimate care, internet safety and any other relevant child protection or safeguarding procedures
- Safe practice and the standards of conduct and behaviour expected of staff in school
- How and with whom any concerns about any issues should be raised and
- All relevant employee procedures such as disciplinary, capability whistle blowing etc.